THE URGENCY OF COMMUNITY PARTICIPATION IN CONSERVATION AREA MANAGEMENT

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ABSTRACT

Land with customary land status, widely acknowledged in Indonesia since the Dutch colonial period, appears to be eradicated if the State chooses. This can be seen in Law No. 5 of 1960, Law No. 41 of 1999, and Law No. 11 of 1967, which State that customary land can be recognised as long as it still exists and does not conflict with national interests, although this is uncommon. Government Regulation of the Republic of Indonesia Number 21 of 1970 on Forest Concession Rights even explicitly states that the implementation of the rights of Customary Law Communities and their members to collect forest products based on a customary law regulation must be disciplined; thus, as not to interfere with the implementation of forest tenure. In the meantime, the performance of the people's right to obtain forest products has been halted in forest areas where forest exploitation occurs. This is the source of numerous hazards and conflicts in natural resource management, including the management of conservation areas.

Key Words: Community Participation, Conservation Area, Management

Introduction

As conservation areas are a component of natural resources, the conservation order also serves as the foundation for natural resource management policies and laws. Legislation is a recognised component of government policy (Napitu, J. P., 2007). In this instance, however, numerous laws and regulations must specify it in advance. This includes the 1945 Constitution of the Republic of Indonesia, MPR Decrees, State Policy Guidelines, and statements by state authorities (Herlina, M., 2022).

The Republic of Indonesia's Constitution of 1945 emphasises utilisation for the benefit of society. “Protection” has neither been explicitly nor implicitly addressed.

The 1945 Constitution of the Republic of Indonesia stipulates that the land, water, and natural resources contained therein shall be under State control and utilised to the utmost extent possible for the prosperity of the people. In the meantime, the MPR Decree established the State Policy Guidelines, which outlined the concept and direction of development. The Government elaborates on the Outlines of State Policy as a Five-Year Development Plan or REPELITA (Farhani, A., & Chandranegara, I. S., 2019). The MPR Decrees on the Outlines of State Policy have provided clear direction for environmental management, including developing conservation policies, over multiple periods. 2020 (Prasetyo, N. D., & Rifan, M.)

What is contained in the most recent State Policy Guidelines (1988-2003), for instance, emphasises that environmental development is directed; thus, the environment can continue to function as a support and buffer for life ecosystems and the achievement of a dynamic balance, harmony, and harmony between ecological, social, economic, and socio-cultural systems to ensure sustainable national development. (Ulum, M. C., & Ngindana, R., 2017)

In another section, it is stated that sustainable ecologically sound development is focused on spatial planning, land use, the use of water, marine and coastal resources, and other natural resources, all of which are supported by other socio-cultural aspects as a unified and dynamic unit for natural resources and environmental management. The State Policy also emphasises community participation in its outline. However, the possibility of decentralisation in managing conservation areas must be mentioned. (Gatiningsih, 2007)

Even though the 1988-2003 State Policy Guidelines lacked legal authority following the dissolution of the Suharto government in May 1998 and were no longer in effect, it was believed that there was a significant concern for the environment as a support and buffer for the ecosystem of life. (Nugroho, J, 2021)

Regarding values, the 1998-2003 State Policy Guidelines outline efforts to develop an environmentally responsible national development sensitive to harmony. (Wahyuningsih, S., & Husnulwati, S., 2021). However, a study of various laws and regulations and government development policies reveals that the concept of the State controlling the earth, water, and the wealth contained therein for the benefit of the people has yet to benefit the community. The most notable is the translation of State Property Rights, in which the State owns all extant natural resources.

DISCUSSION

A. Community Participation in the Preparation and Involvement Related to Natural Resources

The erosion of a sense of justice is a consequence of frequently changing rules and repressive actions by the Government. Looking at the ideas presented by John Rawls regarding the formulation of laws that must be based on two principles explains why the sense of justice is deteriorating:

1) That everyone should have the same freedom concerning the broadest essential freedom, as well as the same freedom for others;
2) Social and economic inequality must be controlled to:
   - Rational in its favour for everyone;
   - All positions and offices are available to everyone;
   - Expression of hopes and dreams;
   - Supervision;
   - Other engagements under the provisions of laws and regulations. (Rawls, J., 1958).

The role of the people in the formation, participation, and even submission of material for testing (judicial review) is immense. Opposing perspectives on legislation are always regarded as autocratic and repressive. This can be minimised if there is a model of forming legislation, both at the centre and in the regions, using a participatory model, i.e. by incorporating public input into the formation process. (Gamer, R.E., 1994)

The opportunity for the public to participate in the process of forming laws and regulations has been accommodated in Positive Law in Indonesia. This affirmation is regulated in Article 354 Paragraphs (1) and (2) of Law Number 23 Year 2014 and Article 96 of Law Number 12 Year 2011, as well as the adoption of the Openness Principle. Article 96 of Law Number 12 Year 2011 states: “The public has the right to provide input orally or in writing in the formulation of laws and regulations”.

Indonesia is a state of Law with a people's sovereignty/people's base; participation should not be limited to a small number of people sitting in representative institutions, as institutions and people sitting in representative institutions frequently use politics to advance their own personal or group interests (repressive/autonomous).

Direct participation of the public will have three significant effects: **first**, it eliminates opportunities to manipulate people's involvement and clarifies what they want; second, it enhances the legitimacy of planning formulations; and third, it increases the value of planning formulations. The greater the participation, the more robust the regulation; Third, it raises people's political awareness and competence. (Eby, M., Weaver, A. J., and Abe, Alexander, 2013)

The Government Regulation is in line with the opinion of Irfan Islamy, there are actually 8 benefits that will be achieved if involving community participation in the national legal development process, namely: **First**, the community will be more ready to accept and implement development ideas; **Second**, the relationship between the community, structural and rule-making stakeholders will be better; **Third**, the community has a high commitment to the institution; **Fourth**, the community will have greater trust in the Government and legislature and be willing to cooperate in handling public tasks and affairs; **Fifth**, when the community has trust, and accepts the idea of legal development, then they will also feel involved in having awareness and responsibility to participate in realising the idea; **Sixth**, the quality of the quality of decisions or policies taken will be better, since the community engages in providing input; **Seventh**, will facilitate communication from bottom to top and from top to bottom; and Eighth, can facilitate cooperation, especially to overcome complicated joint problems. (2004) (Irfan Islamy)

To maintain the concept of people-based legislation and policy regulations, community participation is the primary actor in law formation, apart from authorised institutions or officials. Assuming that regulations and Policy Regulations cannot be isolated from the participation of the people, then:

1. Participation of the public must include an understanding that its contributions will impact the final settlement;
2. The public participation process must communicate participant interests and meet their requirements;
3. The public participation process should seek and facilitate the participation of those affected. This necessitates the consideration of how unorganised individuals and interest groups are brought together as participants;
4. Participants should assistance define the activities they wish to engage in.;
5. Participants should be given the information they require to make a significant contribution (people's influence is prioritised in informing the formation of regulations and policies and narrowing the divide for the authorities' interests);

6. Participants must be informed that their input is considered and incorporated into final decisions. (Taufiq, M., 2021)

In the writing of Widianti et al., it is stated that every legislator from the elements of community participation is an inspiration for the Government to form a provision and determine the criteria for participants who can make strict and people-based laws and regulations and policy regulations; thus, the concept in question does not quickly fade, such as:

1. Prioritising neglected, marginalised populations (populist);
2. The principle of empowering the masses (Population);
3. The notion that locals are the primary actors and visitors are merely facilitators (Popularity);
4. The principle of mutual respect and understanding (Consultation);
5. The principle of informality and ease;
6. The practice of maximising outcomes;
7. he practical orientation principle;
8. The theory of sustainability;
9. The concept of learning from errors;
10. The principle of transparency. (Widianti, I. A. P., Suryani, L. P., & Wirawan, K. A., 2019)

Thus, the statement mentioned above must be elaborated and concretised in a policy through a participatory model relating to all provisions on natural resources in Indonesia, as it implies the involvement of the people to support people's sovereignty in the form of participation. Participating in an activity, from planning to testing or evaluation, is part of people's political participation, defined as the activities of civilians relating to natural resources to the Government. In an article titled A Ladder of Citizen Participation, Sherry R. Arnstein outlined eight levels of people's involvement in policymaking. (Sherry R Arnstein. 1969)

The eighth and final tier is citizen control. The public can now deliberate, implement, and monitor resource management at this participation stage. The seventh level is delegated power, in which the public has more authority in policy formulation than state officials. Sixth, a partnership is characterised by a balance of relative power between the community and power holders to plan and make decisions jointly. These three steps acknowledge the right of the people to create laws and regulations.

The fifth to fourth stages denote participation in part. It includes appeasement, consultation, and education. In the placation hierarchy, the populace already has sway over policy. However, when it comes to voting, state institutions make the decisions, whereas the control of the people could be more decisive. In the consultation ladder, the people's opinions are heard and then acted upon, the people participate in the creation of laws and regulations, and the State Institutions have met their responsibilities by involving the people in creating laws and regulations. On the third rung, information, the public is solely informed of laws and regulations; it matters whether the public comprehends the notification or offers options for negotiating the policy.

The absence of participation is demonstrated in therapy and manipulation's second and first stages. In the therapeutic ladder, policy groups are encouraged to file complaints with the authorities; however, whether or not these complaints are investigated must be clarified. Moreover, the most disturbing aspect of the manipulation ladder is that state institutions “coach” community organisations to ostensibly participate when, in reality, the authorities co-opt and repress them. Based on the participation progression, the following can be stated:

Table 1. Eight Levels of People's Participation

1	Citizen control	Degree of Citizen Power
2	Delegated Power	
3	Partnership	
4	Placation	Degree of Tokensm
5	Consultation	
6	Information	
7	Therapy	Non Partsipation
8	Manipulation	

Comparing Indonesian Positive Law to the following causes for the formation of the people's element in formulating laws and regulations about natural resources in Indonesia, its Significance must be evaluated:

Table 2. Reasons for Formers from the People's Elements for the Formation of Natural Resources-Related Legislation

No.	Article 96 of Law Number 12 Year 2011	Eight Levels of Popular Participation According to Sherry R Arnsetein (at Levels 3,4 and 5)	Description
1	Contribute orally and/or in writing	People have influence over policy already.	In Indonesian positive law, the power of the people to influence policy is not explained to the regulatory authority.
2	Method: • Hearings • Working Visit • Socialisation • Seminar Workshop, and/or discussion	a) Ultimately, decision-making voting is in the power of state institutions, while popular control is not decisive. b) Consultation with the populace is heard and concluded; the populace has participated in lawmaking. c) State institutions have met their responsibilities by involving the public in lawmaking (Formal-Procedural, not Substantive).	At this stage, the people do not have the authority to decide the rules directly; instead, state institutions are authorised to decide on behalf of the people through their representatives.
3	Individuals or organisations with a vested interest in legislation	Persons or organisations with an interest in the legislation	
4	Facilitated access to legislation	People are merely informed of laws and regulations, regardless of their ability to comprehend the notification, let alone negotiate the policy.	At this stage, access to information is still completely dominated by the authority, meaning that individuals cannot obtain information from the authority voluntarily to the greatest extent possible. Whether or not access to the process or the individuals involved in the formulation of legislation is granted is contingent on the policies and objectives of the authority.

Wilcok in Khairul, inspired by Arnstein's ideas, categorises the levels of community participation as follows: 1) Provision of information, 2) Consultation, 3) Joint decision-making, 4) Taking joint action, and 5) Supporting activities that result from community self-initiative. According to Wilcok, the level of community participation will hinge on the interests that will be achieved. The community must be fully engaged in strategic policymaking that impacts the lives of numerous people. For technical matters, providing information to the community may be sufficient. (D. Wilcox, 1994).

The populist foundation for Sherry's theory of eight levels of community participation can be found in Indonesian positive Law, which is enshrined in local government laws or regulations and the formation of legislation that already contains provisions related to community participation in text form but not in detail as stated by Sherry. Thus, Kaelan and Roscoe Pound are correct. It is explained that the Law in Indonesia should emphasise the true purpose (substance) and not merely procedural or even sham justice. Moreover, (Kaelan, 2017) populist or responsive Law has greater resilience, certainty, utility, sustainability, and justice. It satisfies the demands of society more than autonomous or repressive Law, which in practise consists only of formal rules or obligations for officials and contains

technical matters without affecting the substance of the Law when it is enacted. This is feared in Indonesia, where public participation tends to be superficial and even approaches tokenism and apathy. The State of Indonesian legislation is sometimes formal and repressive when viewed de facto.

Consequently, the extant Indonesian positive Law for the future, known as Law No. 12 of 2011, has policies that must be revised to conform to the concept known as the Eight Levels of People's Participation. According to Sherry R. Arnsetein, the following are among the specific measures that require to be taken by the Government:

1) Incorporating the provisions of Government Regulation No. 68/1999 into Law No. 12/2011, specifically:
   a) The right to pursue, obtain, and distribute information regarding state administrators.
   b) The opportunity to receive impartial services from state administrators.
   c) The ability to responsibly submit suggestions and opinions on state administrators' policies.
   d) The right to legal protection in exercising their rights and, if requested, to appear as a reporting witness, witness, or expert witness under applicable laws and regulations.
   e) These rights are exercised under applicable laws, regulations, and other social standards. This is to prevent libel and imprudent reporting.
   f) The legal consciousness of the community and law enforcement in an interactive spirit, between the legal consciousness of the ruling version on the one hand, and the feeling of Law, notably the spontaneous perception of justice from the community, on the other.
2) Strengthening integration by optimising and supporting the Central and Regional Legislative Councils to develop a Code of Ethics with provisions related to cooperation between the Honorary Council in the Legislative Institution with elements of Council Members, Non-Governmental Organisations (NGOs), Academics, and conventional mass media to ensure the existence of populist-based regulations remain under control from preparation to implementation.
3) Allow public access to information via conventional media (newspapers, announcements) or electronic media in all components of Ministries, Non-Ministries, Commissions, Institutions, and State Agencies regarding drafting integrated legislation by a particular institution that manages legislation or related matters.
4) Establishing a legal documentation and information network system, a law library, and e-legislative drafting.
5) Development of the legal apparatus (focused on improving administrative arrangements' quality, efficiency, and efficacy and enhancing human resource capabilities, discipline, dedication, role models, and welfare).

Based on the numerous existing regulations “that include participation,” the Government has yet to grasp the essence of community participation. Various articles on participation frequently refer to the involvement in an indirect manner; for example, the people are included, or the conservation of biological natural resources and their ecosystems is the responsibility and obligation of the Government and the community, or the Government promotes and raises the people's awareness of the conservation of biological natural resources and their ecosystems through education and counselling (Article 37 paragraph (2) of Law Number One).

Various laws and regulations about the community's function concerning natural resources demonstrate that community participation is voluntary. The community is viewed as part of those who require assistance comprehending natural resource management, including conservation; thus, it is stated that education and counselling will be used to foster and enhance such participation. No one can dispute that the Dayak indigenous community, the Haruku indigenous community, and various other indigenous communities in various regions of Indonesia have exceptional conservation philosophy and practice. A necessity is accommodating community participation.

Due to the extensive distribution of conservation areas, the scarcity of management institutions and human resources, and the paucity of funds, conservation area management is only feasible with community involvement.

Establishing a partnership between the Government and the community will benefit all parties involved, including the Government, the community, and the conservation area itself. Indigenous and local communities do not view their participation in conservation area management as a mere obligation. However, it is driven by motivation and a sense of belonging, in which the individuals believe they are a part of the forest or conservation area.

B. The Urgency of Community Participation in Conservation Area Management and Supporting Factors for Natural Resource Management

The following factors contribute to the effective management of conservation areas with community involvement, including Non-Governmental Organisations (NGOs):

1) Distance between the community and the conservation area
2) Distance between the community and the conservation area
3) Moreover, care (as demonstrated by NGOs and environmental organisations).

In the 1997-1998 forest fire case, non-governmental organisations, community organisations, and the general public were all involved in establishing posts. This exemplifies the crucial role of community involvement. Empirical evidence demonstrates the Government's limited capacity to respond to large-scale disasters. This is evidenced by the paralysis of the mechanism that regulates the relationship between agencies in Central and Regional mitigation and suppression efforts.

I Nyoman Nurjaya argues in Rina Yulianti that in addition to the requirement for economically, democratically, and ecologically sustainable natural resource management policies based on the Pancasila values, the principles of natural resource management are as follows:

1) The principle of justice has a philosophical dimension that guides judge in the allocation and distribution of the results of utilising Indonesia's natural resources for the people in the regions, including the allocation and distribution of proportional results for the Regional Government to finance regional development under the principle of regional autonomy and justice for the sustainable living of present and future generations. Existing and upcoming generations.
2) The principle of Democracy entails equality in the relationship between the Government and the people in decision-making and policymaking for natural resource management by providing a clear role, openly involving the community and licencing decisions to natural resource business investors.
3) The principle of sustainability encompasses the continuation of the functions and benefits of natural resources for national development; consequently, the management of natural resources must be planned to maintain sustainability for ecological balance for the life of living things, as the environment has a limited carrying capacity and capacity to support human life. (Rina Yulianti, S. H., 2022)

Indigenous peoples are denied access to natural resources and the capacity to determine their management. HMN is translated as the State's authority to seize customary or community-owned land, which is then designated as a protected area for conservation area management. For instance, this has occurred in several conservation areas, including Haruku, Maluku, and Bukit Tiga Puluh National Park, Riau. Mining operations are included in Haruku, which the Government has designated as a protected forest.

There is still contention between the community on the one hand and the Government and businesses on the other. The November 1998 Special Session of the MPR (SI MPR) produced several decrees, including those on the implementation of regional autonomy: Regulation, Equitable Distribution and Utilisation of National Resources, and Central and Regional Financial Balance within the Framework of the Unitary State of the Republic of Indonesia (MPR Decree No. XV/1998, it is stated that the implementation of Regional Autonomy by providing broad, accurate, and accountable authority in the regions is proportionally realised by the regulation, distribution, and utilisation of national resources equitably, as well as the central and regional financial balance, where the implementation is carried out under the principles of Democracy and with consideration for regional diversity. Article 5 emphasises that local governments are authorised to administer national resources and are accountable for environmental sustainability.

This encompasses the management of protected areas. The MPR Decree No. XV/1998 demonstrates an awareness of the relationship between regional autonomy and natural resource management. No longer should the relevant departments interpret natural resource management according to their respective sectoral interests or personalities. To expedite the attainment of Regional Autonomy, it is time for the relevant agencies to coordinate to harmonise their perspectives. The review of 157 (one hundred and fifty-seven) regulations, both those that directly regulate the management of conservation areas and those that do not directly restrict but are related, reveals the existence of several issues, including:

First, there is no standard term for protected areas to begin with. Protected Area is used in the Presidential Decree of the Republic of Indonesia Number 32 of 1990 on Protected Area Management (Keppres No. 32-1990). In contrast, Law No. 5 of 1990 frequently employs the term conservation. The Directorate responsible for safeguarding natural resources, for instance, is known as the Directorate General of Forest Protection and Nature Conservation (DG PHPA). However, they frequently use the term conservation instead of protection or conservation. Recently, through Presidential Decree of the Republic of Indonesia No. 192 of 1998 on the Amendment to Presidential Decree No. 61 of 1998 on the Position, Duties, Organisational Structure, and Work Procedures of Departments (Presidential Decree No. 192-1998) as amended multiple times, most recently by Presidential Decree No. 144 of 1998 (Presidential Decree No. 144-1998). Directorate General of Nature Protection and Conservation is the new moniker for DG PHPA. This disparity in terminology can have legal implications.

Second, there is a dichotomy in government policy, which on the one hand, seeks to protect certain areas and designate them as conservation areas, but on the other hand, allows exploitation in these areas. Government Regulation of the Republic of Indonesia No. 28 of 1985 on Forest Protection (P.P. No. 28-1985) contains this information. In Presidential Decree No. 32 of 1990 on Protected Area Management (Keppres No. 32-1990) of the Republic of Indonesia, The SKB of the Minister of Mining and the Minister of Forestry No. 969.K/08/MPE/1989 and No. 492/Kpts-II/1989 on Guidelines for Regulating the Implementation of

Mining and Energy Businesses in Forest Areas are still in effect. Even in areas that will be designated as national parks, the SKB confirms that mining can occur in Nature Reserve Areas. The mining area is excluded from the national park designation if mining activities have previously transpired. In Nature Reserves and National Parks, Law No. 5-1990 expressly prohibits agricultural activities. These actions may compromise the integrity of Nature Reserves and National Parks. The primary reference for conservation area regulations should be Law No. 5-1990, as it is the highest rule in the hierarchy of laws; suppose there are conflicting regulations; the Law should be the reference and prevail.

Thirdly, law enforcement is absent against those who destroy conservation areas. Activities that threaten or harm conservation areas are frequently not subject to warnings or stringent penalties. This is evident from mining operations in Kutai National Park, East Kalimantan, Lorentz National Park (formerly Nature Reserve), Bunaken National Park, and other protected areas.

Fourthly, strong egosectoralism, as evidenced by the Department of Mines' recommendations and permits for mining activities in Lorentz National Park and Kutai National Park, despite Law No. 5-1990's prohibition. Given the contradictory nature of policy, the use of ambiguous terminology, the lack of law enforcement, and the strong egosectoralism, it is evident that our significant natural resource management policies have a fundamental flaw.

The fundamental issue is the requirement for more incredible foresight in natural resource management, including conservation area management. The State Policy Guidelines or Law No. 5/1990 contain outstanding concepts but must be implemented in practice. Das sein should be mentioned in several existing laws and regulations. In contrast, numerous rules are ambiguous or even encourage the exploitation of conservation areas that ought to be protected.

Decentralisation and increased community participation in conservation area management Unfair allocation of natural resources is the basis of many problems and conflicts in natural resource management. On the other hand, centralised management has stifled the potential of local governments, including the chance to develop the region according to their requirements and desires and the absence of communities' fundamental rights to manage the natural resources in their vicinity.

Based on a repressive political system that concentrates local assets at the Centre, the inequitable distribution of natural resource revenues has produced negligible results for the regions. East Kalimantan, Aceh, Riau, and Irian Jaya are Indonesia's poorest and least developed provinces. Therefore, it is unsurprising that there are demands for a financial balance between the Centre and the Regions, complete autonomy, and even a desire for secession from the Indonesian Unitary State.

On the other hand, the recognition and rights of indigenous peoples to natural resources have been denied and increasingly marginalised by the Government through various natural resource legislation packages. Indigenous peoples were extinguished institutionally with the Law of the Republic of Indonesia No. 5 of 1979 on Village Administration, which abolished customary governance systems such as Marga, Nagari, and other forms and created a unified village governance system.

The study of decentralisation and increasing community participation in conservation area management cannot be separated from a political map of the national, regional, and local administrations. This is because conservation areas must be distinguished from natural resource management, as with managing natural resources other than C excavation mines, such as sand, stone, etc., conservation area management policies are still generally centralised.

Thus, conservation area management continues to be conducted from the Centre. Despite a general regulation on the transfer of affairs in the field of natural resource conservation, the implementing rules still require to be drafted. From a review of extant laws and regulations, the Government requires additional support to advance decentralisation. Law No. 5-1990, for instance, states that in implementing the conservation of biological natural resources and ecosystems, the Government may transfer a portion of the field's responsibilities to the Regional Government under Law No. 5 of 1974 on the Principles of Regional Government. The Government will regulate additional provisions. However, after eight (eight) years of Law No. 5 of 1990, the Implementing Regulation has yet to be issued.

Moreover, Government Regulation Number 28 1985 of the Republic of Indonesia on Forest Protection (P.P. No. 28-1985) prohibits decentralisation entirely. Even for forest fires, prevention and suppression rely on forestry agencies subordinate to the Federal Government. Department of Forestry units include the Regional Forestry Office, Forestry Service, Perum Perhutani Unit, and Technical Implementation Unit.

Similarly, the Presidential Decree of the Republic of Indonesia No. 32 of 1990 on Protected Area Management (Keppres No. 32-1990) authorised local governments to designate areas within their respective regions as protected areas but not to manage them.

Government Regulation No. 62 of 1998 on the Transfer of Some Government Affairs in the Forestry Sector to the Regions (P.P. No. 62-1998) was issued by the Government of the Republic of Indonesia in 1998. This regulation stated that the Administration of Botanical Forest Parks and the Establishment of Forest Boundaries were to be delegated to the Head of the First Level Region.

The Heads of Level II Regions are tasked with government matters such as afforestation, soil and water conservation, natural sprouting, beekeeping, community forest management, protected forest

management, and forestry counselling. In the forestry sector, management of non-timber forest products, traditional hunting of unprotected wildlife in hunting areas, forest protection, and training of community skills are emphasised. Several notes about P.P. No. 62-1998 can be made, including that the WPP is a derivative or follow-up regulation from Law No. 41-1999 and not from Law No. 5-1990. The WPP includes certain areas whose management will be transferred to regional governments. Excluding sites like National Parks, Nature Reserves, etc. This PPNo. 62-1998 does not contain the forest tenure terms demanded by numerous parties and should be included.

How can the federal Government manage such a vast conservation area, which consists of 16,200,000 hectares of land conservation areas and 3,200,000 hectares of marine conservation areas? Multiple empirical data indicate that such centralised management faces numerous obstacles. Therefore, the management of conservation areas by the Regional Government, which has a greater understanding of the region and is physically closest to the conservation object, is more likely to be successful. However, the Regional Government is to manage conservation areas effectively. In that case, two essential conditions must be met: simultaneously granting the Regional Government the authority to manage forest exploitation and involving and partnering with local or traditional communities.

On the other hand, the Government has yet to consider the development of community participation in conservation area management. This is evidenced by several favourable laws in Indonesia that consider the community's involvement in natural resource management when formulating legal documents. When the author examines related community participation, they are referring to the community's involvement in the process of identifying problems and potentials in the community, selecting and deciding on alternative solutions to deal with problems, implementing efforts to overcome issues, and evaluating changes in policy directions and rules in a given area. Moreover, this consequence of the existence of the openness principle will also determine the character of democratic lawmaking.

Soehino in Sinaga, B. N. stated that since the beginning of the establishment of the Republic of Indonesia to the present day, the sovereignty of the people has been the crystallisation of the Indonesian people, which was then ratified in the form of the Constitution from now on abbreviated (UUD) with the declaration that the Republic of Indonesia from now on abbreviated (R.I.) is a sovereign state of the people. This comprehension organises authority within the nation. From the establishment of the Republic of Indonesia to the present day, the concept of popular sovereignty has been utilised. Historically, the idea to include the concept of popular sovereignty at the start of independence was embodied by the Founding Fathers in the Jakarta Charter on 22 June 1945, which later became the Preamble of the 1945 Constitution, which states: "... "The State of Indonesia in the form of a state structure of the Republic of Indonesia, whose people are sovereign,..." which is currently governed by the Constitution and its accompanying rules and is the only method to organise power under the principles of popular sovereignty. (Sinaga, B. N., 2013).

This concept of popular sovereignty is further elaborated in the Explanation of the 1945 Constitution, the third point of the Preamble of the 1945 Constitution, the Body, and in Article 1 Paragraph (2) of the 1945 Constitution, in which the sovereignty of the people is held by the People's Consultative Assembly (MPR) as the embodiment of all Indonesian people (vertretungsorgan des Willens staatsvolke)(Henny Andiriani, 2019).

Under Article 2 Paragraph 1 of the 1945 Constitution of the Republic of Indonesia (fourth amendment), the MPR consists of the House of Representatives (DPR) and the Regional Representatives Council (DPD). Associated with the DPR, it is a People's Representative Body that embodies the existence of representative Democracy (indirect Democracy), wherein this concept shapes the DPR and DPD's implementation of the Law. Article 22 of the 1945 Constitution of the Republic of Indonesia states that the DPD has only the authority to submit draught laws to the House of Representatives and to partake in the discussion phase. However, these two institutions are said to be legislative institutions that form laws (The Law Making Body), which, according to Arbi Sanit, is a nation's sovereign, making laws on behalf of its citizens and compelling them to organise their lives together. (Salim, Erlies Septiana Nurbani, 2016)

Even though the state authorities are divided based on their responsibilities, they all participate in lawmaking. (Arbi Sanit., 1985) In the reform era and the current era of regional autonomy, there are less favourable phenomena in the field of legislation, such as: **First**, there are frequent changes in regulations, especially Policy Regulations, in a repressive or autonomous manner, which creates new problems in social life for the people; Second, many regulations are irrelevant to the requirements of the people; and Third, many regional level regulations are revoked by the Central Government based on a lack of compliance.

Conclusion

The essential of public participation in the regulatory process or the formation of laws and regulations about the management of natural resources, particularly conservation areas, as measured by Arnstein's Ladder model instrument, which includes eight levels of public participation, the highest of which is citizen control. The public can currently deliberate, implement, and oversee resource management at this participation stage. The seventh level is delegated power, in which the public has more authority in policy formulation than state officials. Sixth, a partnership is characterised by a balance of relative power between

the community and power holders to plan and make decisions jointly. These three rungs acknowledge the right of the people to set laws and regulations. The fifth through fourth phases denote pseudo-participation. It includes appeasement, consultation, and education. In the hierarchy of appeasement, the populace already influences policy. However, when it comes to voting, state institutions make the decisions, whereas the control of the people could be more decisive. In the consultation ladder, the people's opinions are heard and then acted upon, the people participate in the creation of laws and regulations, and state institutions meet their responsibilities by involving the people in lawmaking. In the third rung, information, the public is solely made aware of the existence of laws and regulations; it matters whether the public comprehends the notification or offers options for negotiating the policy. The absence of participation is demonstrated in therapy and manipulation's second and first stages. In the therapeutic ladder, policy groups are encouraged to file complaints with the authorities; however, whether or not these complaints are investigated must be clarified. Moreover, the most alarming aspect of the manipulation ladder is that state institutions conduct "coaching" of community organisations to participate when co-opting and repressing the community ostensibly.

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