

**LEGAL STUDY OF ADMINISTRATION OF COMMUNITY FOREST PRODUCTS,  
NATURAL FORESTS, AND PLANTS IN PRODUCTION FORESTS**

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**ABSTRACT:** Administration of forest products is a government program in this case the Ministry of Environment and Forestry. The purpose of this PUHH is to ensure, record, and maintain forest product exploitation activities so that they are in accordance with the law and have benefits for both the state and the surrounding community. In the forestry law, it is explained that forests can be managed and utilized by the state as natural resources and land rights can also be granted to individuals with several licensing mechanisms. The implementation is now with the development of technology, the information system and data processing as well as audits are carried out online to be effective and efficient in recording. PUHH that can be utilized are forests classified as private/people's forest, natural forest, and plantation forest in production forest.

**Keywords:** PUHH; private forest; natural forest; production forest;

## **INTRODUCTION**

Law number 41 of 1999 concerning forestry is a law that was passed as a regulation that covers all matters concerning forestry, including utilization, production, conservation, and other matters related to forestry. One of the things that is regulated in it is a regulation on how to cultivate forests so that they can become an economic source for both local communities and state income. Administration of forest products or can be shortened to PUHH is a method and system from the government to establish a way of organizing, accommodating, regulating, bridging, and administering matters related to forest use. In article 1 paragraph 1 of the Minister of Environment and Forestry Number 66 of 2019 it is explained that PUHH is an activity of recording and reporting on production planning, harvesting, or logging, measuring, testing, marking, transportation/circulation of processing, and marketing of forest products. The PUHH is divided into several categories based on the forest classification, namely private forest, natural forest, and plantation forest for production.

Forests are actually one of the supports for human life which humans depend on for their lives with forests. In terms of economy, the function of the forest is as a supplier of wood, vegetable materials, and household consumption. It is this central role of the forest that makes and requires the state to take part in protecting, maintaining, regulating, and utilizing it for the interests and welfare of the people. In the case of PUHH, the state has a bureaucracy that every actor in the forestry sector must run to comply. For the mechanism and system of administration, this has been stipulated and regulated in implementing regulations, regarding private forests, it is regulated in Permen LHK number 26 of 2005, natural forests are regulated in Permen LHK number 66 of 2019, and plantation forests in production forests are regulated in Permen LHK number 67 of 2019. There are still several rules regarding PUHH in other ministerial regulations, but in this study, the rules and their implementation in the field will be discussed more deeply based on the data sources owned.

The scope of the administration of private/people's forest products includes timber from either forest areas (owned forests, community forests, fields, and plantations) or plantation areas either from logging permits, logging reports, and requests for transportation documents. In terms of utilization and PUHH of private forests, the Ministry of Forestry issued Permen LHK number 26 of 2005. In this regulation, there are 3 functions of private forests, namely conservation functions, protection functions, and production functions. And in terms of its utilization in the production function, it can be in the form of utilization of wood, non-timber forest products, and environmental services.<sup>1</sup> PUHH of plantation forests in production forests is regulated by the Minister of Environment and Forestry number 67 of 2019. In this Ministerial Regulation, there are 6 stages of activities and reporting, namely production planning, second test measurement, third marking of wood, fourth LHP manufacture, then transportation of forest products, and acceptance wood<sup>2</sup> All PUHH activities are recorded and reported to the PUHH Information System (SIPUHH). And the mechanism for the regulation of natural forest PUHH is regulated by the Minister of Environment and Forestry number 66 of 2019.

## **PROBLEM**

In fact, PUHH is a method or system for recording, reporting, and processing data on how the production produced from this forest can be integrated and exploration and exploitation can continue to be monitored. Permit holders or forest managers here are those who are given

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<sup>1</sup> Epi Syahadat and Rachman Effendi, "KAJIAN PELAKSANAAN PENATAUSAHAAN HASIL HUTAN RAKYAT DI KABUPATEN CILACAP (The Study of Forest Product Administration Implementation Community Forest in Cilacap Region)," *Jurnal Penelitian Sosial Dan Ekonomi Kehutanan* 4, no. 1 (2007): 57–71, <http://ejournal.forda-mof.org/ejournal-litbang./index.php/JPSEK/article/view/402>

<sup>2</sup> Exwan Novianto and Rohni Sanyoto, "Pembelajaran Hutan Kemasyarakatan Pada Kawasan Hutan Produksi Di Yogyakarta," no. July (2021)

permission from the government to carry out forest product exploitation affairs. This gives the holders of land rights permits, although they are not permanent rights, but rather are leased or leased rights. Based on the opinion base above, it can be narrowed down the problems to be discussed and researched, namely how the system for regulating each PUHH is in private/people's forests, natural forests, and production forests and how to implement the use of SIPUHH in several areas that apply this system to integrate PUHH.

## **DISCUSSION**

### **A. Forest Product Administration of Private Forest (*Hutan Hak*)**

Private forest or community forest is actually a forest whose rights are owned by the community, not the state. In areas outside Java, forest products with fast growing species have high economic value. Some species that have a speed in growth are sengon wood which is one of the raw materials for the timber industry in Indonesia. In addition, the sengon veneer industry also has a good development even on the island of Java.<sup>3</sup>

Private forest or community forest is a forest area that is owned by the community itself and no longer belongs to the government. In terms of management and full utilization is the responsibility of the owner of the land. In its capacity as a regulator, the government has the duty and function as an educator and guardian of the preservation of the existing forest even though the forest is owned by individuals.<sup>4</sup> In article 16 of the Minister of Environment and Forestry Number 26 of 2005, it is explained that the forest use management is further explained by a Regent/Mayor regulation. When someone wants to carry out logging activities in their private forest area, the owner must make a Cutting Permit which is copied to the local Village Head. However, if the logging is to be carried out for commercial purposes, it must be submitted to the local Ministry of Forestry. One example is in Cilacap Regency where they have procedures for implementing logging permits. In local regulation number 21 of 2001, the applicant submits an SIT to the UPTD service, if the file is clear and complete, a physical check will be carried out.<sup>5</sup>

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<sup>3</sup> Ayun Richana, "Persepsi Pegawai Dinas Kehutanan Dan Perdagangan Kayu Terhadap Penerapan Peraturan Menteri Lingkungan Hidup Dan Kehutanan Nomor : P:21/Menlhk-II/2015 Tentang Penatausahaan Hasil Hutan Yang Berasal Dari Hutan Hak," *Angewandte Chemie International Edition*, 6(11), 951–952., 2021, 2013–15, <https://eprints.umm.ac.id/71174/>

<sup>4</sup> Syahadat and Effendi, "KAJIAN PELAKSANAAN PENATAUSAHAAN HASIL HUTAN RAKYAT DI KABUPATEN CILACAP (The Study of Forest Product Administration Implementation Community Forest in Cilacap Region).

<sup>5</sup> Syahadat and Effendi.

However, seeing that in 2012 the Ministry of Forestry issued a new policy regarding private forests, people who want to do logging do not need to re-apply SIT on their private forests.<sup>6</sup> This is stated in Permen LHK number 30 of 2012. However, regarding transportation for both personal and commercial purposes, the owner is still required to include a transport note. Especially in the case of transportation for commercial purposes, the owner shall include a note of transportation, give numbers and information on the wood in accordance with the SKAU (Certificate of Origin). In article 18 paragraph (1), the SKAU issuer shall report on the production of private forest products as well as a recapitulation of the issuance of the SKAU which is addressed to the Head of the Regency/City Service, and in paragraph (2) the Head of the Regency/City Service shall report production realization every 3 months and distribution of private forest products in their territory to the Head of the Provincial Service.<sup>7</sup> Regarding the wood to be transported, it is wood that has been processed or has been sawed, then the transport note will be accompanied by FA-KO (processed wood transportation invoice).<sup>8</sup>

### **B. Natural forest**

Natural forest is a forest that no community or individual has rights over and only the state has rights to the forest. Administration of natural forest products is a government step in exploiting the potential of natural forests and is provided or in collaboration with the private sector. This PUHH aims to provide legal certainty and guidelines for parties who want to carry out business activities so that they are in accordance with existing laws and regulations.<sup>9</sup> In other words, PUHH can run, the government earns income and can be used for development in general.

The administration of natural forest products is intended to provide legal certainty and guidance to all parties conducting business or activities in the forestry sector, so that the administration can run in an orderly and smooth manner, so that forest sustainability, state revenues, and optimal utilization of forest products can be achieved. In other words, if the administration of forest products can run in an orderly and smooth manner, the forest will remain sustainable and the government will receive development funding.

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<sup>6</sup> Epi Syahadat and Subarudi, "KAJIAN KEBIJAKAN PENATAUSAHAAN KAYU YANG BERASAL DARI HUTAN HAK (Policy Study on Wood Administration System from Private Forests)," *Jurnal Analisis Kebijakan Kehutanan* 11, no. 2 (2014): 129–44, <https://media.neliti.com/media/publications/29272-ID-kajian-kebijakan-penatausahaan-kayu-yang-berasal-dari-hutan-hak.pdf>

<sup>7</sup> Syahadat and Subarudi.

<sup>8</sup> Hajrah Hajrah, Hariadi Kartodihardjo, and Bramasto Nugroho, "Efektivitas Tenaga Teknis Penguji Kayu Bulat Dalam Penatausahaan Hasil Hutan (Studi Kasus Hutan Alam Kalimantan Tengah)," *RISALAH KEBIJAKAN PERTANIAN DAN LINGKUNGAN: Rumusan Kajian Strategis Bidang Pertanian Dan Lingkungan* 2, no. 3 (2017): 191, <https://doi.org/10.20957/jkebijakan.v2i3.12581>

<sup>9</sup> Rahmat Hidayat, "Analisis Penatausahaan Hasil Hutan Kayu Dari Hutan Rakyat Di Kabpaten Bulukumba," *Universitas Muhammadiyah Makassar* 151 (2015): 10–17, <https://doi.org/10.1145/3132847.3132886>

The mechanism for regulating natural forest PUHH is contained in Permen LHK number 66 of 2019 which has several special rules in it regarding the procedures for logging, licensing, transportation, and other matters in natural forest PUHH. This natural forest PUHH is a form of collaboration between the government (principal) and the private sector (agent) in managing the forest.<sup>10</sup> The manager applies for a PPH business license to the government or it can be abbreviated as IUPHHK-HA.<sup>11</sup> Permit holders or managers have the skills, knowledge and accessibility in obtaining and processing data related to forest utilization information that is better than the government. And the government here has the authority to regulate its management policies

One of the government policies in controlling the activities carried out by managers in natural forest PUHH is the requirement that there are technical personnel who have competence and expertise in the field of PUHH as well as analysis of wood measurement and testing.<sup>12</sup> This technical staff is called GANISPHPL-PKB-R. These technical staff are staff from forestry agencies whose duties and functions are as monitors, examiners, supervisors, and reporting to the government regarding the course of the PUHH. With the consequence that this logged forest cannot return to its original state, the government makes managers pay taxes with the intention that the forest land cannot be returned. Thus, another function of technical personnel is to optimize non-tax state revenues from forestry taxes.

The weakness in the ministerial regulation is the absence of the ability to regulate the use of tools (hardware) in the PUHH by managers. The use of these tools is only listed in the RKT (annual work plan) but the exact amount of both increase and decrease cannot be known with certainty. This makes the forest potential to be used and exploited and can even trigger damage that should not have occurred. Another thing that can be highlighted is the PUHH transaction fee. These transaction costs are costs that are outside of production costs but continue to be issued by the manager in monthly PUHH activities. This fee is divided into 2, the cost of transportation and the cost of supervision. As it is known that the supervision is carried out by GANISPHPL-PKB-R who was sent by the government but in terms of incentives the government only budgets Rp. 200.000,00 to Rp. 300,000.00 per month and the manager must bear the remaining supervision costs. The supervision fee ranges from 2 million rupiah for one supervision, not including the cubication bonus. Another cost is the postal transportation of goods resulting from PUHH which costs around 70 million rupiah in one appointment post.<sup>13</sup>

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<sup>10</sup> Hajrah, Kartodihardjo, and Nugroho, "Efektivitas Tenaga Teknis Penguji Kayu Bulat Dalam Penatausahaan Hasil Hutan (Studi Kasus Hutan Alam Kalimantan Tengah)."

<sup>11</sup> Hajrah, Kartodihardjo, and Nugroho.

<sup>12</sup> Hajrah, Kartodihardjo, and Nugroho.

<sup>13</sup> Hajrah, Kartodihardjo, and Nugroho

With the development of technology and seeing that conventional supervision has several weaknesses, KLH launched the PUHH information system website with the aim that all audited data is the same and can streamline the performance of all parties. This SI-PUHH makes each timber traceable to its origin and the tax obligations of each manager can be identified. This system is also a way to make data about forest management transparent to the wider community. What must be considered in SI-PUHH is how the data audit team inputs data clearly, thoroughly, and according to what is available. The performance and quality of auditors must be standardized in section 150 of 2001 concerning audit standards, that an auditor must be competent, have knowledge of data, be independent, and have accuracy and thoroughness in the data processing and data input process.

### **C. Production Forest**

In the PUHH, the manager or license holder of production forest must first perform time cruising, namely measuring, observing, and recording each tree to be cut down. The data required are tree species, number, diameter of each tree, tree height and other required data. In Permen LHK number 67 of 2019 there were several changes to the PUHH system, some of which were the making of IUPHHK-HT by the manager, the making of a measuring book by the owner of land rights, and the abolition of TPT-KO.<sup>14</sup>

This LHP or production report aims and functions as the basis for imposing PNB (non-tax state revenue). And in every transportation, both processed wood and material wood, it is required to attach an SKSHK based on article 10. If the wood production is to be exported, then there must be a transport note in its inclusion to the port and if the goods are imported then from the port to the industry must also be accompanied by a transport note. To carry out its functions, the government in this case the provincial LHK Service and local forest management units carry out and carry out monitoring, supervision, and technical guidance functions for each PUHH unit in their area. In addition, a post audit was also conducted with the aim of aligning the data from the manager with the actual data.

### **D. SI-UPPH Utilization**

The use of SI-PUHH online is the government's effort to supervise and maintain while protecting natural resources in the form of forests. The Ministry of Environment and Forestry, which is authorized in this matter, is making efforts to establish an integrated website system in order to make the entire flow and process of the forest product industry run well according to the law and can improve the welfare of society in general. Health in recapitulation,

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<sup>14</sup> Bambang Hendronoyo, "Surat Edaran Tentang Pelaksanaan Penatausahaan Hasil Hutan Kayu Yang Berasal Dari Hutan Alam Dan Hutan Tanaman Pada Hutan Produksi," 2019, <http://silk.menlhk.go.id/app/Upload/hukum/20200131/56ad33696f15e88d5451cfb5da0fc62b.pdf>

transparency, and accountability in forest management can even be seen and accessed by the community. In addition, with clear information and data on forest management, the government can also properly determine the amount of PNBPN and formulate or revise the regulations so that they are more appropriate and better in the future for the welfare of the community.<sup>15</sup>

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<sup>15</sup> Moch Arifin Setiawan, Wahyudi, and Alpian, "Penerapan Sistem Informasi Penatausahaan Hasil Hutan ( SI - PUHH ) Online Terhadap Peredaran Kayu Ilegal Di Kalimantan Tengah," *Journal of Environment and Management* 2, no. 2 (2021): 106–13, <https://e-journal.upr.ac.id/index.php/jem/article/view/2938>

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