

**EVALUATION OF TORA SCHEME AND SOCIAL FORESTRY PROSPECTS IN RESOLVING
TENURE CONFLICTS IN OLD VILLAGES AND COMMUNITY PLANTATIONS WITHIN
FOREST AREAS: A CASE STUDY OF THE STATE OF PETAPAHAN, KAMPAR REGENCY,
RIAU PROVINCE**

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ABSTRACT

This study aims to evaluate the effectiveness of the Agrarian Reform Object Land (TORA) scheme and analyze the prospects of Social Forestry in resolving tenure conflicts in Petapahan State, Kampar Regency, Riau Province. This study uses a qualitative descriptive approach with a case study in the State of Petapahan. Data were obtained from policy documents, academic publications, NGO reports, and verified media, then analyzed using the policy gap analysis approach. The results show that although the 251-hectare Imbo Putui Customary Forest has been formally recognized in 2020, substantive protection is still weak as approximately 167 hectares have been encroached upon by oil palm plantations. In addition, about 13,000 hectares of community gardens are still under HTI concessions without land certificates. These findings show that the institutional dualism between agrarian law and forestry law is the main obstacle in resolving tenure conflicts. This research contributes to the study of agrarian reform and forestry governance by showing that institutional fragmentation between the agrarian and forestry systems limits the effectiveness of the implementation of TORA and Social Forestry. This study recommends participatory mapping,

settlement of concession boundaries, strengthening community institutions, and integrated implementation of the One Map Policy to achieve sustainable and equitable conflict resolution. This study only focuses on the case of the State of Petapahan so that the results of the study have limitations in generalization in other regions with different socio-political conditions.

ABSTRAK

Penelitian ini bertujuan untuk mengevaluasi efektivitas skema Lahan Objek Reformasi Agraria (TORA) dan menganalisis prospek Kehutanan Sosial dalam menyelesaikan konflik kepemilikan lahan di Negara Bagian Petapahan, Kabupaten Kampar, Provinsi Riau. Penelitian ini menggunakan pendekatan deskriptif kualitatif dengan studi kasus di Negara Bagian Petapahan. Data diperoleh dari dokumen kebijakan, publikasi akademis, laporan LSM, dan media terverifikasi, kemudian dianalisis menggunakan pendekatan analisis kesenjangan kebijakan. Hasil penelitian menunjukkan bahwa meskipun Hutan Adat Imbo Putui seluas 251 hektar telah diakui secara resmi pada tahun 2020, perlindungan substantif masih lemah karena sekitar 167 hektar telah dirambah oleh perkebunan kelapa sawit. Selain itu, sekitar 13.000 hektar kebun masyarakat masih berada di bawah konsesi HTI tanpa sertifikat tanah. Temuan ini menunjukkan bahwa dualisme kelembagaan antara hukum agraria dan hukum kehutanan merupakan hambatan utama dalam menyelesaikan konflik kepemilikan lahan. Penelitian ini berkontribusi pada studi reformasi agraria dan tata kelola kehutanan dengan menunjukkan bahwa fragmentasi kelembagaan antara sistem agraria dan kehutanan membatasi efektivitas implementasi TORA dan Kehutanan Sosial. Studi ini merekomendasikan pemetaan partisipatif, penyelesaian batas konsesi, penguatan lembaga masyarakat, dan implementasi terpadu Kebijakan Satu Peta untuk mencapai resolusi konflik yang berkelanjutan dan adil. Studi ini hanya berfokus pada kasus Negara Bagian Petapahan sehingga hasil penelitian memiliki keterbatasan dalam generalisasi di daerah lain dengan kondisi sosial-politik yang berbeda.

INTRODUCTION

Land conflicts in forest areas are one of the most complex and protracted challenges in natural resource governance in Indonesia. This situation is not just a technical mapping issue, but also reflects an institutional crisis stemming from

inconsistencies between national agrarian laws and forestry laws, overlapping jurisdictions between ministries, and the government's failure to recognize the historical rights of communities that have inhabited certain areas long before forestry regulations were enacted (Rachman, 2018; Siscawati et al., 2017). In the framework of village economics, this conflict has a variety of impacts, ranging from economic, social, cultural, to human rights dimensions, and is the main obstacle in realizing agrarian justice as mandated in Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

Riau Province is one of the main centers of land disputes in Indonesia. According to data from the Agrarian Reform Consortium (KPA, 2024), Riau is consistently in the top three provinces with the highest frequency of agrarian conflicts at the national level, with an area involved in disputes reaching 283,277 hectares, which directly impacts thousands of families. This problem mostly comes from the plantation and forestry sectors, especially related to the overlap between residential areas and smallholder plantations with concessions of Industrial Plantation Forests (HTI) and forest areas unilaterally designated by the government. Nationally, throughout 2024, KPA recorded an increase in land conflicts by 21 percent compared to the previous year, with the plantation sector as the largest contributor, with 111 incidents covering an area of 170,210 hectares, while oil palm plantations accounted for 67 percent of the total incidents (KPA, 2025).

One of the structural factors contributing to these conflicts is the dualism between Indonesia's agrarian and forestry legal systems. The Basic Agrarian Law (UUPA) of 1960 provides the foundation for land rights administration under ATR/BPN, whereas forest areas remain under the jurisdiction of the Ministry of Environment and Forestry. This division of authority often results in overlapping regulations and administrative inconsistencies that affect communities living within forest-designated areas (Nurcahyo, 2016). As a consequence, land certification cannot be issued unless the area is first released from forest status, a process that frequently involves lengthy bureaucratic procedures and complex interagency coordination (A. Safitri, 2014).

One of the most obvious and academically rich problem centers is the Petapahan State located in Tapung District, Kampar Regency. In this region, there are two layers of conflict related to different land rights under the law: first, the dispute over the Imbo Putui Customary Forest which received official recognition from the government in 2020, but still faces the threat of land tenure carried out by oil palm plantation concessions to date; and second, problems related to thousands of hectares of plantations owned by residents that are trapped within the boundaries of the HTI concession so that the process of issuing land certificates by ATR/BPN cannot be carried out (Bahtera Alam, 2024; BAM DPR RI, 2026). The existence of these two circumstances makes the State of Petapahan the right place to test policies and evaluate the TORA mechanism as well as research the possibilities of Social Forestry in one integrated analytical framework.

The analysis in this study is based on two complementary theoretical frameworks. First, the property rights theory approach in modern institutional economics emphasizes

that the clarity of property rights is a determining factor in creating economic efficiency, legal certainty, and increasing investment in the natural resources sector (Alban Singirankabo & Willem Ertsen, 2020). Such ownership rights include the rights of use, management, benefit, and transfer. Uncertainty in these rights dimensions can lead to tenure uncertainty that has an impact on low incentives for individuals and communities to invest in sustainable resource management. Empirical studies show that the certainty of land rights has an effect on increasing agricultural investment, productivity, and access to formal financing (Holden & Ghebru, 2016). In the context of the State of Petapahan, the unclear status of land is reflected in the limited access of farmers to formal financing, product certification, and long-term investment due to land status that does not have strong legal certainty.

Second, the theory of land tenure inequality explains that the unequal distribution of land tenure is a structural factor that strengthens rural poverty and exacerbates agrarian conflicts (FAO, 2021). This inequality is related to the concentration of land tenure in certain actors which has an impact on the limited access of local communities to agrarian resources. In this perspective, agrarian conflicts arise due to an imbalance between large-scale land tenure and local community access to land. Forest Watch Indonesia data (2025) shows that national oil palm plantation concessions have reached 17.15 million hectares with 3.8 million hectares overlapping with other concessions. This condition reflects structural inequalities in land tenure between corporations and local communities, which strengthens the marginalization of agrarian access and is the main background of conflicts in Petapahan State.

The Indonesian government has launched two main policies in response to land rights disputes in forest areas. The first is the TORA (Land Object of Agrarian Reform) scheme which is regulated through Presidential Regulation No. 86 of 2018 and has been updated with Presidential Regulation No. 62 of 2023, which aims to provide full ownership in the form of a Certificate of Ownership (SHM) to the community through the process of releasing forest land. The second is the Social Forestry program described in the Regulation of the Minister of Environment and Forestry No. 9 of 2021, which provides limited access and management rights to communities in forest areas without changing the status of the area. These two programs complement each other, and the appropriate selection is determined by the status of the territory, the history of land use, and the ability of local community organizations (Forestdigest, 2024).

Thus, the objectives of this study are: (1) to assess how effective the implementation of the TORA scheme is in the State of Petapahan after the recognition of the Imbo Putui Customary Forest in 2020; (2) to analyze the possibilities and conditions for the implementation of the Social Forestry scheme for community plantation farmers who are still trapped in HTI concessions; and (3) to prepare fair and realistic policy recommendations based on real conditions on the ground. This research is expected to contribute theory to the study of rural economics and agrarian policy, as well as provide practical contributions that can serve as a basis for policy recommendations for

stakeholders at the local and national levels.

METHOD

Research Approach and Design

The study adopted a descriptive-evaluative qualitative approach met by regulation with a focus on a single case study. The qualitative approach was chosen because the purpose of this study is to delve deeply into the dynamics of conflict in land rights and to analyze the application of policies in specific social and historical contexts, where quantitative approaches cannot capture important institutional and cultural nuances (Creswell, 2014). The evaluative element of this study is related to policy gap analysis, which is to systematically compare the ideal objectives of the TORA and Social Forestry policies and the reality of their implementation on the ground. This analytical framework adopts a policy implementation model developed by (Matland, 1995), which distinguishes between ambiguity gaps related to unclear policy objectives and conflict gaps related to conflicts of interest among actors during implementation.

The state of Petapahan was chosen as the research location because it provides a variety of special and representative cases: an area that includes TORA cases that have been implemented but the results have not been maximized (Imbo Putui Customary Forest), as well as the case of farming communities that have not yet gained access to the Social Forestry program despite being permitted under existing regulations. This diversity allows for the evaluation of the effectiveness of one program and the analysis of the prospects of another program in one integrated unit of analysis, a methodological advantage that is difficult to find in other locations in Riau Province.

Aspects of Data Sources and Data Collection Methods

The data used in this study comes from secondary data obtained through systematic documentation and document content analysis. The selection of secondary data is considered because official policy documents, reports from independent institutions, and academic publications produced by authorities in the field have a high level of validity and can be verified through the source triangulation method. These data sources are divided into four main categories:

1. Official policy documents, consisting of: Kampar Regent Decree No. 660-491/X/2019; SK KLHK No. SK. 7503/MENLHK-PSKL/PKTHA/KUM. 1/9/2019; Presidential Decree No. 86 of 2018 concerning Agrarian Reform; Presidential Regulation No. 62 of 2023 concerning the Acceleration of Agrarian Reform; and the Minister of Environment and Forestry Regulation No. 9 of 2021 concerning Social Forestry.
2. Reports from independent agencies, including: KPA annual reports (2024 and 2025); Ark of Nature's research and mentoring report (2021, 2023, and 2024); Forest Watch Indonesia report (2025); the report of the Ombudsman of the Republic of Indonesia (2024); as well as the minutes of the BAM DPR RI MEETING (2026).

3. Relevant academic publications, taken from searches in the Google Scholar, Garuda Kemdiktisaintek, and SINTA databases, with special attention to articles discussing agrarian conflicts, TORA, social forestry, land rights, and rural economics in Indonesia.
4. News from verified sources from trusted media, including reports from Bahtera Alam, Mongabay Indonesia, Antara News, Haisawit. co. id, and Forestdigest which presents information on the latest developments in the conflict until 2026.

Data Analysis Methods

The data analysis process is carried out through three interrelated and repetitive steps. The first step is to reduce data by selecting and classifying documents according to key analysis themes that include tenure conflict profiles, TORA implementation, Social Forestry opportunities, and regulatory constraints. The second step includes the presentation of data in the form of an analytical descriptive narrative and an assessment matrix that systematically describes the normative conditions of policies related to the real situation in the field. The third step is the drawing of conclusions based on triangulation of sources to ensure the validity and consistency of the findings. Policy gap analysis framework taken from (Matland, 1995) is used to identify why the implementation of TORA does not provide optimal results, as well as determine the prerequisites that must be met in order for Social Forestry to be implemented effectively and fairly in the State of Petapahan.

RESULTS AND DISCUSSION

State Profile of Petapahan: Old Village in Pressure from Concessions

The state of Petapahan is an indigenous community located in Petapahan Village, Tapung District, Kampar Regency, Riau Province. This community has a residential history dating back to the pre-Islamic royal era in the interior of Sumatra. The community has an organized customary spatial system, dividing the territory into three parts that reflect the incorporation of economic, ecological, and spiritual functions: residential and plantation areas, customary prohibitive forests (Imbo Putui) that serve as water reserves and sources of biodiversity, and forest reserves for wildlife (Abdullah, Fisher, & Sahide, 2024). Historically, the customary area of the State of Petapahan has an area of about 60,000 hectares located between the Tapung Kiri River and the Petapahan River. However, along with the development of oil palm plantations and the establishment of HTI areas since the New Order period, the area that can be legally claimed by the community continues to decrease until only a small part of the area that has been successfully recognized as customary forest remains. This situation shows that the protection of indigenous peoples' rights is still weak, especially amid the huge influence of large forest and plantation concessions (Fikri, 2024).

The community's economy depends on the people's oil palm and rubber plantations as the main source of income. Data from the Central Statistics Agency of Riau Province (2023) shows that around 61.44 percent of the total oil palm plantations in Riau

are community-owned plantations covering an area of 1,760,000 hectares. However, uncertainty regarding the status of land is a major problem that prevents farmers from obtaining official loans, certifying their products in accordance with RSPO or ISPO standards, as well as investing in sustainable productivity improvements. This condition aptly reflects the prediction of Property Rights Theory which states that without property rights, it is difficult to achieve economic efficiency and sustainable management. (Kalyana and Budidarmo, 2025) explained that uncertainty regarding land rights, agrarian conflicts, and overlapping ownership are the main obstacles in achieving legal certainty and social justice in agrarian management in Indonesia. (Astiti, Falatehan, & Kumala, 2022) in a study on the implementation of smallholder oil palm replanting in Siak Regency, Riau, explained that the problem of land legality and lack of institutional access is still the main obstacle for smallholder oil palm farmers in increasing productivity and obtaining economic certainty.

Evaluation of TORA Effectiveness: The Case of Recognition of Imbo Putui Customary Forests

a. Chronology of the Recognition Process

The process of recognizing the Imbo Putui Customary Forest is one way to implement agrarian reform by recognizing the existence of customary law communities in Riau Province. This process began in 2017 with a collaboration between the indigenous communities of the State of Petapahan, the Bahtera Alam Institute, WRI Indonesia, and the Alliance of Indigenous Peoples of the Archipelago (AMAN) Kampar. This effort resulted in official recognition through the Decree of the Regent of Kampar Number 660-491/X/2019 and the Decree of the Ministry of Environment and Forestry Number SK.7503/MENLHK-PSKL/PKTHA/KUM.1/9/2019 which was given in 2020. This recognition makes the Imbo Putui Customary Forest the first recognized customary forest in Riau Province. In the context of agrarian reform, the recognition of customary forests is seen as an important step to reduce conflicts related to land ownership and strengthen the rights of local communities to the areas they manage. (Source, 2025) explained that agrarian conflicts in Indonesia are usually caused by unequal land tenure and weak recognition from the government of the rights of indigenous peoples and local communities who have managed their territories for generations. Therefore, the recognition of the Imbo Putui Customary Forest can be seen as a step to improve policies related to injustice in the control of land resources that have taken place in forest areas so far.

b. The Gap between Formal Legality and Substantive Protection

Evaluation after recognition shows that the official legal status of customary territories has not yet fully provided real protection for the community. Although the Imbo Putui Customary Forest has been officially recognized, the community still faces problems such as deforestation, unclear boundaries, and lack of certainty about ownership rights over some of the land they manage. This condition shows that legal recognition without good supervision and enforcement is still not enough to solve the

problem of agrarian conflicts as a whole. (Rahmadani, Putri, Novia, Asiah, & Salsa, 2024) explained that agrarian conflicts in Indonesia still occur structurally due to the weak state protection of local communities in the midst of the dominance of large economic interests. In addition, (Salsabila, 2024) emphasizing that there is an overlap between forest areas and land use rights for plantations resulting in a decrease in legal certainty over land that has long been managed by the community. In the context of the State of Petapahan, this situation can be seen from the fact that there are still conflicts related to land after the recognition of customary forests, and the lack of the issuance of title certificates for people whose land is still in the forest area.

In addition to the problem of encroachment, the community that manages the community gardens also experiences uncertainty in terms of land ownership which has an impact on economic access and the legality of their business. (Maharani, 2024) explained that land managed without a certificate has a weak legal position when dealing with formal legal evidence from other parties, so people risk losing their rights to the land they have long controlled. On the other hand, Artaji et al. (2024) stated that many conflicts related to plantation land in Indonesia are caused by unclarity regarding the status of business use rights and weak conflict resolution methods based on restorative justice. This situation puts the community in an unsafe situation because they do not have legal guarantees for the land they manage. On the other hand, they still depend on the plantation sector as the main source of family income. So, tenure issues are not only related to the law, but also have a direct influence on the economic sustainability of the community in the village.

Table 1. Evaluation of TORA Implementation in Petapahan State (2020–2026)

Evaluation Dimensions	Policy Normative Targets	Empirical Conditions (2020-2026)	Gap Rate
Land area covered	All historical customary territories ±60,000 ha	251 ha (officially recognized customary forest)	Very High (>99.5% unprotected)
Protection from encroachment	Zero encroachment after SK recognition	167 ha (66.5%) was encroached on active palm concessions	Very High (ineffective enforcement)
Issuance of SHM for farmers	SHM issued to all affected households	No SHM issued	Total (hit by legal dualism)
Access to formal financing	Open after guaranteed land legality	Still closed to all community plantations	Total (without certificates, no collateral)

Active tenure conflicts	Zero active conflict post-recognition	13,000 ha in active HTI disputes (2026)	Very High (conflict is spreading)
People's ISPO/RSPO certification	Open after land certainty	Cannot be processed without land legality	Total

Source: Data processed from various research journals (2026)

c. Active Conflict: Community Plantations Trapped in HTI Concessions

Conflicts over land rights in the State of Petapahan do not only occur in customary forest areas, but also develop into conflicts between plantations owned by residents and Industrial Plantation Forest (HTI) permits. Communities that have been managing land for generations still face the risk of losing their land rights due to overlapping claims with forest areas and permits from plantation companies. This situation leaves people with no legal certainty regarding the land that is the main source of their livelihood. (Sanjaya, 2024) explained that agrarian conflicts in oil palm plantation areas usually occur due to weak legal protection of indigenous and local people's land rights, while the expansion of large plantations continues. This situation shows that there is an imbalance in the control of agricultural resources between the local community and large companies.

Land conflicts also have a direct effect on the economic condition of the people in the village. Without certificates or clarity on the legality of land, smallholder oil palm farmers struggle to gain access to banking credit, financing programs from the government, as well as sustainability certifications such as ISPO and RSPO. (Putri, Kusetyowati, & Prayoga, 2026) explained that the implementation of agrarian reform in Indonesia still faces many obstacles, such as overlapping land claims, lack of coordination between institutions, and slow implementation of the one-map policy. Land conflicts continue to occur and cause economic uncertainty for communities that depend on the smallholder plantation sector.

In addition, long-standing land conflicts can lead to social problems at the local level. (Shabina & Djuyandi, 2023) Emphasizing that disputes between communities and plantation companies often occur because of the difference between official land ownership and land ownership that is actually controlled by the community. This condition shows that land issues in Indonesia are not only related to land law, but also involve the division of power, social justice, and the survival of the people in the village. Thus, resolving conflicts about land rights in the State of Petapahan needs to be carried out in a way that not only follows the existing legal rules, but must also pay attention to the historical rights of the community and increase the protection of areas managed by the people.

Social Forestry Prospects for the State of Petapahan

a. Regulatory Conformity and Institutional Capacity

Regulatively, most tenure conflict areas in the State of Petapahan are in the category of Production Forest areas and Industrial Plantation Forest (HTI) concession areas, which normatively allows the implementation of various Social Forestry schemes as stipulated in the Regulation of the Minister of Environment and Forestry Number 9 of 2021 concerning Social Forestry Management. Schemes such as Community Forests (HKm), Village Forests (HD), and Forestry Partnerships can be applied to production forest areas as long as they meet the administrative and institutional requirements set by the government.

Among these schemes, the Forestry Partnership is the most realistic alternative to be implemented in the context of Petapahan. This is because most of the community's cultivated land is still in the active HTI concession area, so the release of the area through TORA requires a long and complex bureaucratic process. Through the Forestry Partnership, communities can still obtain legality access to management without having to wait for a change in the status of forest areas first (MoEF, 2021).

From an institutional aspect, the Petapahan community has relatively better social capital and institutional capacity than many other agrarian conflict communities in Riau. The existence of active customary structures and the community's long experience in managing the Imbo Putui Customary Forest show that local communities have basic capacity in community-based natural resource governance (Ark of Nature, 2024). In addition, the involvement of companion organizations such as Bahtera Alam and the Alliance of Indigenous Peoples of the Archipelago (AMAN) has also strengthened the capacity of community advocacy and administration in accessing social forestry schemes.

These findings are in line with research Purnomo & Anand, (2014) which confirms that the success of Community-Based Forest Management is greatly influenced by the strength of local institutions and the active participation of communities in forest area management. When communities are involved as management subjects, the level of conflict and pressure on forest areas tends to decrease significantly. In the context of Petapahan, the historical experience of indigenous peoples in protecting the Imbo Putui area is an important indicator that local communities have an ecological capacity that cannot be ignored in resolving tenure conflicts.

However, the institutional readiness has not been fully followed by adequate administrative support and bureaucratic facilitation from the government. The process of applying for Social Forestry still requires quite complex technical procedures, ranging from participatory mapping, group verification, preparation of work plan documents, to synchronization with national forest area maps. In many cases in Indonesia, such administrative barriers are the main factor in the slow realization of Social Forestry permits at the site level (Siscawati et al., 2017).

b. Implementation Barriers and Required Conditions

Although the regulatory prospects are quite promising, the implementation of Social Forestry in the State of Petapahan faces three main obstacles that need to be overcome systematically. First, the unclear boundaries of forest areas are one of the main factors causing protracted tenure conflicts in Indonesia, especially in areas that have a history of community control before the determination of state forest areas (Sinabutar, Nugroho, Kartodihardjo, & Darusman, 2014). In the context of the State of Petapahan, this condition has the potential to cause new conflicts if the implementation of Social Forestry is carried out without being preceded by accurate participatory mapping and agreed upon by all parties. Therefore, synchronization of spatial data and the affirmation of regional boundaries are important prerequisites in creating legal certainty of tenure and the sustainability of community-based area management.

Second, it is related to the limited nature of rights in the Social Forestry scheme. In contrast to TORA which grants permanent ownership through a Certificate of Ownership (SHM), the limited period of the Social Forestry permit of 35 years for HKm that can be extended has caused resistance among farmers who have invested long-term capital in productive plantations. From the perspective of property rights theory, this situation shows that clarity and permanence of rights are important factors in creating long-term economic incentives (Alchian & Demsetz, 1973; Ostrom, 1990). As long as the community only obtains limited management rights without strong certainty of ownership, the economic function of land legality has not been fully achieved.

The experience of implementing Social Forestry nationally shows that strengthening community economic institutions is still a major challenge. Until 2024, the government notes that more than 13,000 Social Forestry Business Groups (KUPS) have been formed, but business capacity building, market access, and community economic assistance still require continuous support, making the presence of competent field assistants a critical factor for successful implementation (Kompas, 2024). Thus, the legalization of access alone is not enough if it is not followed by the sustainable strengthening of the community's economy.

Table 2. Prospect Matrix for Social Forestry Implementation in Petapahan State

Assessment Aspects	Supporting Conditions	Obstructive Conditions
Forest area status	Production Forests: fully compatible with HKm, HD, and Forestry Partnerships based on the Minister of Environment and Forestry Regulation No. 9/2021	Some are still within the limits of active HTI concessions that have not been resolved with overlap
Community institutional capacity	RPHA Imbo Putui has been prepared; The NGO Bahtera Alam has been actively assisting preparations since December 2024	The administrative capacity of farmer groups in processing Social Forestry documents still needs to be strengthened
Acceptance and participation	Indigenous peoples have proven to be able to manage forests (Imbo Putui has been sustainable for centuries without state regulation)	Resistance because PS does not provide permanent SHM that can be passed on to future generations
Regulatory framework	Minister of Environment and Forestry Regulation No. 9/2021 opens up a wide space for various PS mechanisms in Production Forest areas	Overlapping concession boundaries have not been resolved; The bureaucracy of applying for a PS permit is complex and time-consuming
Potential market access	Collective ISPO certification through village cooperatives has the potential to open access to premium export markets for the people	Without underlying land certainty, collective certification remains administratively difficult to meet

Source: Bahtera Alam (2024); Permen LHK No. 9 Tahun 2021; Kompas (2024); Author's analysis (2026)

Structural Barriers: Institutional Dualism as the Root of the Problem

A comprehensive analysis of the case of the State of Petapahan confirms that the main obstacle to the effectiveness of TORA and the implementation of Social Forestry does not lie in the weak capacity of the community or the inadequacy of available regulations, but in the institutional dualism between the Ministry of Environment and Forestry and the ATR/BPN that creates a regulatory gap that systemically benefits corporations (Nurcahyo, 2016). The ATR/BPN does not have a mandate to issue land certificates within forest areas, while the Ministry of Environment and Forestry does not

have the capacity to grant ownership rights. The society that lies between these two jurisdictions is not optimally served by any legal system.

Recommendations Ombudsman of the Republic of Indonesia (2024) To prioritize the settlement of land tenure for those who have evidence of historical tenure, although substantial and appropriate in principle, has not been followed up with a coordination mechanism that binds the two ministries. This problem is exacerbated by the findings Salsabila (2024) which documents that the implementation of the One Map Policy, which is supposed to be a solution for spatial data synchronization, is often held back by sectoral egos between ministries. This condition reinforces the argument Safitri (2014) which explains that the dominance of state authority in the determination of forest areas often ignores the historical control of the community, thus causing prolonged tenure conflicts in various regions of Indonesia.

Evidence-Based Policy Recommendations

Based on the overall findings, this study proposes policy recommendations that are compiled in stages based on the urgency and scope of the intervention needed. At the short-term level (0-12 months), two urgent actions need to be taken immediately. First, the government must initiate an accurate and comprehensive participatory mapping of all land claims in the State of Petapahan using GPS technology and satellite imagery, involving indigenous communities, ATR/BPN, MOEF, HTI concessionaires, and independent companions from NGOs. This mapping is an absolute prerequisite for any regulation-based conflict resolution. Second, a moratorium on unilateral control actions by forestry officials should be enforced during the mapping and dialogue process, to create a conducive negotiation space for all parties.

At the medium-term level (1-3 years), three strategic steps need to be implemented simultaneously. First, the acceleration of the enclave process and the release of forest areas for villages that have historically been proven to exist before the determination of the area, through the TORA route for which regulations have been available. Second, the formalization of the Forestry Partnership scheme between the farmer community and HTI concessionaires through the active facilitation of the Ministry of Environment and Forestry, accompanied by the establishment of village cooperatives as a platform for access to collective financing and joint ISPO certification. Third, strengthening the institutional capacity of the community through integrated training programs that include plantation business management, administration of Social Forestry licensing, and professional management of group finances.

At the long-term level (3-10 years), fundamental regulatory reform is needed to eliminate the dualism of authority between the Ministry of Environment and Forestry and the ATR/BPN through the establishment of a coordination mechanism that has the authority to bind the two ministries. The One Map Policy must be upgraded from a coordinated to an imperative with clear sanctions for ministries that do not comply with the single map that has been set. In addition, a partial revision of Law No. 41 of 1999 is needed to accommodate the clause on the recognition of the historical rights of

indigenous communities that is proven to precede the determination of forest areas, so that there are no more old villages that are suddenly and without the participation of their citizens included in the map of the state forest area.

Table 3. Tiered Policy Recommendation Matrix for Tenure Conflict Resolution

Time Horizon	Policy Instruments	Main Actors	Target Achievement
Short Term (0-12 months)	GPS-based participatory mapping & satellite imagery; Moratorium on unilateral control	MOF, ATR/BPN, Kampar Regional Government, accompanying NGOs	An accurate single map of land agreed upon by all stakeholders
Medium Term (1-3 years)	Forest area clearance (TORA) for old villages; Forestry Partnerships; establishment of village cooperatives and collective ISPO certification	KLHK, ATR/BPN, GTRA Kampar Regency, village cooperatives, NGOs	SHM for eligible old village KKs; active Forestry Partnership permits; Export Market Access
Long-Term (3-10 years)	Regulatory reform: revision of Law No. 41/1999; One Map Policy is imperative; Cross-Ministerial Coordinating Board	House of Representatives of the Republic of Indonesia, President of the Republic of Indonesia, Ministry of Environment and Forestry, ATR/BPN, Ministry of Home Affairs	Elimination of jurisdictional dualism; permanent and hereditary legal certainty of tenure

Source: Author's analysis (2026) based on research findings

CONCLUSION

This research produced three main findings that have significant theoretical and practical implications for the study of rural economics and agrarian policy in Indonesia. First, an evaluation of the implementation of the TORA scheme in Petapahan State shows that although it has succeeded in obtaining formal recognition of the 251-hectare Imbo Putui Customary Forest in 2020, the substantive effectiveness of this scheme remains very limited. Formal recognition has proven to be ineffective in substantive protection, as shown by the encroachment of 167 hectares or 66.5 percent of customary territories recognized by oil palm concessions that are still ongoing until 2024, as well as 13,000 hectares of community plantations that remain trapped within the boundaries of HTI concessions without land certificates until 2026. These findings confirm that the effectiveness of TORA is largely determined by the strength of post-recognition enforcement mechanisms and not just the obtaining of formal decrees from the government.

Second, the prospects for the implementation of Social Forestry in the State of Petapahan are quite promising considering the status of Production Forests in this area which is compatible with various Social Forestry mechanisms, especially Forestry Partnerships. The institutional capacity of the community, which is characterized by the establishment of RPHA and the active assistance of NGOs, is an asset that can accelerate formalization. However, effective implementation requires three prerequisites that must be met in order: the settlement of overlapping concession boundaries through accurate participatory mapping, combination with village cooperative-based collective financing mechanisms, and ongoing post-permit assistance. Without these three conditions, Social Forestry risks only formalizing the same conflict in a different format and not resolving the fundamental problems faced by communities.

Third, and most fundamentally, the main obstacle to the effectiveness of both schemes lies in the institutional dualism between agrarian law (UUPA 1960) and forestry law (Law No. 41/1999) which creates a structural jurisdictional gap that consistently harms rural communities. As long as this gap is not resolved through fundamental institutional reforms—including regulatory revisions, the establishment of binding coordination mechanisms, and an imperative One Map Policy—TORA and Social Forestry will only serve as partial instruments that are unable to reach the roots of tenure conflicts structurally. A true and sustainable resolution demands a fundamental paradigm shift: from an approach that places the community as the object of forestry policy, to an approach that makes the community an equal main partner in the equitable governance of natural resources as mandated by Article 33 paragraph (3) of the 1945 Constitution.

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