

Legal Arrangements for Sustainable Development of Human Resources in the Framework of the Welfare of the Indonesian People

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Abstract: To ensure its achievement, the concept of sustainable development must be integrated into the development process contained in laws and regulations related to national development. Achieving one of the basic foundations of establishing the Indonesian state as a protector of the rights of all societal components necessitates relating the integrated concept of sustainable development to fulfilling such obligations. Fulfilling this duty inherently necessitates that the government safeguard the environment, as access to clean air, water, and land represents a fundamental requirement which each member of the populace inherently deserves in order to experience an adequate quality of life. Environmental protection is also a concern in the constitutional mandate regarding citizens' rights, which is the government's duty to ensure its sustainability. Spatial planning is one of the efforts to realize sustainable development. In line with that, the existence of law in every spatial planning will greatly determine the success or failure of the spatial planning policy itself. The spatial planning process will be maximized if it is found that there is a law enforcement process that is carried out correctly and fairly. Therefore, law enforcement must be interpreted as a process to make legal objectives a reality. While involving both the creators of legislation as well as the public remains crucial, an optimally collaborative process would engage all stakeholders throughout development and implementation. While spatial planning's role, necessity and purpose fundamentally seek to develop welfare for all through means consistent with constitutional ideals, its function must acknowledge both development's aim to benefit society equitably and the state's duty as outlined in Indonesia's founding doctrine to ensure such prosperity is accessibly realized by its people. 1945 (1945 Constitution), especially the 4th paragraph. One of these ideals is to promote general welfare. Whereas development had previously proceeded without thoroughly scrutinizing prospective building sites or accounting for environmental consequences down the line, it has now become understood that mindfully designing with future conditions in view is paramount. The research method uses empirical juridical methods, research results Future development frameworks must consider the challenges associated with the peak human population predicted to be 9–10 billion in 2050 and the need to manage world production and consumption patterns in a more sustainable and equitable way and have legal certainty. Behavioral change is needed on a global scale to increase the efficiency of environmental assets and resources. This global challenge opens the door to a new and truly universal agenda.

1 INTRODUCTION

1.1 Background of the Study

To ensure its achievement, the concept of sustainable development must be integrated into the development process contained in laws and regulations related to national development. Achieving one of the basic foundations of establishing the Indonesian state as a protector of the rights of all societal components necessitates relating the integrated concept of sustainable development to fulfilling such

obligations. Fulfilling this duty inherently necessitates that the government safeguard the environment, as access to clean air, water, and land represents a fundamental requirement which each member of the populace inherently deserves in order to experience an adequate quality of life. Environmental protection is also one of the concerns in the constitutional mandate regarding citizens' rights, which is the government's duty to ensure its sustainability. Along the way, damage to natural resource (SDA) reserves and environmental pollution in Indonesia occurred rapidly in line with

development developments and exceeded the government's capacity to block the potential and overcome the reduction in available natural resource reserves and the environment. This presumption has been recorded in various formal reports, scientific studies and research from government institutions both at the central and regional levels, research agencies and universities, as well as non-profit organizations and consulting agencies at the national and international levels (Akhmad Fauzi, 2014).

From a historical perspective, environmental protection and management (PPLH) has actually been regulated in various legal regulations with various forms and styles. In this understanding, environmental problems were once regulated by indigenous peoples through customary law or customary law. However, in statutory regulations, sufficient historical aspects for environmental protection can start from the enactment of Law Number 4 of 1982 to the enactment of Law Number 32 of 2009 concerning Environmental Protection and Management (PPLH). Meanwhile, the notion of sustainable development initially emerged internationally as a legal initiative aiming to curb the harmful effects of traditional development approaches. To try to reduce the impact of development, the concept of Sustainable Development was agreed upon by world countries in the 1992 Rio Declaration. This concept was then continued by the World Commission on Environment and Development (WCED) or what is often called the Brundland Commission (Amartya Sen, Resources, 1984).

This Commission defines Sustainable Development as a development paradigm implemented in order to meet current needs without destroying the potential capabilities of future generations so that they can meet their needs in the future. This concept then influences the understanding of sustainable development adopted in Law Number 32 of 2009 concerning PPLH. The enactment of Law Number 32 of 2009 concerning PPLH introduces a new set of instruments to ensure the implementation of sustainable development principles such as Strategic Environmental Studies (KLHS), Environmental Protection and Management Plans (RPPLH), and Environmental Carrying

Capacity and Capacity (DDDT LH). This set of instruments in its arrangement does not stand alone. The intricate web of connections between them is such that each shares a link with every other in the group. The interrelationship of various PPLH enforcement instruments also influences the national development planning system, which is regulated in

Law Number 25 of 2004 concerning the National Development Planning System (SPPN) (Budiman, Arif, 1995). Based on the background description above, there are several problems that will be discussed, namely as follows. What are the principles of sustainable development and an environmentally sound economy in Indonesia, and what are the spatial planning regulations in the context of realizing sustainable development in Indonesia.

2 RESEARCH METHODS

The method used in this research is normative juridical research, a process for discovering legal rules, legal principles and legal doctrines in order to answer the legal issues faced. This character of the legal science perspective is different from research carried out in descriptive science which tests whether or not a fact is true or not which is caused by a certain factor. Legal research is carried out to produce arguments, theories or new concepts as descriptions in solving the problems faced. In descriptive science, the expected answer in legal research is right, appropriate, inappropriate, or wrong. Thus, it can be said that the results obtained in legal research contain value (Peter Mahmud Marzuki, 2011).

3 DISCUSSION

3.1 Principles of Sustainable Development and an Environmentally Friendly Economy in Indonesia

Before discussing the core of the article, namely the analysis of threats from the use of forest areas within the framework of PSN to sustainable development, it is necessary to discuss the principles of sustainable development first. The principles/concept of sustainable development are principles that have been initiated since 1972 and continue to develop and be applied in the international arena to this day. Since the Stockholm Declaration of 1972 first acknowledged sustainable development principles, discussions at subsequent global summits - including reaffirmations in the Brundtland Commission report of 1987, the Rio Declaration of 1992, and the 2002 Earth Summit - ultimately led to the establishment of the Sustainable Development Goals.) in 2016 (Aspihanto, 2020).

The concept of sustainable development was discussed at the UN Conference in Stockholm in

1972. At the 1972 United Nations conference held in Stockholm, the international community engaged in discussions regarding the concept of sustainable development and consensus was reached that sustainability itself is founded on achieving balance between progress and environmental protection, as managing this relationship judiciously will generate the most advantageous outcomes for humanity. The principle of sustainable development is implicit in the Third Principle and Fifth Principle of the 1972 Stockholm Declaration. The Third Principle and Fifth Principle of the 1972 Stockholm Declaration essentially call for preserving natural resources and increasing the earth's capacity to produce renewable resources.

The concept of sustainable development then appeared in the Brundtland Commission Report entitled *Our Common Future* in 1987. According to the report, sustainable development refers to development that can fulfill present demands while still preserving sufficient resources to allow coming generations to satisfy their own development needs in the future. The principles of sustainable development were then included in the 1992 Rio Declaration, precisely in Principle 1, Principle 4, Principle 5, Principles 7-9, Principle 12, Principles 20-22, Principle 24 and Principle 27. The 1992 Rio Declaration basically contains principles that hope participating countries implement development that always considers environmental protection, growth and social conditions in addition to considering economic growth to achieve sustainable development. The 1992 Rio Declaration asked countries to reduce or eliminate unsustainable production and consumption patterns accompanied by supportive policy expenditures. In addition, the 1992 Rio Declaration also stated that countries should continue to strengthen and develop scientific and technological knowledge and capabilities, including by sharing knowledge between countries in an effort to support the achievement of sustainable development (Aziz, I.J, 2020).

The 1992 Rio Declaration also called on countries to cooperate not only in sharing knowledge but also in coordinating economic systems that support economic growth and sustainable development. The 1992 Rio Declaration also stated the importance of the involvement of several groups in society, starting from the important role of women to the involvement of traditional community groups in achieving sustainable development. Not only that, the 1992 Rio Declaration also stated the importance of ideas from the younger generation in working together to achieve sustainable development.

Furthermore, after the Rio Declaration in 1992, in 2002 the World Summit on Sustainable Development was held which is usually called the 2002 Earth Summit. The principles of sustainable development at the 2002 Earth Summit received the world's full attention with the presence of 191 countries. UN agencies, multilateral financial institutions, and other major groups. Sustainable development, the principle now globally recognized, precludes any nation in its pursuit of progress from environmental harm and demands ongoing safeguarding of the environment to ensure an unburdened nature continues benefiting generations to come. The discussion of the principles of sustainable development at the 2002 Earth Summit has become increasingly in-depth and broad. This in-depth discussion can be seen by discussing the obstacles in implementing sustainable development related to: improving people's welfare, implementing conservation of natural resources on earth with an ever-growing population, food needs, clean water, shelter, cleanliness, energy, health services and related to economic balance. While the principles of sustainable development had gained increasing recognition globally, the specific aims embodied within the newly established Sustainable Development Goals provided a sharper illumination and concentration of these objectives in the year they were inaugurated. The formation of these SDGs is an effort by countries to implement the principles of sustainable development. This implementation/application is carried out with the 2030 Agenda for Sustainable Development (Agenda 2030) (Eddy, T2015).

The 2030 Agenda lays out an ambitious plan to promote inclusive and environmentally-sound prosperity across the globe by balancing social progress and economic expansion. The 2030 Agenda not only addresses poverty but also integrates and balances the three pillars of sustainable development in a comprehensive global vision. While environmental preservation, social/community development, and economic growth are interdependent factors, sustainable development necessitates balancing these three pillars in a harmonious manner. The 2030 Agenda is a plan that can continue to change but remains based on 17 sustainable development goals. These 17 sustainable development goals address pressing global challenges in the next fifteen years. (Danusaputra, M, 1994).

Indonesia has followed the development and application of sustainable development principles at the global level since the 1972 Conference on the Human Environment which gave birth to the 1972

Stockholm Declaration. Indonesia not only follows the development of sustainable development concepts or principles, but Indonesia also applies the principles of sustainable development in Indonesian legislation. . Though Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia concerning sustainable development was added in the nation's fourth constitutional amendment in 2002, Indonesia had already incorporated that fundamental principle into its own laws and official directives well beforehand. Indonesia has implemented the principle of sustainable development at the statutory level in a comprehensive manner. implied in Law 4/1982 concerning Basic Provisions for Environmental Management (UU 4/1982). The "considering" section letter b of Law 4/1982 reads (Priyanta, M, 2018):

“that in order to utilize natural resources to advance general welfare as stated in the 1945 Constitution and to achieve happiness in life based on Pancasila, efforts need to be made to preserve the capabilities of a harmonious and balanced environment to support sustainable development implemented with an integrated and comprehensive policy and taking into account needs. present and future generations;”.

Indonesia before the fourth amendment to the 1945 Constitution of the Republic of Indonesia not only implemented the principle of sustainable development implicitly but also explicitly in the "considering" section b of Law 23/1997 concerning Environmental Management (UU 23/1997) which revoked Law 4/1982. The "considering" section letter b of Law 23/1997 reads (Meta K, 2015):

“that in order to utilize natural resources to advance general welfare as mandated in the 1945 Constitution and to achieve happiness in life based on Pancasila, it is necessary to carry out sustainable development with an environmental perspective based on an integrated and comprehensive national policy taking into account the needs of the current and future generations. future.” see also Article 3 which reads: “Environmental management is carried out with the principle of state responsibility, the principle of sustainability with an environmental perspective in the framework of the complete development of Indonesian people and the development of the entire Indonesian society who have faith and devotion to God Almighty.”

3.2 Spatial Planning Regulations in the Context of Realizing Sustainable Development in Indonesia

Thoughts about the importance of spatial planning in human life are growing rapidly day by day. Nearly every facet of a populace recognizes the immense significance of judicious land utilization and regional administration inside sovereign borders as vital facets of a nation's governance and development. This is increasingly being realized considering that the negative impact of a space that is not well organized will be felt by various groups. This means that if space cannot be managed and arranged well, it will be difficult to avoid various bad impacts. This can then be seen as a form of collective awareness of the nation's elements in the context of realizing a higher quality space. It becomes increasingly evident at this juncture that there exists a cognizance of the exigency for spatial planning, as pertaining to both the prospective auspices of human existence and a nation's developmental trajectory going forward. (Barong, Rahmat, 2006).¹

On the other hand, Budihardjo emphasized that public space is a place where citizens make social contact and there has been a lack of synchronization between one arrangement and another, both in terms of the degree (hierarchy) of statutory regulations, as well as in terms of legal substance, so that it has an effect on the effectiveness of the implementation of regional allocation regulations in spatial planning in society. Such conditions give rise to various implications, both in the form of positive and negative implications. The intended implications can also take the form of legal implications, one of which is legal political implications. Likewise, non-legal implications can also occur, namely in the form of legal conflicts and non-legal conflicts as negative implications. If further research is carried out, it can be seen that the decline in environmental quality is actually caused by the use of space that is not in accordance with environmental conditions and regional potential. Space that is used and functioned outside of its designated designation can cause problems for human life (Budihardjo, 2005).

According to Eko Budihardjo, changes in spatial planning occur due to the power of certain groups, certain community units, social systems, positions, roles and even sacrificing important values in society. This must be anticipated in order to guarantee the future of spatial planning and the realization of its functions towards achieving sustainable development in the future. In this regard, according to Imam Koeswahyono's view, in achieving the goal of better

spatial planning, at the operational level of spatial planning there are at least 3 (three) stages that must be taken, namely:

- a. Conduct an introductory study of existing spatial conditions by conducting studies to see patterns and interactions of elements forming space, humans, and natural resources.
- b. The introduction of spatial planning issues and the formulation of national regional spatial development policies emphasizes problems related to future spatial utilization policy directions and their constraints.
- c. Preparation of future space utilization strategies.

This stage shows the existence of a spatial planning system which begins with the process of studying further the situation and conditions of the existing spatial planning up to strategies for its use in the future. If this can be realized, it is highly believed that spatial planning will be able to run well in accordance with the spatial planning objectives that have been outlined in a number of statutory regulations. In fact, if we examine it further, spatial planning can be said to have an important and determining function at the stage of space utilization as an effort to control regional spatial planning. Apart from that, spatial planning is also an instrument for anticipating a decline in the quality of space. While spatial planning policies may at times engender discord between technocratic and commercial priorities on one side and humanitarian perspectives on the other, it would be remiss to claim such tensions can be entirely avoided.

The commercial approach sometimes causes negative excesses for spatial planning efforts, because in reality, every effort made to gain profits from spatial planning will have a negative impact on the future of the space itself. While national progress and advancement of a region are important goals, unavoidably the development process brings difficulties that must be faced in pursuit of progress. For this reason, spatial planning is often associated with efforts to realize sustainable development. Spatial planning is expected to be able to support a sustainable development planning system in order to achieve the country's ultimate goal of becoming a just and prosperous nation. The three fundamental pillars of sustainable progress, namely interconnected environmental, social, and economic aims, are interdependent as each individually informs and reinforces the others in steering long-range advancement towards collective objectives. The principles of sustainable development can be briefly stated as follows (M. Syamsudin, 2012):

First, the principle of democracy. By ensuring

development reflects the aggregate aspirations of every individual for the mutual benefit of everyone, this principle safeguards that progress stems from the united volition of all in society seeking the concurrent well-being of all. Based on these democratic principles, several profoundly significant facets were uncovered, namely that the overriding development agenda must serve the people as the true stakeholders of such progress for their direct benefit, that community involvement in both forming and executing development plans is a moral and civic necessity, and that there must be unfettered access to transparent information regarding any agenda, process, or implementation of development works coupled with public accountability for all related undertakings, formulations, and executions. Second, the principle of justice. This principle basically guarantees that all people and community groups have the same opportunity to participate and participate in every development process and productive activities and participate in enjoying the results of development itself. Third, the principle of sustainability. Basically, this principle requires that public policy makers must be able to design a development agenda in a long-term, visionary dimension, seeing both positive and negative development impacts from various points of view.

A number of these principles emphasize the importance of planning in every spatial planning process. In line with that, according to Lili Rasjid and IB Wyasa, in a legal society, the planning and response function is carried out by utilizing the law because (Simamora, 2014):

1. Law is the result of exploring human ideas and experiences in regulating the essence of life;
2. The nature of procurement and the existence of law in a society, especially to regulate the life of the society itself;
3. The regulatory function is supported by the basic potential contained in the law which goes beyond the regulatory function, namely functioning as a provider of certainty, safeguards, protectors and balancers whose nature is not only adaptive and flexible but can also be predictive and anticipatory of future needs;
4. In the latest global development issues, law is trusted and seen as a means of social change or a means of development for human life.

The existence of law in every spatial planning will be maximized if it is found that there is a law enforcement process that is carried out correctly and fairly. Therefore, law enforcement must be interpreted as a process to make legal objectives a reality. While involving both the creators of

legislation as well as the public remains crucial, an optimally collaborative process would engage all stakeholders throughout development and implementation. The various existing components and elements must be willing to develop existing values in an environment that is full of the influence of other non-legal factors. Law enforcement as a process should be able to involve various components that are interconnected and some even have a fairly close level of dependence. Therefore, in order for the law to be enforced, adequate legal regulatory facilities regarding spatial planning must first be provided. (Simamora, 2011)

4 CONCLUSION

The threat of "ease" in using forest areas within the framework of PSN due to the provision of funding for land acquisition in forest areas in Presidential Decree 66/2020 is reduced by the obligation of PSN implementers to comply with provisions related to borrowing and using forest areas and land acquisition. PSN implementers in forest areas must have a Forest Area Borrow- to-Use Permit (IPPKH) while fulfilling the obligations of IPPKH holders. The rules regarding the obligations that must be fulfilled by IPPKH holders in statutory regulations have implemented the principles of sustainable development and green economy because the aspects of environmental conservation, social development and economic growth which are the three pillars of the principles of sustainable development and green economy/environmentally sound economy are reflected in points of obligations of IPPKH holders. Spatial planning is one of the efforts to realize sustainable development. In line with that, the existence of law in every spatial planning will greatly determine the success or failure of the spatial planning policy itself. The spatial planning process will be maximized if it is found that there is a law enforcement process that is carried out correctly and fairly.

Therefore, law enforcement must be interpreted as a process to make legal objectives a reality. While involving both the creators of legislation as well as the public remains crucial, an optimally collaborative process would engage all stakeholders throughout development and implementation. While spatial planning's role, necessity and purpose fundamentally seek to develop welfare for all through means consistent with constitutional ideals, its function must acknowledge both development's aim to benefit society equitably and the state's duty as outlined in

Indonesia's founding doctrine to ensure such prosperity is accessibly realized by its people. 1945 (1945 Constitution), especially the 4th paragraph. One of these ideals is to promote general welfare. Whereas development had previously proceeded without thoroughly scrutinizing prospective building sites or accounting for environmental consequences down the line, it has now become understood that mindfully designing with future conditions in view is paramount. In line with this, the urgency of spatial planning must be interpreted as the main agenda in the context of development planning for a country or region. Spatial planning will greatly determine the progress and decline of the development of an area. Thus, spatial planning must be seen as an instrument that can direct and develop humans towards a better civilization in the future. Given the ever-rising pace of human population growth coupled with dwindling usable land area, strategic spatial planning seems indispensable for securing a sustainable quality of life for future generations within existing territorial limits.

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