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# Social Conflict and Control Over Forests Land in Lampung

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## ABSTRACT

*This study analyse show Government forest policy in Lampung has changed, and its various socio-economic impacts. It also explains land conflict between society and local government, and argues that new policies have ignored local people's property rights and customary law, and in doing so have generated prolonged conflict in the forests of Lampung. It concludes that the implementation of the Consensus Forest Land Use Plan (TGHK, Tata Guna Hutan Kesepakatan) has tended to ignore the social forest land use rights and customary law. Many local people who seed their agricultural plantations on customary lands find their investments seized by local government in exercise of their formal rights of access. This leads to social dissatisfaction and ineffective environmental conservation. In addition, the government prefers to give forest extraction concessions to large companies. Local communities are marginalized and it has increased impoverishment in the area. It is suggested that the forest conservation and protection cannot be achieved without involving local communities in order to get legitimacy. It is these communities that have interacted most intimately with the forests over a period of time, and they are likely the ones who know how the problems can better be managed.*

**Key words:** forest, conflict, policy, local community, government, socio-economic impact

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Indonesian forests have played a significant role in the economic and political strategies for the new order regime. Forests as a natural capital have provided large state revenues for several decades. 75% of forest resources are state forests and under legal control of the state. The forests also have economic, social and spiritual meaning for the local society, who relies on forests for their livelihood.

Under certain circumstances, forests can become the arena of social conflicts. Local people who depend on the forests become repressed, as '[i]n these struggles, the interests of local communities are often pitted against the interest of the state, its clients and agents' (Barber, 1997: 28). Forests conflicts have become broader conflicts due to increased population growth. Barber (1997) argues that the increasing population rate adjacent to forests and the displacement of forest dwellings drives a significant level of conflict.

Lampung is an Indonesian province that has 1,083,749 hectares of forest. The forests are classified into three categories; (1) protection forests; (2) conservation forests; and (3) production forests (further classified into fixed and limited production forests). There are many reasons for the conflicts

over Lampung forests. Government policy has been inconsistent and forest laws are often changed without any consideration of local property rights. Furthermore, the Government attempts to forcibly remove local forest populations living in areas in which the State has an interest.

Policy documents like the Implementation of Consensus Forest Land Use Plan (TGHK, Tata Guna Hutan Kesepakatan) have tended to ignore customary law and local land rights. The Government believes that it is the lifestyle of the local people that is responsible for deforestation, and that it poses a threat to forest protection and urban water supplies. The Government also accuses local forest dwellers of forcing wild animal populations into ever smaller habitats. These animals, like elephants, then destroy agricultural plantations as they search for more land (Forest Watch Indonesia, 2000).

## Property rights and environmental crisis

Property rights can be defined as 'enforceable authority to undertake particular actions related to specific domain' (Ostrom, 2002). The manner in which people use environmental resources depends

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on the property rights governing those resources. Property rights can refer to a bundle of entitlements defining the owner's rights, or to privileges and limitations for use of the resource (Ostrom, 2002). By analyzing such entitlements and how they affect human behaviour, people can better understand how environmental problems and crises evolve out of governmental and societal conduct.

Every property right requires certain action in exercising that right. Rights will define what kinds of action should be undertaken in terms of recourse use in relation to other individuals who possess other rights. 'There should be some one else who has duty to observe the right. The duty defines the actions for individual must or must not do in relation to that property and other's property' (Ostrom, 2002).

According to Tietenberg (2004), environmental resources will be well managed by the owner of property rights if there is an efficient structure of property rights, and that structure possesses three characteristics. Firstly, the rights need to be *exclusive*, whereby the owner can prevent other people from using the resource. Therefore, if he chooses to do so, only the owner will get all the benefits and bear all the costs because only he is using and owning the resource. Secondly, the rights should be *transferable*. In this case, the property rights should be transferable from one person to another through an economic market allowing the owner can sell his property at a certain market price if he wants to. Lastly, such right should be *enforceable*. Property rights should be defended from other users (illegal or not).

Property rights that are well defined and exhibit all three characteristics will provide incentive for the owner to use his property sustainably. The owner will want to ensure that resources are well-kept or maintained, and will therefore be more inclined to respond to a resource crisis. They can derive long term benefits from their resource by ensuring it is well maintained. If property rights are not well defined, this means the owner has no security and no incentive (motivation) for maintaining the environmental resource sustainably. The owner will aim for short-term benefit, and the result will be land degradation, soil erosion and so forth. This is because they do not know the situation of their land in the future (uncertainty condition) (Tietenberg, 2004).

The environmental crisis in Lampung can be investigated in terms of three main actors: local people, companies which have concession rights and the government. All three play a significant role in relation to forest access and land forest degradation.

The government considers there to be environmental abuse by local people due to their lifestyle and the benefits they derive from the land. The people, however, have a different perspective. They claim the governments have taken over people's property without considering local people's rights. There are three reasons of failures that could result in excessive exploitation of forests: first, badly designed concessionaire agreements, second, inadequate property rights, and third, subsidies for extract forests (Mendelson, 1994).

Secondly, the local people claim the government generates their own benefits by giving concessions to some companies such as Natarang Mining Company, Silva Industrial Forest Company and Palm Agricultural Company (Forest Watch Indonesia, 2000). In this sense, there are clearly no well defined property rights. In the absence of well define property rights, the actors who have the most power will commonly get the most benefit. This is especially the case where the resources tend to be an open access resource.

This means there is no guarantee for security in owning property rights and there is no incentive structure for the rights holder. 'The significant of well-established property-rights systems is the security that enforced property rights give to groups and individuals: management, access, withdrawal, exclusion and alienation will be recognized in the future by potential competitors for this rights' (Ostrom, 2002: 137).

Lampung is one of the provinces which were selected as a Project of Transmigration. In 1921 the Dutch introduced a transmigration program by removing people from Java to Lampung due to a lack of labor in Lampung. However in 1951 The Indonesian Government has continued this program with a different motivation-overpopulation in Java. Lampung is located close to Jakarta, making the transferal of people from one place to another quite easy (Kusworo, 2000). Over time, the population growth rate in Lampung has grown fast, especially in the forest areas. Consequentially, higher numbers of people now depend on the forests for their livelihood. They convert forest land to agricultural land use by clearing the forests and cultivating timber. Land degradation and deforestation occurs worse in the Lampung forest in the absence of well-defined property rights. Hence, the forests tend to be a public good even an open access resources. Basically, property rights govern who can do what with resources and specify the claims in relation to obligations of different actors (Dick, 2004).

In the case of Lampung, however, the state law is more powerful and used by local government official to enforce and declare the forests to be state property (Dick, 2004). Furthermore the concession rights given to large companies by the government often grant permission to conduct commercial activity in what were previously the customary lands of local people. Therefore local communities often claim locally recognized rights and seek recognition of those rights taken over by the local government. This occurs not only in Lampung but also in the other vast forests domains of Indonesia. 'Struggles over forest land and environmental resources are simultaneously struggles over cultural meanings' (Moore in Elmhirst, 2001). McCarthy argues that many factors are involved in triggering forest management problems and property rights issues - socio-economic structures, power relations and changing in property rights structure (McCarthy, 2006).

### **The role of the State in forest management**

A state can be defined as an organization that includes a bureaucracy, legislature courts, an executive, military and public corporations (Dauvergne, 1997). A state, therefore, is not one monolithic institution. It is comprised of different elements, and some of them may be more dominant than others. 'Society' is what states and non-states attempt to control. They try to determine the rules of the game in terms of resource management and distribution. It is often easier, however, to formulate policies rather than to enforce them or ensure that they are working properly (Ministry of Forestry Report, 1998).

The role of states in properly managing the forests is important because there are many actors involved in the forest management, and each of them vies for control and access. It is highly important, therefore, that land rights be controlled by the government. If they are not, it will create overlapping claim over access the forest land. 'External land claims helped stimulate local farmers, affraid of future land shortages, to gain *de facto* control of available land by planting trees, including in poorly protected 'protection forests' and 'national parks' (Angelsen in McCarthy, 2006:9).

State capacity determines the ability to control and manage societies and national economies including natural resources. In Indonesia, state control is undermined by inadequate institutional resources, poor policies, elite group behaviour,

political instability and strong patron client links between state official and some forest stakeholders (Dauvergne, 1997).

Although the Indonesian Government has the full formal, legal right to control natural resources like forests, their capacity to control and enforce such rights is weak. As McCarthy asserts, forest management has failed due to a 'lack of the technical and managerial capacity of the forestry apparatus and the collusion between actors who has forest interests and local government officials' (McCarthy, 2000). Furthermore McCarthy argues that governmental policy failures are due to the patronage links between state officials and local business clients at the regional level. The combination of the short term self-interests of government officials self and the short term aims of most economic policies has propelled rapid land degradation and forests exploitation (SAM, 1987). Moreover, inconsistency in local government policy is reflected by the fact that a large proportion of Lampung forest land conversion has been granted to powerful conglomerates and politico-business families. In contrast, the government forbids the local people to utilize the forest land. Clearly, there is policy discrimination by marginalizing the poor. The cases of Krui, Gilham Tahmi, and Menggala stand as examples of this suggestion (Kusworo, 2000).

### **The implications of changing access and land tenure**

There have been three main periods of changing forest policy in Lampung: the Colonial Era, the Early Independent Era and the Post Independent Era. In the Colonial Era, all the forests were state owned and the state forbade people to open them up. However the state introduced a transmigration program to remove people from Java to Lampung and they depended on the forests for their livelihood. In the Early Independent Era, the Indonesian Government changed its policy by issuing decree No 15/1947 (Maklumat Residents). People were granted permits to open up the forests to agricultural and settlement. The activities involved in opening up the forests, however, could not be controlled and lead to land degradation and deforestation.

By 1977 in the Post Independent Era, however, the government introduced the Consensus Forest Land Use policy (Tata Guna Hutan Kesepakatan) which effectively cancelled all permits previously issued. The TGHK policy is macro-focused, however, and needs adjustment if it is to be effective in its real-

world application on a local level. Even then, the Government continued to issue the Spatial Plan Acts (Rencana Tata Ruang Wilayah, RT RW). Since the TGHK maps were associated with many problems and forest conflicts, subsequent legislation required that the system be revised. In accordance with the Spatial Planning Act, each level of government needed to prepare a spatial use management plan (McCarthy, 2006).

Basically the government wants to control the forests as it did in the Colonial Era. In the Colonial Era, the colonial government had embarked on a process of state territorialization. The colonial state foresters did not permit the forest in this area for timber exploitation or for plantation use. After a long hiatus in state territorialisation, a series of stated-sponsored mapping exercises during the new order period renewed this process (McCarthy, 2006).

All the Lampung forests that become state owned under the Consensus Forest Land Use policy can be classified into five categories: Nature Reserve, Protection Forest, Permanent Production Forest, Limited Production Forest and Convertible Forest. The forest conditions of the Colonial Era, however, have changed considerably since due to local community actions, migrants and large company plantations. The government ignores the existence of local people and their land rights, however, which are based on customary law. This causes many unavoidable social conflicts and disputes among these actors.

In someway, local communities try to negotiate the use, rights, laws, management and conservation of forest resources. The locals 'may consider not only non-legal factors but elements from their whole legal universe, including notions of *adat*, state law, and Islamic law in arriving at their behavioral goals and strategies' (Brenda-Beckmann, 1989). They try to solve the conflicts that emerge in the process of the implementation of legal rules. This local interaction is influenced by the existing actors and power distributions.

The distribution of power and incentive orientation may vary over time, and local community reactions to environmental resource policies may lead to modifications in the shape of the rules. However in the case of the Lampung forest conflicts; the local government's officials generally reserve their interests in creating rules and arbitrating the disputes. 'Territorial strategies have replaced an older control strategy in which local rulers taxed the extraction on specific commercial forest products,

while otherwise ignoring how local people used the forest' (Vandergeest, 1996).

### Conflicts in forest control and its outcomes

The land tenure rights found among forest-dwelling indigenous people in Indonesia as '*hak ulayat*'. The indigenous or local community has interpreted *hak ulayat* as a right pertaining to state lands. Conflicts over forests resource which involve efforts over defining the customary regulations or *hak ulayat* have contributed to the struggles for power. Land tenure, therefore, is not only a formal legal concept, but involves the complex social institutions of traditional and customary law. It governs access, ownership and control to natural resources.

Some forest areas in Lampung are currently regulated by the Department of Forestry and defined as 'forest area'. These areas, however, are in fact the covered by local agricultural plantations. This situation often generates social tensions over forest or land rights among local government, companies and local people. Control over forest land remains a sensitive and unresolved issue throughout Indonesia, especially in Lampung forest area (Steele n.d.). The elite groups have been able to improve their wealth by utilizing economic and political uncertainty which increase the vulnerability of the poorer local people.

Many local people who seed their agricultural plantations on customary lands find their investments sized by local government in exercise of their formal rights of access. This leads to social dissatisfaction and ineffective environmental conservation. Hence, the communities have no incentive to manage the forest land in sustainable ways. 'The main incentive for local people to manage the forests land sustainably is the expectation of secure land rights and land tenure' (Suyanto, 2004). To achieve this, the government has to provide room for negotiation between local communities, the Department of Forestry and other stakeholders. Improved collaboration will lead to better forest management.

The local Government has even resorted to the use of military force to intimidate and force local people to accept government decisions. Since the *Reformasi Era* (after 1997), however, people have received more freedom to voice their interests in terms of forests land rights in the public arena, and to protest against government policy. 'If one considers environmental resource policy as the imposition of a particular structure of property rights, it is apparent



that difficulties arise from the way co-existing property regimes associated with the state or with adapt customary orders are linked to overlapping claims over access' (McCarthy, 2006). This failure is due to the fact that the State's legal rules do not fit with local customs and local regulations.

The dramatic increase of conflicts involving forest land is important to note. It is largely due to contradictions and confusion regarding the law and land status. In some Lampung areas such as Sumber Jaya, Indraloka and Bujuk Agung, Gunung Balak, Dwikora and so forth, the conflicts were particularly violent and resulted in many local people being killed. The locals in these areas had protested against the local government in an attempt to guarantee a more secure system of land tenure (Suyanto, 2000). Social and environmental justice in Indonesia requires the recognition of sovereignty of *adat* orders. In pursuit of village based notions of justice and in the absence of such policy changes since the end of New Order's regime in many areas of the archipelago, local people have taken justice into their own hands and reasserted *adat* claims over local forest lands (Acciaioli in McCarthy, 2006).

Although fire is often used productively as a means of traditional land management system in the drought season, it can also be used as a weapon. Local actions undertaken in the name of land rights have included the burning of company and government plantations. Such dire actions are brought about by the lack of functioning institutional arrangements and conflicts resolution mechanisms governing access to forest resources. Often, outside villagers or private bodyguards are recruited by locals to help out. This means that the outsiders may also attempt to impose their will in the field, for example by deploying thugs or guards (*preman*) (McCarthy, 2006). 'Past experience has shown that when farmers were forcefully evicted, efforts at forests protection were not successful' (Suyanto, 2004). Even where local governmental restrictions exist, the local people usually remain to manage their plantations in the normal way. As long as there is security in land tenure rights at the local level, there has been some evidence rehabilitation and a slow-down of degradation.

There remain, however, a number of land tenure conflicts due to reclaim the land that was planted by large companies who get concessions. The table below outlines how numerous such conflicts are:

**Table 1.**  
Conflict Cases in Lampung 1999–2002

year	The number of conflict cases	Conflict cases solved	
		number	%
1999	200	71	27
2000	200	201	39
2001	327	240	73
2002	327	240	76

Source: Agrivita. vol 26, No. 1

From the table above, it can be seen that although the number of conflicts has grown over time, the number of conflicts cases being solved has also increased. This is probably due to the increased participation of local and international Non Government Organizations (NGOs) who have become involved in the mediation of disputes.

## Possible Solutions

Ideally, the problems should be tackled at their root corruption, collusion and nepotism in terms of forests management. The distinct lack of state capability and accountability has prevented the implementation of better solutions. Nevertheless some solutions can be offered to solve the forest problems which arise due to interest disputes among local communities, companies and the government. Moreover, the conflicts occur not only between forests authorities and the local community but also between "forest" and "agricultural plantation" (Michon, 2004).

Basically, the forests conservation and protection cannot be achieved without involving local communities. Local participation is crucial in order to gain legitimacy. Moreover, the local communities have been interacting with the forest over long periods of time. In many cases, they may know even better how to best manage the forests. It is also important to ensure that local communities are involved in the making of rules, as they will be the ones affected by the rules (Agrawal, 1999).

Some solutions have been offered by local and international NGOs, to solve the forest problems among stakeholders: for examples, introduce ADR (Alternative Dispute Resolution). It is a way to avoid using courts to solve the problem and also reduces transaction costs or providing mediation institutions by local and international NGOs within conflicts over forest land. Compensation from companies and the government for local communities who lost the land due to transforming the land rights is

important, also monitoring conflict cases by NGOs and resolution committees to prevent violent actions within conflicts. Others solutions are giving education concerning sustainability for local communities which is conducted by coordination between local and international NGOs and the government officials, groforestry is likely a way to protect forest in short term. Agroforestry involves incorporating into commercial plantations, such plants that can also protect the forest land (e.g. fruit, coffee, rubber, and palm plantations). Agroforestry plantations have a similar function to the combination of 'Protection Forests' and 'Production Forest'. Well-defined property rights are important. Local tenure systems and forest access by local people need to be recognized. (Kartodihardjo, 1999). Only after this fundamental prerequisite is met, can land be efficiently and economically allocated in a way promoting sustainable forest management.

Lastly, the local community and multiple interests within communities by be acknowledged. All actors must be considered in the context of conservation and development – even on a horizontal level. All will shape and be affected by the decision-making process.

## Conclusion

To sum up, well established property rights are significant to secure land ownership and protect it from potential competitors. Basically, property rights govern who can do what with resources and specify the claims in relation to the obligations of different stakeholders. Forest conflicts are fuelled by the valuable forest land, combined with the large number of forests-dependent communities and a corrupt government. The conflicts over forests land occurs in many levels and forms. It may occur within the local community, between local and concession holders, or may involve vertical conflicts which involve central and local government.

In the case of Lampung forest conflicts, the government has shown a complete lack of capacity in managing the forests. Simplification of state territorialization is contradictory to the complex property relations in local communities. In this case, communication and enforcement are the keys to getting better results in territorialization and a better understanding between people and the state. Imposing policies and ignoring local community land rights merely generate prolonged conflicts

Forest policy has been inconsistent. Forest laws have been changed without any consultation among local communities. This lack of communication has not only angered local forest residents, but also prevented the government from comprehensively understanding the problems at hand. This has triggered prolonged social forests conflicts.

In addition, the government has attempted to exercise its own interests in controlling forests by expelling local dwellers in Lampung. Where such communities feel insecure about their property rights, land degradation and deforestation occur. The forests tend to be a public good even an open access resources. Unfortunately, 'caring' about a natural resource is usually a function of 'owning' it.

Governmental policy is also highly ambiguous. The implementation of the Consensus Forest Land Use Plan (TGHK, Tata Guna Hutan Kesepakatan) has tended to ignore the social forest land use rights and customary law. Moreover, the government prefers to give forest extraction concessions to large companies. Local communities are marginalized and it has increased impoverishment in the area.

Finally, the forest conservation and protection cannot be achieved without involving local communities in order to get legitimacy. It is these communities that have interacted most intimately with the forests over a period of time, and they are likely the ones who know how the problems can better be managed.

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