



RECOFTC

Community forestry models in Asia–Pacific

# Customary forests in Indonesia (hutan adat)

Infosheet

In Indonesia, there are five types of community forestry models: community forests, village forests, community plantation forests, forestry partnerships and customary forests. Indonesia's customary forests model (hutan adat) formalizes the rights of traditional communities to continue to practise their customary use of forests in their territories. The model's legal basis is laid out in the Forestry Act of 1999 and the Ministry of Environment and Forestry Regulation No. 9/2021 on social forestry management. Constitutional Court Decision 35/2012 ruled that customary forests are in territories of traditional communities and are not part of state forest.

# Key requirements

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## Who is eligible?

A customary law community is a traditional society still associated in the form of a community with clear customary boundaries. It has internal customary legal institutions and instruments, especially sanctions that are adhered to. The community also collects forest products for its daily needs from the surrounding forest area and whose existence the local government has recognized in regulation or decree.

## Allocation process

1. An applicant must prepare the following documents before applying for legal access to the forest area: identity of the customary law community; a map of the customary area signed by the community leader; a letter of request; and the local regulation or decree on the customary forest. A local regulation is required if the area is within what the state currently recognizes as state forest. A decree by the governor, regent or mayor is needed if the area is outside the state forest.
2. The leader of the community submits a physical or electronic letter of application to the Ministry of Environment and Forestry.
3. The Ministry assigns the director general for Social Forestry and Environmental Partnerships to oversee the permit.
4. The director general assigns an administrative team and a technical team to review the application.
5. The administrative team verifies all the administrative aspects within three days of receiving the documents. If the documents are incomplete or not eligible, the team returns them to the applicant.
6. The applicant has 180 days to improve the documents and return them to the Ministry. If the applicant does not meet this deadline, the application is automatically cancelled.
7. If the documents pass administrative verification, the application proceeds for technical verification.
8. If the application fulfils the requirements, the director general for Social Forestry and Environmental Partnerships issues a permit on behalf of the Ministry of Environment and Forestry.
9. If the application lacks a local regulation on the customary forest but the governor, regent or mayor has classified the area for customary forest, the director general for Social Forestry and Environmental Partnerships indicates the customary forest area for a maximum of 14 working days, on behalf of the Minister of Environment and Forestry.
10. After having the partial indicative area, if there is still no completed local regulation on the customary forest by the governor, regent or mayor, the director general approves in principle the determination of customary forest status.
11. If the application conforms with the local regulation, the determination of customary forest status is established. Environmental Partnerships issues a permit on behalf of the Ministry of Environment and Forestry. If the application does not qualify, the director general rejects it.

# Main elements



## Duration of tenure

- Communities benefiting from customary forests have permanent ownership.



## Type and condition of forest

- Customary forests can be established in state or non-state protection, production or conservation forests.
- The law does not specify the condition of the forest.



## Type and duration of management plan

- There is no type or management plan specified.



## Internal governance

- Customary communities need to maintain customary institutions and regulations and form business units.



## Gender and social inclusion

- The implementation of all forms of social forestry should have targets that include gender equality and inclusive participation, especially for women, youth and marginalized groups.



## Community-based enterprises

- The permit-holder can organize a cooperative to increase the institutional capacity for customary forest management.
- The cooperative can receive capital support, marketing cooperation, guidance from ministries or agencies, the local government, academic institutions, financial institutions and/or the private sector.



## Benefit-sharing mechanism

- There is no benefit-sharing mechanism specified.



## External support

- The local government provides guidance and assistance on social forestry management through its agencies responsible for forestry with the Technical Implementation Unit, the Forest Management Unit and the Community Forestry Acceleration Working Group, and/or assistant, according to their authorities.



## Conflict-resolution mechanism

- An evaluation of the customary forest takes place at least every five years. Among other things, this evaluation verifies the existence and implementation of standard operating procedures for resolving conflicts and/or disputes relating to natural resource management through internal documents and conflict-resolution reports.
- The Ministry of Environment and Forestry Regulation No. 9/2021 does not specify the conflict-resolution procedure.





## Rights and responsibilities of community members

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### Members have rights to:

- use the community forestry area.
- use the environmental services.
- collect timber forest products but limited to subsistence level.
- collect non-timber forest products.
- implement forest management activities in accordance with the applicable custom law and not contrary with the statutory legislation.
- obtain empowerment for improving their welfare.

### Members must:

- carry out the principles of sustainable forest management.
- use the customary forest in accordance with local wisdom.
- maintain the customary forest's function.
- use the customary forest in accordance with its function.
- restore and improve the forest's function.
- protect the customary forest from forest and land fires.

### Members cannot:

- rent out the customary forest area to other parties.
- change the status and function of the customary forest.
- cut down trees in the customary forest area with protected forest function.
- use mechanical equipment in the customary forest with protected forest function.
- build facilities that could change the landscape in the customary forest with protected forest function.
- plant palm oil trees in the customary forest area.

## Links with climate change policies and targets

- In 2022, Indonesia's updated Nationally Determined Contribution under the Paris Agreement on climate change emphasized the role of social forestry in tackling climate change and its impacts:
  - It states that sustainable forest management, including social forestry, would contribute to Indonesia's unconditional target of reducing emissions of greenhouse gases by 31.9 percent, when compared to the business-as-usual scenario, by 2030.
  - It identifies social forestry among the steps Indonesia has taken to reduce emissions in the land-use sector and acknowledges the active participation of subnational governments, the private sector, small and medium-sized enterprises, civil society organizations, local and adat (customary) communities and women.
  - It includes social forestry among the programs for enhancing the resilience of ecosystems and landscapes to climate change. It highlights strategies for strengthening the engagement of local and customary communities in social forestry development, strengthening implementation of the landscape approach in social forestry and implementing environment-friendly technologies in social forestry.
- Customary forests and other forms of social forestry are integral to Indonesia's strategy for turning its forestry and land-use sector from a net emitter of carbon into a net sink by 2030. The Forestry and Land Use Net Sink 2030 Operational Plan emphasizes that social forestry can reduce the risk of deforestation and increase forest cover by resolving conflicts over land and protecting forest areas. It also refers to social forestry as a solution for improving forest areas by encouraging communities to implement agroforestry.

## Read more

- RECOFTC, *Special Report: How community forests boosted pandemic resilience across Asia-Pacific*, [www.recoftc.org/special-report/community-forestry-boosted-pandemic-resilience](http://www.recoftc.org/special-report/community-forestry-boosted-pandemic-resilience)
- RECOFTC, *Special Report: Communities are Improving Lives and Landscapes in Southeast Asia Through Social Forestry*, [www.recoftc.org/stories/special-report-communities-are-improving-lives-and-landscapes-southeast-asia-through-social](http://www.recoftc.org/stories/special-report-communities-are-improving-lives-and-landscapes-southeast-asia-through-social)
- Find out more about RECOFTC's work in Indonesia at [www.recoftc.org/indonesia](http://www.recoftc.org/indonesia)



We believe in a future where people live equitably and sustainably in and beside healthy, resilient forests. We take a long-term, landscape-based and inclusive approach to supporting local communities to secure their land and resource rights, stop deforestation, find alternative livelihoods and foster gender equity. We are the only non-profit organization of our kind in Asia and the Pacific. We have more than 30 years of experience working with people and forests, and have built trusting relationships at all levels. Our influence and partnerships extend from multilateral institutions to governments, private sector and local communities. Our innovations, knowledge and initiatives enable countries to foster good forest governance, mitigate and adapt to climate change, and achieve the Sustainable Development Goals of the United Nations 2030 Agenda.


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