

UNRAVELING INDONESIA'S PEATLAND POLICIES: IMPLICATIONS AND INCONSISTENCIES

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ABSTRACT

This article offers a legal perspective on the intricate web of Indonesian peatland policies, emphasizing their repercussions and inherent contradictions. Through an in-depth analysis of the legal frameworks and regulations governing peatland management in Indonesia, this study unravels the complexities and discrepancies present within these policies. It critically examines the repercussions stemming from these policies, shedding light on their unintended outcomes, including environmental, social, and economic ramifications. To address the complexities surrounding peatland policy in Indonesia, this article employs a multi-faceted legal research methodology. Primarily, it involves a doctrinal analysis, where relevant laws, regulations, and policies are systematically reviewed to identify inconsistencies and gaps. This study highlights the legal intricacies and challenges faced in implementing and enforcing peatland policy, ultimately seeking to propose a pathway for a more coherent, effective and harmonious legal framework to address the complexities of peatland management in Indonesia.

Keyword: legal perspective; peatland management; peatland policy; regulations.

INTRODUCTION

Indonesia, a country rich in biodiversity and natural resources, faces complex and urgent challenges in managing its vast peatland ecosystem¹. The importance of peatlands in environmental conservation and carbon sequestration, coupled with the need for land for agriculture, industry, and infrastructure development, has led to a constant struggle

¹ H Antarissubhi et al., *Krisis Iklim Global Di Indonesia (Dampak Dan Tantangan)*, ed. Arman Hidayat and Mursalim Ninoy La Ola (Makasar: CV Tohar Media , 2023).

between sustainability and short-term economic goals². In this context, the formulation and implementation of peatland policies is an important aspect of the environmental and socio-economic landscape³.

Peatlands in Indonesia, which are vital ecosystems and have global significance, have become a focal point of debate due to the intersecting interests of development and environmental sustainability⁴. Policies formulated to regulate the use and management of peatlands have been developed with the aim of achieving a balance between economic growth and preserving ecologically sensitive areas⁵. However, the implementation and impact of these policies often encounter impacts and contradictions.

Peatlands, which are an important component of Indonesia's ecological landscape, are at the center of a complex interaction between policy, sustainability and development interests⁶. Indonesia's peatlands, renowned for their ecological significance and carbon storage capacity, have become a focal point in global conversations about environmental conservation. However, the management and use of these landscapes is characterized by clashes between competing interests – those who support short-term development goals and others who emphasize the importance of long-term environmental sustainability⁷.

Despite the Indonesian government's efforts to enforce various regulations aimed at protecting and managing peatlands, this important ecosystem is still experiencing

² Wenny Ira Reverawaty and Muhammad Yusuf, "Analisis Implementasi Kebijakan Perlindungan Lahan Gambut Untuk Tanaman Pangan Berkelanjutan," *Jurnal Administrasi Dan Kebijakan Publik* 6, no. 1 (April 9, 2021): 42–64, <https://doi.org/10.25077/jakp.6.1.42-64.2021>.

³ Rika Reviza Rachmawati and Herlina Tarigan, "Inovasi Pertanian Dan Pemberdayaan Masyarakat Petani Di Lahan Gambut," *Forum Penelitian Agro Ekonomi* 37, no. 1 (2020): 77–94, <https://epublikasi.pertanian.go.id/berkala/fae/article/view/1125>.

⁴ Sondang Napitupulu and Bagus Mudiantoro, "Pengelolaan Sumber Daya Air Pada Lahan Gambut Yang Berkelanjutan," in *Annual Civil Engineering Seminar*, 2015, 330–37, https://d1wqtxts1xzle7.cloudfront.net/87556563/2919-libre.pdf?1655303602=&response-content-disposition=inline%3B+filename%3DPengelolaan_Sumber_Daya_Air_Pada_Lahan_G.pdf&Expires=1735802803&Signature=YKTNHlNGryK4VmdLZqud-hoFcSY0zDQH8idsFb2BUqpGqu2OP~M6AjPsNKigKiyoZ~~5hQWi0Vf2jKUppVETzyQL5l-f1U1voFoGcw58DEBr2qhe7FtS0FRzbdQWt~0~vJ2Q2MnELbtibYbDDrvUy0yrd1YjDP~87ruGHPjLFxXKQGUHJoFtU19zL894dw0hESV4hQIN6oKlkbXJAV70C6kL1eIH5s-nb9ijpxyEhvKrPu0Dbk~Q~YgGQ9a8fyMD1bw~MBbb0TCt5GcV3~-kvonClf5e8bO~oKGyMowAIRFBv0sBxISvJntkmVPPKKJ2rIYAifN7CeazqAT-SbHA__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA.

⁵ Andhi Prasetyo, "Analisis Kebijakan Moratorium Hutan Dan Lahan Gambut Di Indonesia," 2018, https://www.researchgate.net/publication/325282837_Analisis_Kebijakan_Moratorium_Hutan_Dan_Lahan_Gambut_di_Indonesia.

⁶ Rahayu Effendi, Hana Salsabila, and Abdul Malik, "Pemahaman Tentang Lingkungan Berkelanjutan," *MODUL* 18, no. 2 (November 22, 2018): 75–82, <https://doi.org/10.14710/mdl.18.2.2018.75-82>.

⁷ Jatna Supriatna, *Pengelolaan Lingkungan Berkelanjutan* (Jakarta: Yayasan Pustaka Obor, 2021).

serious damage⁸. Among the most significant policies is Government Regulation (PP) No. 71 of 2014, which serves as a foundational legal framework for the utilization and conservation of peatland ecosystems. This regulation was enacted to mitigate the accelerating damage to Indonesia's peatlands, which serve essential functions such as carbon storage and hydrological regulation. The regulation sets out provisions for maintaining peatland water table levels, implementing land-use zoning, and restoring degraded peatlands, with the broader aim of reconciling the need for economic development with environmental protection. This paradoxical situation raises critical questions regarding the effectiveness and implementation of these regulations, prompting an exploration of the underlying factors that contribute to the ongoing degradation of peatlands in Indonesia. Understanding the reasons behind this ongoing destruction is critical in designing more effective strategies for the conservation and sustainable management of this invaluable natural resource.

This regulatory framework was subsequently strengthened by Government Regulation No. 57 of 2016, which amended PP No. 71/2014 by introducing more stringent requirements. These include a mandated minimum water table depth of 0.4 meters for peatlands and tighter controls on exploitation of peatland areas for commercial purposes. Additionally, the regulation mandates comprehensive restoration efforts for damaged peatlands including rewetting, revegetation with native species, and fire prevention measure aimed at reducing greenhouse gas emissions. The amendment underscores the importance of long-term peatland conservation while addressing short-term economic imperatives.

In the increasing environmental awareness era and the urgent need to combat climate change, Indonesia's peatland policy has enormous significance not only for the country but also for the global community⁹. Peatland management in Indonesia is a multifaceted challenge, linked to complex legal dimensions that shape policies governing the use and conservation of peatlands¹⁰. This condition opens up an opportunity to

⁸ Myrna A Safitri, "Sinergi Adaptasi Kearifan Lokal Dan Pemberdayaan Hukum Dalam Penanggulangan Kebakaran Lahan Gambut Di Indonesia," *Bina Hukum Lingkungan* 4, no. 2 (2024): 198–215, <http://bhl-jurnal.or.id/index.php/bhl/article/view/111>.

⁹ Antarissubhi et al., *Krisis Iklim Global Di Indonesia (Dampak Dan Tantangan)*.

¹⁰ Mukhammad Fatkhullah, Iwed Mulyani, and Bambang Imawan, "Strategi Pengembangan Masyarakat Petani Lahan Gambut Melalui Program Tanggung Jawab Sosial Perusahaan: Analisis Pendekatan Penghidupan Berkelanjutan," *Journal of Social Development Studies* 2, no. 2 (October 29, 2021): 15–29, <https://doi.org/10.22146/jsds.2186>.

conduct an in-depth exploration of Indonesia's peatland policy from a legal perspective, with a focus on the impacts and contradictions inherent in the policy framework. PP No. 71/2014 and its amendment, PP No. 57/2016, provide a comprehensive legal framework for peatland conversation, yet contradictions arise in their implementation. Despite the clear regulatory requirements, such as maintaining a minimum water table and conducting peatland restoration, industries – particularly those in the plantation and forestry sectors – struggle to comply due to logistical and financial constraints. Moreover, inadequate monitoring and enforcement resources exacerbate these challenges.

Peatland management in Indonesia is at a crossroads between the importance of environmental conservation and urgent development needs. The complex web of policies governing peatland use presents a complex landscape characterized by a balance between sustainability and short-term development goals. As a result, the regulations, while well-intentioned, have failed to fully mitigate the degradation of peatlands, and in some cases, have contributed to worsening environmental conditions, such as increased fire risk. This highlights the critical gap between the intended policy goals and the realities of implementation, raising significant concerns about the effectiveness of current regulatory measures in protecting peatland ecosystem. This article explains the importance of a legal perspective in uncovering the complexity and contradictions in peatland policy in Indonesia. Because these policies significantly influence a country's ecological, social, and economic structure, an in-depth exploration of the legal basis of these policies is essential. Additionally, we explore the contradictions that exist in Indonesia's peatland policy, which is a reflection of the long-standing tension between preserving these invaluable ecosystems for future generations and meeting pressing development demands. Balancing peatland conservation with increased economic growth is a daunting task that requires a deep understanding of the legal intricacies and social implications¹¹.

This study seeks to highlight the challenges and opportunities posed by Indonesia's peatland policy from a legal perspective, with the ultimate aim of contributing to a more coherent, effective and harmonious legal framework for peatland management in Indonesia. This study explores the legal intricacies surrounding peatland policy in

¹¹ Tanda Pinem, "Kebakaran Hutan Dan Lahan Gambut: Kajian Teologi Ekofeminisme," *GEMA TEOLOGIKA* 1, no. 2 (October 31, 2016): 139–66, <https://doi.org/10.21460/gema.2016.12.219>.

Indonesia, with the aim of dissecting the complexities and inconsistencies in the legal framework¹². More importantly, this study explores the unintended consequences arising from these policies, which include environmental degradation, social impacts, and economic trade-offs¹³. Furthermore, this study also explains the contradictions inherent in these policies, which arise from challenges in aligning conservation interests with development goals.

This study seeks to provide insight into the complexities and challenges faced in the formulation and implementation of peatland policies in Indonesia. No less important is also to reveal a comprehensive understanding of the legal dimensions that shape policy and propose a path towards a more cohesive, effective and balanced legal framework for sustainable peatland management in Indonesia. Discussions revolved around the overarching conflict in existing policies, highlighting the struggle to find a balance between promoting sustainable practices and meeting pressing development demands. It also critically examines the existing legal framework, its implementation and enforcement, while identifying challenges and gaps that hinder a cohesive and effective peatland management approach in Indonesia. Ultimately, this study aims to propose potential pathways and recommendations for a more harmonious, balanced and robust legal framework in peatland governance, thus promoting a balance between conservation and development interests.

RESEARCH METHOD

This article employs a multi-faceted legal research methodology. Primarily, it involves a doctrinal analysis, where relevant laws, regulations, and policies are systematically reviewed to identify inconsistencies and gaps. This approach includes examining statutory texts, regulatory frameworks, and judicial interpretations to understand how they interact and affect peatland management. This study seeks to explore various legal aspects governing peatland policy in Indonesia, with a focus on the impacts and contradictions that exist within the legal and regulatory framework. Through a

¹² Muhammad Noor, *Debat Gambut; Ekonomi, Ekologi, Politik, Dan Kebijakan* (Yogyakarta: Gadjah Mada University Press, 2016).

¹³ Mitsuru Osaki et al., "Peatland in Indonesia," in *Tropical Peatland Ecosystems* (Tokyo: Springer Japan, 2016), 49–58, https://doi.org/10.1007/978-4-431-55681-7_3.

comprehensive analysis, this article aims to provide insight into the unintended consequences and complexities arising from the implementation and implementation of such policies. By exploring the legal intricacies and contradictions, this study aims to pave the way for more coherent, effective and balanced policies, taking into account the importance of environmental conservation and the need for sustainable development. The next section will delve into a detailed examination of these legal policies, highlighting their complexities, gaps and broader impacts on the environment and society.

RESEARCH OUTCOME AND DISCUSSION

In recent years, the Indonesian government has made significant efforts to build a comprehensive regulatory framework aimed at safeguarding and effectively managing the country's precious peatland ecosystem¹⁴. These regulations were developed with the main aim of protecting the environment, conserving biodiversity, and mitigating the adverse impacts of climate change¹⁵. Despite the government's laudable efforts, the situation on the ground paints a different picture. The paradox lies in the ongoing degradation and destruction of Indonesia's peatlands, prompting a critical examination of the factors that contribute to this ongoing challenge¹⁶.

Central to the regulatory framework governing peatlands is Government Regulation No. 57 of 2016, which outlines essential measures for the management and restoration of peatland ecosystems. This regulation established guidelines for land-use planning, conservation, and the restoration of degraded peatlands, emphasizing the need for integrated approaches that involves local communities. In addition to this regulation, various laws and policies – such as the Peatland Restoration Agency's mandate – play crucial roles in shaping peatland management practices. However, the effectiveness of these legal framework is often undermined by challenges such as insufficient enforcement, overlapping regulations, and limited engagement.

¹⁴ Zulkarnaini Zulkarnaini, Sujianto Sujianto, and Wawan Wawan, "Strengthening Community Social Capital In Peatland Management," *Sosiohumaniora* 25, no. 1 (March 6, 2023): 44, <https://doi.org/10.24198/sosiohumaniora.v25i1.36963>.

¹⁵ A. Felton et al., "How Climate Change Adaptation and Mitigation Strategies Can Threaten or Enhance the Biodiversity of Production Forests: Insights from Sweden," *Biological Conservation* 194 (February 2016): 11–20, <https://doi.org/10.1016/j.biocon.2015.11.030>.

¹⁶ Ashley M Enrici and Klaus Hubacek, "Challenges for REDD+ in Indonesia: A Case Study of Three Project Sites," *Ecology and Society* 23, no. 2 (2018): 1–19, <https://www.jstor.org/stable/26799084>.

This complex problem is examined more closely at the root of the problem, the effectiveness of existing regulations, and the complex interactions between environmental, socio-economic and political forces that are at the core of the peatland problem in Indonesia. In this exploration, a confusing question will be revealed: why do peatlands in Indonesia still face threats and degradation, even though there are many regulations governing them?

1. Complex Legal Framework in Peatland Management

Analysis of peatland policy in Indonesia shows a complex legal landscape characterized by diverse, and sometimes overlapping, regulatory frameworks¹⁷. This complexity can be caused by the complex interactions between national and regional regulations, as well as the involvement of various government agencies, which often results in gaps and gaps in policy implementation. This gap contributes to the challenges associated with peatland management. The overlapping regulatory frameworks can create confusion among stakeholders, complicating compliance and enforcement efforts. Additionally, the lack of coordination among agencies can result in fragmented approaches to conservation and restoration, undermining the overall effectiveness of peatland policies.

One important finding was the large number of regulatory inconsistencies, which hindered effective law enforcement. For example, land ownership and land use regulations often conflict with environmental protection laws¹⁸. This results in a lack of clarity regarding land ownership and land use practices, thereby increasing uncertainty in policy enforcement. An examination of Indonesia's peatland policy from a legal perspective has revealed the diverse impacts and contradictions inherent in the existing regulatory framework¹⁹. Many analyzes provide insight into the challenges and complexities faced in managing and managing peatlands in Indonesia, underscoring the need for a balanced approach that navigates the delicate balance between conservation

¹⁷ Albert Hasudungan, *Pengantar Ekonomi Lingkungan Dan Sumber Daya Alam (SDA) [Sumber Elektronik] : Konsep Dan Aplikasi Studi Kasus Di Indonesia* (Kabupaten Sleman: Deepublish Digital, 2023).

¹⁸ Happy Ariyanto, Ardiansyah Ardiansyah, and Bagio Kadaryanto, "Kepastian Hukum Pengelolaan Kawasan Konservasi Di Indonesia," *Legalitas: Jurnal Hukum* 15, no. 1 (July 4, 2023): 8–28, <https://doi.org/10.33087/legalitas.v15i1.381>.

¹⁹ Miftachul Hudha, Husamah, and Abdulkadir Rahardjanto, *Etika Lingkungan (Teori Dan Praktik Pembelajarannya)* (Malang: UMM Press, 2019).

and development interests. The impact of current policies is clearly visible in the environmental, social and economic fields.

From an environmental perspective, the undesirable impacts of these policies can be seen in ecological degradation, loss of habitat, and increased vulnerability to fire, thus contributing significantly to carbon emissions and loss of biodiversity. The social impacts of this policy are visible in communities that depend on peatland resources, often facing displacement, loss of livelihoods, and health problems due to environmental degradation. In addition, economic impacts arise from a misalignment between short-term development benefits and long-term sustainability of natural resources, resulting in potential economic instability and loss of ecosystem services.

The contradictions identified in these policies highlight the struggle to reconcile competing development and conservation goals. The tension between facilitating economic growth and ensuring sustainable land use practices presents a formidable challenge. The inherent conflict is evident in policies that prioritize short-term economic gains over the long-term environmental health of peatlands, thereby exacerbating the ecosystem's vulnerability.

Emphasis on the need for a more coherent, effective and harmonious legal framework to address the complexity of peatland management in Indonesia. To achieve this balance requires the integration of principles that uphold environmental sustainability while accommodating development needs. This could involve a comprehensive legal revision, incorporating a balanced approach that considers the value of peatland ecosystems from both economic and ecological perspectives. Collaborative efforts involving policymakers, local communities, and environmental experts are essential in formulating and implementing policies that balance conservation and development.

The gaps and challenges highlighted in Indonesia's peatland policy underscore the importance of a complete overhaul of the legal framework governing peatland management. First, inconsistent regulations create confusion. The coexistence of national and regional laws often leads to conflicting directives, making it difficult for stakeholders to comply. Second, there is a lack of coordination among government agencies. Multiple agencies, each with different priorities, result in fragmented approaches to management, diminishing overall effectiveness. Third, enforcement mechanisms are often insufficient.

Many regulations lack robust enforcement, leading to inadequate compliance. Weak penalties for violations reduce accountability and encourage unsustainable practices. Fourth limited stakeholders engagement is a significant issue. Current policies often neglect local communities, creating a disconnect between regulations and the realities faced by those who rely on peatland ecosystems. Finally, inadequate funding and resources hinder implementation. The lack of financial support limits the ability of organizations to restore and protect peatlands effectively.

A potential pathway to a more effective legal framework lies in an integrated and balanced approach that prioritizes sustainability while recognizing the need for socio-economic development²⁰. Recalibrating these policies requires a multi-stakeholder approach and a commitment to align development goals with the importance of preserving Indonesia's precious peatland ecosystems. An investigation of peatland policy in Indonesia from a legal perspective reveals a convoluted landscape characterized by diverse impacts and inherent contradictions. Analysis of the legal framework governing peatland management in Indonesia highlights several important findings, underscoring the complexity of the regulations and their far-reaching impacts.

2. Impact of Peatland Management Policy

The impact of peatland policy in Indonesia is very broad, not only covering the environmental sector, but also the social and economic sectors. Policies designed to regulate peatland management have produced unexpected results. One of the main environmental impacts is worsening environmental degradation, resulting in deforestation, loss of biodiversity, and increased vulnerability to forest fires²¹. For instance, the 2015 forest fires, which were exacerbated by the drainages of peatlands for palm oil plantations, burned millions of hectares of land and released large amounts of carbon into the atmosphere. These fires not only contributed to global warming but also severely impacted air quality across Southeast Asia, affecting millions of people.

²⁰ Wahyu Prihanta et al., "Pantai Taman-Pacitan Ecotourism Development: Conservation and Community Empowerment Orientation," *Journal of Community Service and Empowerment* 1, no. 1 (April 30, 2020): 1–16, <https://doi.org/10.22219/jcse.v1i1.11515>.

²¹ Meiki Permana, *Degradasi Lingkungan: Pendekatan Kajian Pembangunan Yang Berkelanjutan* (Makassar: Nas Media Pustaka, 2021).

Apart from that, socially, the impact can be seen in the displacement of traditional communities and the disruption of traditional ways of life. These policies have, in some cases, caused social unrest and conflict, particularly regarding land rights and access to resources. Traditional communities in Sumatra have faced dire consequences due to these practices. Their ancestral lands have been cleared for commercial agriculture, disrupting their traditional livelihoods and cultural practices. These communities rely on the peatland ecosystem for food, medicine, and materials, but the encroachment of plantations has diminished their access to these resources. Additionally, the loss of biodiversity due to habitat destruction threatens species like the Sumatran tiger, which is critically endangered. The traditional ecological knowledge of local communities is vital for the conservation of these species, yet their voices are often overlooked in policy discussions. The economic impact is also of the same magnitude, namely the conflict between short-term economic benefits and long-term ecosystem sustainability. Efforts to achieve economic development in the near term often come at the expense of environmental degradation, creating challenges for sustainable economic growth in the long term.

The impact of the current peatland policy is very large and has an impact on various aspects of Indonesian society²². The environmental impacts are clear, because policies that support short-term development goals often have negative impacts on ecosystems. Increasing deforestation, draining of peatlands for agricultural purposes, and land conversion for industrial purposes results in significant loss of biodiversity, habitat degradation, and increased greenhouse gas emissions. Degradation and conversion of peatlands leads to increased greenhouse gas emissions, loss of biodiversity, and increased vulnerability to fire during the dry season.

Policies that favor short-term economic development often fail to consider long-term ecological impacts, resulting in undesirable environmental consequences²³. The broad

²² Herpita Wahyuni and Suranto Suranto, "Dampak Deforestasi Hutan Skala Besar Terhadap Pemanasan Global Di Indonesia," *JiIP: Jurnal Ilmiah Ilmu Pemerintahan* 6, no. 1 (March 25, 2021): 148–62, <https://doi.org/10.14710/jiip.v6i1.10083>.

²³ Atmaezer H Simanjuntak and Rudy G Erwinsyah, "Kesejahteraan Petani Dan Ketahanan Pangan Pada Masa Pandemi Covid-19: Telaah Kritis Terhadap Rencana Megaprojek Lumbung Pangan Nasional Indonesia," *Sosio Informa* 6, no. 2 (2020): 184–204, https://www.researchgate.net/profile/Rudy-Erwinsyah/publication/347675898_Kesejahteraan_Petani_dan_Ketahanan_Pangan_pada_Masa_Pandemi_Covid-19_Telaah_Kritis_terhadap_Rencana_Megaprojek_Lumbung_Pangan_Nasional_Indonesia/links/5fec1c9d92851c13f

impact of these policies is most clearly visible in the environmental sector. Inconsistent or conflicting regulations have contributed to deforestation, loss of biodiversity, and increased risk of forest fires, resulting in damage to peatland ecosystems. These environmental problems, in turn, have widespread impacts on society, causing health hazards due to haze, population displacement, and economic instability in affected areas. It is clear that the dissonance between the primary goal of peatland conservation and the immediate goal of economic development has exacerbated these unintended consequences.

In addition, these policies have significant social and economic impacts. Displacement of local communities, loss of livelihoods, and land use conflicts emerge as social challenges. At the same time, the economic impact presents a dilemma of short-term gains versus long-term losses, as rapid economic development often comes at the expense of long-term sustainability. Economically, these policies show a paradoxical nature. While encouraging development, they also incur hidden costs in the form of environmental damage, health costs from diseases caused by smog, and long-term resilience to climate change. Economic benefits obtained in the short term often fail to offset losses incurred in the long term. The social impact is equally significant. Communities living in or near peatlands face livelihood challenges because policies that support economic development sometimes displace or disrupt traditional land use practices. These disorders contribute to social tension and conflict.

It is important to chart a future course that can address the complexities of peatland policy in Indonesia. Some pathways for developing a better legal framework include the need for comprehensive and integrated policies that bridge the gap between conservation and development goals. Regulatory clarity, inter-institutional coordination, and stakeholder involvement are fundamental components in achieving more effective policy implementation. A more centralized approach to policy formulation and implementation is needed, simplifying the governance framework and reducing inconsistencies.

Indonesia's peatland policy requires a comprehensive and balanced overhaul to resolve existing contradictions, mitigate unintended consequences, and provide a more

ed39b0e/Kesejahteraan-Petani-dan-Ketahanan-Pangan-pada-Masa-Pandemi-Covid-19-Telaah-Kritis-terhadap-Rencana-Megaprojek-Lumbung-Pangan-Nasional-Indonesia.pdf.

effective and harmonious regulatory landscape. Only through harmonization of sustainability and development goals can this important ecosystem be preserved for future generations while still contributing to the nation's economic prosperity. Achieving this balance is not only a legal challenge but also an environmental imperative, requiring coordinated efforts from policymakers, stakeholders and society as a whole to ensure the sustainability of Indonesia's peatlands.

3. Contradictions Inherent in Peatland Management Policies

Legal intricacies and implementation challenges make it difficult to implement peatland policies effectively²⁴. Regulatory inconsistencies, ambiguous interpretations, and decentralized government structures have created major obstacles to uniform and efficient policy implementation. First, different levels of government – national, provincial, and local – often have their own regulations regarding peatland management. For example, while the national government promotes conservation through regulations like Government Regulation No. 57 of 2016, regional authorities may prioritize economic development through policies that allow land conversion. This lack of alignment creates confusion and conflict in enforcement. Second, many peatland regulations contain vague language, leading to varied interpretations. Term like “sustainable management” or “protection” are often not clearly defined, resulting in differing applications by local officials. This ambiguity can lead to inconsistent practices accros regions, where one area may enforce stricter conservation measures while another allows for extensive land clearing. Finally, Indonesia’s decentralized governance alloes local governments significant authority over land-use decisions. While this can facilitate tailored approaches, it may also lead to uneven policy implementation. Some local governments may lack the capacity or resources to effectively enforce national regulations, resulting in disparities in how peatland policies are applied.

This inherent dichotomy leads to policy inconsistencies and challenges in effective implementation. Achieving a balance between short-term economic benefits and long-term environmental preservation remains a major challenge. Tensions between government departments, divergent stakeholder interests, and the lack of an integrated

²⁴ S. Monteverde et al., “Management and Rehabilitation of Peatlands: The Role of Water Chemistry, Hydrology, Policy, and Emerging Monitoring Methods to Ensure Informed Decision Making,” *Ecological Informatics* 69 (July 2022): 1–11, <https://doi.org/10.1016/j.ecoinf.2022.101638>.

and comprehensive policy framework were identified as significant obstacles to achieving a harmonized approach.

The contradictions in peatland policy in Indonesia stem from the struggle to balance conservation and development goals. On the one hand, there are policy variables that emphasize sustainability, preservation and protection of the ecological function of peatlands. On the other hand, there are variables that prioritize immediate development, often to increase the country's economic growth. This conflict creates a paradoxical situation in which short-term development interests often override long-term sustainability considerations.

To address the complexities and challenges of peatland management, a coherent and effective legal framework is essential. This framework should aim to harmonize policies, bridge gaps between conflicting regulatory frameworks, and place emphasis on a balanced approach that prioritizes development and sustainability. This should involve broad stakeholder engagement, allowing the voices of local communities, environmental organizations and industry players to contribute to policy development.

Moreover, overcoming the inherent contradictions in policy requires careful consideration of the trade-offs between short-term economic benefits and long-term environmental preservation. To achieve this balance, policy revision and alignment is needed to better reflect the principles of sustainable land use and ecosystem preservation. A legal perspective on peatland policy should underscore the need for a complete overhaul of the existing framework. Such changes should seek to harmonize conflicting regulations, reduce gaps, and focus on balancing conservation and development goals to create a more coherent, effective, and sustainable approach to peatland management in Indonesia.

Indonesia's peatland policy from a legal perspective finds many complexities and contradictions in the existing regulatory framework. Environmental conservation efforts often clash with short-term development goals, resulting in significant impacts that impact the ecological, social and economic fields. The contradictions inherent in these policies stem from the ongoing struggle to balance conservation interests with development aspirations. The legal framework, while emphasizing the value of sustainability, is also replete with provisions and practices that prioritize short-term

economic gain. This dichotomy results in a policy paradox where conservation and development goals conflict, leading to inconsistent and often conflicting implementation.

The identified contradictions reflect the challenges faced in developing and enforcing peatland policies that holistically address the intricacies of sustainable environmental management while encouraging socio-economic growth. The struggle to achieve a balance between conservation and development goals remains a major challenge. The urgency to address the intricacies and contradictions in Indonesia's peatland policy cannot be overstated. It is critical to establish a coherent, effective and harmonious legal framework that can reconcile the inherent conflicts between sustainability and development goals.

A balanced approach is fundamental to preserving the ecological significance of peatlands while meeting the country's socio-economic needs. In short, the proposed policy recommendations aim to lay the foundation for a more sustainable, fair and balanced peatland management approach, such as strengthen regulatory frameworks, enhance stakeholder engagement, improve enforcement mechanisms, provide training and resources, implement sustainable land-use Practices, increase funding for conservation, and establish monitoring and reporting systems. Addressing these challenges and implementing the proposed strategies will play an important role in shaping policies that not only safeguard the environment but also promote socio-economic prosperity for current and future generations.

4. Addressing Legal Intricacies and Pathways to Improve Peatland Management

To analyze the peatland issue from a legal perspective, it is important to investigate the complexity of the laws and regulations governing peatlands in Indonesia. By evaluating legal structures, regulations and their practical implementation, this analysis aims to highlight the impacts caused by these policies, in particular their broad impact on the environment, society and the economy. In addition, this method will reveal the contradictions that exist in these policies, which stem from the inherent conflict between conservation efforts and economic development efforts. This conflict often manifests as a trade-off between short-term profits and long-term environmental preservation.

The legal framework governing this important ecosystem has far-reaching impacts and inherent contradictions. There is a need for a comprehensive study of Indonesia's peatland policy from a legal perspective, which aims to explain the complex dynamics, complexities and unintended consequences within the regulatory framework. The aim is not only to reveal the complexities and unintended consequences of existing peatland policies, but also to provide insight into potential pathways to a more effective and balanced legal framework. By understanding the intricacies and challenges faced in implementing and enforcing these policies, more coherent, harmonious and sustainable peatland policy recommendations can be created in the Indonesian context.

Peatland policy enforcement faces many complexities and legal challenges²⁵. These include issues related to resource allocation, coordination between government agencies, and a lack of clarity in land ownership, which contribute to difficulties in implementing and enforcing policies²⁶. In addition, compliance problems and gaps in law enforcement also arise due to limited resources and capacity at the regional level, as well as ambiguity in regulatory mandates. To overcome the identified complexities and challenges, several paths to improving peatland policy in Indonesia can be taken. The proposals include increasing policy coherence by integrating environmental, social and economic considerations in a unified framework.

This integrated approach will aim to develop a more balanced strategy that recognizes the importance of sustainable peatland management while recognizing the need for economic development. In addition, it is important to increase the involvement of stakeholders, including local communities and non-governmental organizations, in the policy formulation process. Collaborative efforts, with transparent communication and inclusive decision-making processes, can increase policy legitimacy and effectiveness.

It is also necessary to emphasize the urgent need for a more coherent, effective and harmonious legal framework to address the intricacies of peatland management in Indonesia²⁷. Such an approach aims to reconcile the conflict between short-term

²⁵ Murdiyarso D. et al., "Moratorium Hutan Indonesia: Batu Loncatan Untuk Memperbaiki Tata Kelola Hutan?," 2011, <https://doi.org/10.17528/cifor/003631>.

²⁶ M. Nazir Salim and Westi Utami, *Reforma Agraria, Menyelesaikan Mandat Konstitusi: Kebijakan Reforma Agraria Dan Perdebatan Tanah Objek Reforma Agraria* (Yogyakarta: STPN Press, 2019).

²⁷ Atang Hermawan Usman, "Kesadaran Hukum Masyarakat Dan Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia," *Jurnal Wawasan Yuridika* 30, no. 1 (2014): 26–53, <https://ejournal.sthb.ac.id/index.php/jwy/article/view/74>.

development and long-term sustainability, encouraging a balanced policy landscape that preserves the ecological significance of peatlands while supporting socio-economic development²⁸. Addressing this complexity requires a multifaceted approach. Reforming existing policies requires a harmonized framework that encompasses environmental issues, community needs, and economic development. A shift towards comprehensive policies that align short-term economic goals with long-term environmental sustainability is critical.

Additionally, integrating indigenous perspectives, scientific insights, and community participation in policy formulation and implementation is critical. An inclusive approach can encourage the creation of a more coherent, effective and sustainable legal framework for peatland management in Indonesia. The comprehensive legal perspective on Indonesian peatland policy presented in this research has explained the intricacies, impacts and contradictions inherent in the regulatory landscape. Analysis of these policies shows that, although well-intentioned, they have given rise to a complex set of challenges, often producing undesirable outcomes with significant environmental, social and economic impacts.

CONCLUSION

Indonesia's peatland legal policy highlights the urgent need for a more coherent, effective and balanced peatland management approach. An examination of the legal framework governing this important ecosystem has revealed that the landscape is riddled with complexity, gaps, and unintended consequences. The identified impacts of current policies, spanning the environmental, social and economic domains, underscore the need for urgent action. Environmental impacts, such as increased deforestation, loss of biodiversity, and increased risk of forest fires, further exacerbate social and economic challenges, including health hazards, displacement, and economic instability in affected regions. These consequences underscore the importance of re-evaluating and recalibrating existing policies to mitigate adverse impacts and promote sustainable peatland management.

²⁸ Felix Ekardt et al., "Peatland Governance: The Problem of Depicting in Sustainability Governance, Regulatory Law, and Economic Instruments," *Land* 9, no. 3 (March 14, 2020): 83, <https://doi.org/10.3390/land9030083>.

The contradictions inherent in these policies, arising from the conflict between conservation interests and development goals, pose significant challenges. Balancing short-term economic benefits with long-term interests in environmental sustainability remains an important struggle in policy formulation and implementation. Additionally, the complexity and challenges in implementing these policies, characterized by regulatory inconsistencies, decentralized governance structures, and inadequate coordination, require urgent attention. Increasing regulatory clarity, fostering inter-agency collaboration, and strengthening stakeholder engagement are important steps towards a more effective and efficient governance framework.

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