



Policy on Non-Timber Forest Products in the Tourism Sector Based on Utilitarianisme

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Abstract (Bahasa Inggris)

Non-Timber Forest Products or Non-Timber Forest Products (HHBK) from forests other than timber in the area are considered very important. The issue of NTFPs in the environmental services sector in the form of ecotourism needs to be explicitly regulated in law, only in terms of Administration. The NTFP policy is only regulated by the Ministry of Environment and Forestry, so Indonesia needs regulations for higher-level ecotourism NTFPs hierarchically. The policy regulating NTFPs and strengthening NTFPs in NTFP products should be considered essential and have significant benefits for state and regional income. Therefore, the potential of NTFPs for large forest areas can be exploited and utilized by communities within forest areas. So, the central and regional governments must refocus on utilizing NTFPs in state forests and forests managed by communities in the regions. The problem raised by the author is how to analyze the Non-Timber Forest Products Policy in Natural Resource Management in Indonesia Based on Legal Benefits. This research method is normative legal research by examining policy regulations by the Government in managing forest natural resources. The approach used is the statute approach and the concept approach. Data analysis in this research examines primary, secondary, and tertiary legal materials, which are then analyzed using descriptive qualitative methods to describe the results obtained in this study.

Keywords:

*Non Timber Forest Products;
Tourism Sector; tilitarianisme*

Abstrak (Bahasa Indonesia)

Non Timber Forest Products atau Hasil Hutan Bukan Kayu (HHBK) dari hutan selain kayu di daerah di rasa sangat penting. Persoalan HHBK dalam sektor jasa lingkungan berupa ekoturisme tidak secara spesifik diatur di dalam undang-undang, hanya dari segi administrasi kebijakan HHBK hanya diatur Kementerian Lingkungan Hidup Dan Kehutanan sehingga secara hierarki Indonesia tidak memiliki pengaturan terhadap HHBK ekoturisme yang lebih tinggi. Padahal kebijakan pengaturan

terhadap HHBK dan penguatan HHBK di bidang produk HHBK saat ini seharusnya dianggap penting dan memiliki manfaat yang besar bagi pemasukan negara dan daerah. Oleh sebab itu, potensi HHBK bagi daerah yang memiliki wilayah hutan yang luas dapat dimanfaatkan dan didayagunakan bagi masyarakat-masyarakat yang masuk dalam kawasan hutan. Sehingga pemerintah pusat maupun pemerintah daerah harus kembali fokus dalam memanfaatkan HHBK baik dalam hutan negara maupun hutan yang dikelola oleh masyarakat di daerah-daerah. Permasalahan yang diangkat oleh penulis adalah bagaimana analisa Kebijakan Non Timber Forest Products dalam Pengelolaan Sumber Daya Alam di Indonesia Berbasis Kemanfaatan Hukum. Metode penelitian ini merupakan penelitian hukum normatif dengan mengkaji peraturan-peraturan kebijakan oleh pemerintah dalam pengelolaan sumber daya alam hutan. Pendekatan yang digunakan adalah pendekatan undang-undang (statute approach) dan pendekatan konsep (concept approach). Analisis data dalam penelitian ini dengan mengkaji bahan hukum primer, sekunder dan tersier yang kemudian dianalisis dengan deskriptif kualitatif untuk menggambarkan secara jelas hasil yang di dapat dalam kajian ini.

INTRODUCTION [Times New Roman 12 pt, 1.25 space, Bold]

Sustainable policies and the efficient use of natural material resources are targets of the Sustainable Development Goals (SDGs), covering the entry points needed to promote responsible consumption and production. On the United Nations agenda, one of the SDGs indicators is the 15th target, which contains protecting, restoring, and supporting the sustainable use of terrestrial ecosystems, sustainably managing forests, combating desertification, halting and reversing soil degradation, and halting biodiversity loss.¹

According to the latest 2019 data, Indonesia's forests also produce Non-Timber Forest Products (HHBK), which can be used for various purposes, such as food ingredients, medicines, spices, craft materials, etc. For example, based on the "2019 Forestry Production Statistics" published by the Central Bureau of Statistics (BPS), bamboo is the most produced commodity, with 17.1 billion sticks in 2019. The second largest production of rattan is 1.1 billion sticks. Third, honey, namely 498 million liters. The fourth and fifth largest commodities were sago and pine resin, amounting to 458 million tons and 113 million tons, respectively. After that followed other commodities, namely eucalyptus leaves (46.9 million tons),

¹ Hesti Lestari Tata dkk., *Pengembangan Hasil Hutan Bukan Kayu Indonesia untuk Mendukung Bunga Rampai Sustainable Development Goals* (Bogor: IPB Press, 2019), hlm.2.

Gondorukem (22.2 million tons), rubber latex (14.9 million tons), mushrooms (13.6 million tons), and eucalyptus oil (7.6 million tons).²

The role of forests in the SGD goals, which emphasize poverty alleviation, can be demonstrated by implementing social forestry programs. Social forestry is intended for communities living around forest areas that depend on the existence of forest resources. The expected impacts of the social forestry policy include reducing poverty through increasing income, providing new economic sources, increasing the added value of forest product production, developing new community-based business units, increasing land-based community investment (landscape), increasing people's purchasing power/power competitiveness, and creating industry in order to increase exports, realize sustainable forest management, reduce tenurial conflicts, and reduce unemployment through, creating new jobs in villages from the production business chain.³

The Indonesian Government's commitment to achieving the SDGs is reflected in Presidential Regulation 59 of 2017 concerning achieving the SDGs, which consists of the economic, social, environmental, and promising governance sectors. As many as 25,800 of the 80,000 villages in or around forest areas have clarified their status. 1.73 million ha was also given to 390,000 households. This uplifted around 1.2 million poor people out of 10 million in and around the forest. For SDGs targets in employment and economic growth, the Ministry of Environment and Forestry focuses on developing ecotourism in 54 National Parks in Indonesia. Apart from that, legal access to forest management is provided through Social Forestry to strengthen food security. To achieve the SDG's target of maintaining sustainable production, Indonesia, through the Ministry of Environment and Forestry, has innovated by creating a Sustainable Production Forest Management Information System (SIPHPL).⁴

Based on the above, the utilization of forest areas is not only in the form of logging forests by taking wood, but utilization can be done by taking Non-Timber Forest Products (HHBK), namely all goods/materials taken or harvested other than wood from natural ecosystems, plantation forests, and used for household purposes or marketed. The existence

² Hanna Farah Vania, "Bambu Jadi Hasil Hutan Bukan Kayu Terbanyak pada 2019," databoks, 2021, <https://databoks.katadata.co.id/datapublish/2021/06/08/bambu-jadi-hasil-hutan-bukan-kayu-terbanyak-tahun-2019>.

³ HIMABA FKT UGM, "Peran Hutan dalam Mendukung Sustainable Development Goals," 2023, <https://himaba.fkt.ugm.ac.id/2023/05/23/peran-hutan-dalam-mendukung-sustainable-development-goals/>.

⁴ Djati Witjaksono Hadi, "Negara-negara FAO Apresiasi Kebijakan Pemerintahan Jokowi di Bidang Kehutanan," Kementerian Lingkungan Hidup dan Kehutanan, 2020, https://ppid.menlhk.go.id/siaran_pers/browse/1353.

of NTFPs provides social, cultural, economic, and environmental benefits for all levels of society.⁵

According to Sumadiwangsa and Wirawan, the classification of types and categories of non-timber forest products can include forest services, namely water, air (oxygen), recreation/ecotourism, and natural ecosystem support. Recreation/ecotourism is the use of forests through ecotourism, a tourism activity that utilizes the potential of natural resources by involving the potential of communities living in the surrounding areas. A broader definition of ecotourism is given by the Tourism Culture Department and WWF (2009), namely travel by a tourist to a remote area to enjoy and learn about the nature, history, and culture of an area, where the tourism pattern helps the local community's economy and supports nature conservation. Permendagri No. 23 of 2009 concerning guidelines for developing ecotourism in regions states that ecotourism is responsible natural tourism activities in regions that pay attention to the elements of education, understanding, and support for natural resource conservation efforts, as well as increasing the income of local communities. Ecotourism is often also called ecotourism, but ecotourism places greater emphasis on the unique aspects of local communities' ecological, ecosystem, and socio-cultural potential. The two main components of ecotourism are the potential of natural resources and communities around the forest, both socio-cultural potential and the potential of spiritual value systems.⁶

The economic value of using NTFPs is much greater than wood and does not cause forest damage, so it will not result in the loss of forest functions and service values. Seeing this, NTFPs provide multipurpose benefits for the community, especially local communities around the forest. Forest management needs to be carried out to provide adequate employment opportunities and provide access for communities around the forest to collect NTFPs. The agroforestry land use pattern is an alternative for local communities around the forest to utilize NTFPs by using fields as a supporting environment for tree growth. The agroforestry system is expected to increase income and provide employment opportunities, as well as cultural values in rural areas and natural tourism, which has excellent potential.⁷

The Constitution mandates the utilization of natural resources for the greatest prosperity of the people. However, such utilization must be based on the principle of justice

⁵ Dian Diniyati dan Budiman Achmad, "Kontribusi Pendapatan Hasil Hutan Bukan Kayu Pada Usaha Hutan Rakyat Pola Agroforestri Di Kabupaten Tasikmalaya," *Jurnal Ilmu Kehutanan* 9, no. 1 (2016): 23–31, <https://doi.org/10.22146/jik.10181>.

⁶ *ibid.*, hlm. 277.

⁷ Mohamad Iqbal dan Ane Dwi Septina, "Pemanfaatan Hasil Hutan Bukan Kayu Oleh Masyarakat Lokal Di Kabupaten Sanggau, Kalimantan Barat," *Jurnal Penelitian Ekosistem Dipterokarpa* 4, no. 1 (2018): 19–34, <https://doi.org/10.20886/jped.2018.4.1.19-34>.

to improve all people's welfare. Through the social forestry scheme, communities around the forest can collect and utilize NTFPs. Sustainable NTFP management pays attention to the balance of production and consumption, managed with environmentally friendly technology. NTFPs are multifunctional commodities because they produce various benefits. The technology for processing waste or waste products is available, and the existence of technology will ultimately support a circular economy. A circular economy is an alternative to the traditional economy that acts linearly. A circular economy maintains HBK and NTFP resources as long as possible, where the product materials can be reprocessed using the principles of reuse and recycling to increase added value and reduce waste. This circular economy aligns with one of the SDG targets, namely sustainable production and consumption patterns.⁸

However, there are still problems regarding the exploitation of NTFPs, of course, the same as the exploitation of other forest products, namely that there are targeted regulatory funds to support the exploitation activities. Currently, the exploitation and utilization of NTFPs have limited regulations. In the exploitation of NTFPs, reaching for every commodity that will be regulated in the regulations is impossible. These regulatory limitations result in limited sources of information on distribution, potential, and appropriate technology in the utilization of NTFPs. Then, access to capital is difficult. Each NTFP business activity has its challenges, including demanding access to capital so that the increase and development of non-timber forest product commodity businesses are hampered, the level of processing technology in remote locations often has difficulty obtaining supporting facilities in the application of the technology, to assist access to marketing and guidance in areas where widely spread and separated because geographical conditions are challenging to do.⁹

Environmental management provides economic, social, and cultural benefits. It needs to be carried out based on the principles of precaution, environmental democracy, and decentralization, as well as recognition and respect for local wisdom and environmental wisdom so that Indonesia's environment must be protected and managed well based on the principle of responsibility the state, the principle of sustainability, and the principle of justice.¹⁰

Bentham argued that nature provides both happiness and distress. Humans always try to increase their happiness and reduce their suffering. Good is happiness, and evil is trouble.

⁸ Hesti Lestari Tata dkk., *Op.Cit.*, hlm. 7.

⁹ Zega Hutan, "6 Masalah Pengusahaan Hasil Hutan Bukan Kayu," 2022, <https://www.zegahutan.com/2022/09/6-masalah-pengusahaan-hasil-hutan-bukan.html>.

¹⁰ Shira Thani, "Peranan Hukum Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup," *Warta Dharmawangsa*, no. 51 (2017): 1–7, <https://doi.org/10.46576/wdw.v0i51.240>.

There is a close connection between good and evil and happiness and distress. The task of the law is to maintain reasonable and prevent evil. Strictly speaking, maintaining usability.¹¹

Utilitarianism (Utilism) also believes that the purpose of law is for the benefit of all people. However, we must also realize that providing benefits to everyone is a dream. For this reason, the aim of this law has been achieved if the benefits can be felt by as many people as possible (the greatest happiness for the most significant number of people).¹²

Reflecting on the description above, NTFPs from forests other than timber in the area are considered very important. NTFPs are not specifically regulated in law, only in terms of Administration; the NTFP policy is only regulated by the Ministry of Environment and Forestry, so hierarchically, Indonesia still needs regulations for higher NTFPs. As a developing country, Indonesia's Government has been quite active in regulating the tourism sector (as seen from the increase in per capita income). Gross National Income in developed countries is around US\$ 12,375, while Indonesia has only reached US\$ 3,840 per capita. With a per capita income of that size, Indonesia is still a middle-income country.¹³ Also, it has exceptional attention to the development of the tourism industry, which is expected to spur economic growth in Indonesia and the surrounding community. It also aims to introduce and care for Indonesia's nature and culture and strengthen national and international brotherhood.¹⁴

Regulatory policies on NTFPs and strengthening NTFPs in NTFP products should be considered essential and have significant benefits for state and regional income, especially in correlation with the natural tourism sector. Therefore, the potential of NTFPs for large forest areas can be exploited and utilized by communities within forest areas. So, the central and regional governments must refocus on utilizing NTFPs in state forests and forests managed by communities in the regions. The problem raised by the author is how the Non-Timber Forest Products Policy in Natural Resource Management in Indonesia is Based on Legal Benefits.

RESEARCH METHODS

This research method is a normative legal research by examining government policy regulations in the management of non-timber forest product forest natural resources.

¹¹ Serlika Aprita dan Rio Adhitya, *Filsafat Hukum* (Depok: PT. RajaGrafindo Persada, 2020), hlm. 105.

¹² Ramlani Lina Sinaulan, *Buku Ajar Filsafat Hukum* (Yogyakarta: Zahir Publishing, 2020), hlm. 80.

¹³ Revita Yuni, Pasca Dwi Putra, dan Dedi Lanova Hutabarat, "Sinergi Indonesia Menuju Negara Maju," *Prosiding WEBINAR Fakultas Ekonomi Unimed "Strategi Dunia Usaha Menyikapi Status Indonesia Sebagai Negara Maju: Pra dan Pasca Covid-19,"* 2020, 35–42.

¹⁴ H. Oka A. Yoeti, *Dasar-dasar Pengertian Hospitality dan Pariwisata* (Bandung: Alumni, 2010), hlm. 125.

Collection of legal materials in the form of primary legal materials, secondary legal materials and tertiary legal materials related to the theory of utility, especially the theory of utilitarianism.

The approach used is a statutory approach and a concept approach by reviewing and analyzing all statutory regulations or regulations relating to the legal issues being handled.¹⁵ The analysis of the data in this study was by examining primary, secondary and tertiary legal materials relating to policies for the management of non-timber forest products which were then analyzed using a qualitative descriptive method to clearly describe the results obtained in this study.¹⁶

RESULTS AND DISCUSSION

Management of Non-Timber Forest Products in the Natural Tourism Sector in Indonesia

According to the World Tourism Organization (2020), tourism is the third largest economic sector in the world economy. About 7% of world trade is contributed by the tourism sector. According to Forbes' data, during the first ten months of the COVID-19 pandemic, there has been a loss of USD 935 billion worldwide. (At et al., 2021: 41) However, currently, people's mobility is gradually recovering, and the Government's efforts to re-promote Indonesian tourism will encourage the growth and development of the industry.¹⁷

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Tourism development is the development of a tourism destination area, and tourism activities are also said to have a multiplier effect, where tourism activities involve many elements and have a positive impact on various elements and have an essential role in several aspects, namely economic and social aspects. And cultural as well as aspects of the natural

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi* (Jakarta: PT. Kharisma Putra Utama, 2016), hlm. 137.

¹⁶ Nanang Martono, *Metode Penelitian Kuantitatif: Analisis Isi dan Analisis Data Sekunder (sampel halaman gratis)* (RajaGrafindo Persada, 2010), hlm. 63.

¹⁷ Bank Indonesia, "Laporan Perekonomian Indonesia Tahun 2020," 2020, https://www.bi.go.id/id/publikasi/laporan/Documents/LPI_2020.pdf.

¹⁸ H. Oka A. Yoeti, *Op.Cit.*, hlm. 125.

environment. From an economic aspect, it can drive the economy and increase the country's foreign exchange earnings, regional original income, and local community income.¹⁹

Apart from that, from a welfare state perspective, the existence of the tourism sector can also empower the community's economy, increase business opportunities, encourage environmental sustainability, increase the development of other sectors, introduce national and local products in order to improve community welfare and most importantly, absorb labor and increase employment opportunities for the community.²⁰ Therefore, what the state is doing is solely a manifestation of the ideals of a welfare state, which is the goal of the Indonesian state in managing and organizing the economy so that it can carry out its responsibilities to ensure the availability of essential welfare services at the highest level, particularly for its citizens.²¹

According to Law of the Republic of Indonesia Number 41 of 1999 concerning Forestry, it is explained that forest products are biological, non-biological objects and their derivatives, as well as services originating from forests. In the explanation, it is stated that biological forest products can be in the form of (a) vegetable forest products and their derivatives such as wood, bamboo, rattan, grasses, mushrooms, medicinal plants, resins, and others, as well as parts of plants or other produced by plants in the forest and (b) animal forest products and their derivatives such as wild animals and their captive bred animals, game animals, beautiful animals, and other animals and their parts or what they produce.

However, according to the author, he believes that in the law above, the definition of HHKB does not broadly include the use of non-timber forest products because it does not include ecotourism or nature tourism by utilizing tourism, which can make a significant contribution to other than those mentioned above. HHKB, in the form of biological and animal wealth, supports income because the target consumers are domestic and foreign tourists.

In another dimension, according to the author's research, there are no joint regulations between the Tourism Ministry and the Environment and Forestry Ministry regarding the use of HHKB. For example, according to Sónia M. Carvalho Ribeiro et al., the Government and Amazon tourism destination drivers have carried out initiatives to promote ecotourism

¹⁹ Mohamad Ridwan dan Windra Aini, *Perencanaan Pengembangan Daerah Tujuan Pariwisata* (Yogyakarta: Deepublish, 2019), hlm. 2.

²⁰ Arif Nurhadi Didik, "Tinjauan Geografis Pengembangan Objek Wisata Goa Pindul Dan Pengaruhnya Terhadap Kehidupan Sosial Ekonomi Masyarakat Sekitar" (Thesis, Jawa Tengah Klaten, Universitas Widya Darma, 2016), hlm. 34.

²¹ V Simatupang, *Hukum Kepariwisata Nasional Berbasis Ekspresi Budaya Tradisional Menuju Negara Kesejahteraan* (Bdndung: PT. Alumni, 2015), hlm. 40.

(associated with experiences in the wild), CBT community-based tourism (associated with the involvement of tourists in the daily life activities of the community) and tourism. Community (providing knowledge about local livelihoods but not including tourists in the lifestyle of indigenous communities) is a part of NTFPs that can provide financial benefits.²²

According to Eric T. Jones et al., when countries bear greater responsibility for each other in regulating trade, production, and consumption, these activities have direct or indirect impacts beyond the boundaries of certain countries included in international regulation. Environmental protection and trade have significant implications for the conservation and marketing of NTFPs in the long term. However, the problem in various countries is that it needs to be clarified how well environmental and trade regimes can be integrated.²³

Referring to the explanation above, even though the two ministries above have a strong relationship in the use of HHKB. In addition to the Law of the Republic of Indonesia Number 41 of 1999 concerning Forestry, the elucidation of Article 26 paragraph 1 states that utilization of environmental services in protected forests is a form of business that utilizes the potential of environmental services by not damaging the environment and reducing its main functions, such as:

- a. use for nature tourism,
- b. water use, and
- c. utilization of beauty and comfort.

Then, Republic of Indonesia Government Regulation Number 6 of 2007 concerning Forest Management and Preparation of Forest Management Plans and Forest Utilization Jo. The Republic of Indonesia Government Regulation Number 3 of 2008 is an implementing regulation of Law Number 41 of 1999 concerning Forestry to regulate forest utilization. Forest utilization is an activity to utilize forest areas, environmental services, timber, and non-timber forest products, and collect timber and non-timber forest products optimally and fairly for the community's welfare while maintaining sustainability. Forest utilization aims to obtain optimal, fair, and sustainable benefits of forest products and services for the welfare of society. Forest utilization can be done through the following activities: a. area utilization; b.

²² Sónia M Carvalho Ribeiro dkk., "Can multifunctional livelihoods including recreational ecosystem services (RES) and non timber forest products (NTFP) maintain biodiverse forests in the Brazilian Amazon?," *Ecosystem Services* 31 (2018): 517–26, <https://doi.org/10.1016/j.ecoser.2018.03.016>.

²³ Edited by Eric T. Jones, Rebecca J. McLain, dan James Weigand, *Nontimber Forest Products In The United States* (United States: University Press of Kansas, 2021), hlm. 30.

utilization of environmental services; c. utilization of timber and non-timber forest products; and D. collection of timber and non-timber forest products.²⁴

The above is in line with the utilization of every tourist destination in Indonesia because each tourist destination has different attractions according to their capabilities or potential. There are tourist attractions that are usually displayed in tourist destinations, including natural tourist attractions, all forms of attraction possessed by nature, for example, seas, beaches, mountains, lakes, valleys, hills, waterfalls, canyons, rivers, and forests. However, a distinction must still be made between nature tourism and forest conservation. Converting natural forests to plantation forests means replacing biodiversity with one or two types of forest plants, which have lower conservation benefits. In addition, converting natural forests to plantation forests also means changing the status of forest ownership from shared forests to forests managed by individuals, groups, or companies. This reduces the welfare of rural communities that can no longer collect NTFPs.²⁵

Ecotourism will be successful and beneficial to local communities both economically, socially, and environmentally if it can combine the natural potential of a protected forest area, the social aspects of the local community, and the participation of the local community, both as actors and organizers of the ecotourism activity itself. As stated by Trisurat, he underlined that ecotourism will only work if local people benefit from ecotourism activities and are fully involved in these activities. Ecotourism will only work if the local communities benefit from it and are fully involved in its management. Furthermore, it is said that specifically for areas or buffer forest areas with unique values and borders with other areas, the Trans Boundary method Conservation Area or TBCA is a suitable pattern to be developed.²⁶

The problem in forest utilization is that the access given by rights or permit holders to communities to use shared forest areas often results in tenure conflicts. Initially, the community was given access to jointly utilize the forest, such as seasonal cultivation, but because they felt it was suitable to plant crops in this area, the community, which was supposed to cultivate seasonally, did not move and sacrificed forest plants, especially if it had been done for generations. Agricultural areas will lead to ownership claims and tenure disputes. Many forestry laws and regulations are not harmonious, not synchronized, and not

²⁴ Badan Pembinaan Hukum Nasional, "Inventarisasi Permasalahan dan Peraturan Perundang-Undangan di Bidang Kehutanan," 2023, https://bphn.go.id/data/documents/ae_ttg_kehutanan.pdf.

²⁵ Triyono Puspitojati, "Persoalan Definisi Hutan dan Hasil Hutan dalam Hubungannya dengan Pengembangan Hhbk melalui Hutan Tanaman," *Jurnal Analisis Kebijakan Kehutanan* 8, no. 3 (2011): 210–77, <https://doi.org/10.20886/jakk.2011.8.3.210-227>.

²⁶ Wahyudi, *Op.Cit.*, hlm. 278.

comprehensive, which ultimately gives rise to various disputes and conflicts in the field, which bring harm not only to the Government and entrepreneurs but also to the community, especially people who live in and around forests. Therefore, it is necessary to synchronize and harmonize all laws and regulations in the forestry sector. This legal harmonization study was developed to show that there is diversity in the world of law, government policy, and the relationship between the two, which can result in disharmony.²⁷

Looking at the conditions above, it can be seen that policies consist of two types, namely permanent policies or regulatory policies, which are implemented in various forms of implementing regulations from regulations of a higher level, and policies that are not permanent, namely those which are easily changed in order to follow development. In this regard, legal harmonization can begin by aligning and harmonizing each statutory regulation's goals, strategies, and guidelines through efforts at legal interpretation, legal construction, legal reasoning, and providing rational arguments while still paying attention to the legal system and principles—applicable law.²⁸

So, through efforts to align, harmonize, and adapt various legal harmonization activities. Likewise, inconsistencies in imposing sanctions for law violations give rise to legal disharmony, which must be harmonized through legal harmonization and harmonization activities.²⁹

Non-Timber Forest Products Policy in Tourism Management in Indonesia Based on Legal Benefits

Tourism management in Indonesia based on legal benefits is first seen from Bentham's view, which departs from his incredible attention to individuals. He wants the law first to guarantee happiness to individuals, not directly to society. Nevertheless, Bentham does not deny that in addition to individual interests, it is necessary to pay attention to the interests of society. In order to avoid clashes, individual interests in the pursuit of maximum happiness are limited. If not, there will be *homo homini lupus* (humans become wolves for other humans).³⁰

Individual interests can be interpreted as a policy issued by the government (as an individual/executive) in carrying out its programs. Even though the government is trying to

²⁷ Suhartono, "Harmonisasi Peraturan Perundang-Undangan Dalam Pelaksanaan Anggaran Belanja Negara" (Disertasi, Depok, Universitas Indonesia, 2011), hlm. 94.

²⁸ Conie Pania Putri, *Arah Politik Hukum Nasional: Aktualisasi Perkembangan Politik Hukum Sebagai Strategi Arah Pembangunan Nasional* (Jakarta: PT. Kaya Ilmu Bermanfaat, 2022), hlm. 157.

²⁹ "Ruang Lingkup Harmonisasi Hukum," *suduthukum.com* (blog), 2017, <https://suduthukum.com/2017/10/ruang-lingkup-harmonisasi-hukum.html>.

³⁰ Sukarno Aburaera, Muhadar, dan Maskun, *Filsafat Hukum* (Jakarta: Kencana, 2017), hlm. 112.

provide regulations so that people can get references in acting, regulations that provide benefits that will be felt by the community are very important to fulfill their happiness.

Referring to the theory of utility put forward by Lon Fuller in his book *The Morality of Law*, he proposes 8 (eight) principles that must be fulfilled by law, which if they are not fulfilled, then the law will fail to be called law, or in other words there must be legal certainty, The eight principles are as follows:³¹

- a. A system consisting of regulations not based on heretical decisions for some issues;
- b. The regulation is announced to the public;
- c. It does not apply retroactively because it will damage the integrity of the system
- d. Made in a formulation that is understood by the public;
- e. There must be no conflicting regulations;
- f. Must not demand an action that exceeds what can be done;
- g. May not be changed frequently;
- h. There must be conformity between regulations and daily Implementation.

Constitutionally, the second and fourth amendments to the 1945 Constitution have included new provisions related to environmental management and utilization of natural resources, namely Article 28H paragraph (1) and Article 33 paragraphs (4) and (5) of the 1945 Constitution. Article 28H paragraph (1) states that "everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and has the right to obtain health services." Article 33, paragraph 4 of the 1945 Constitution, "The national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity." Meanwhile, Article 33 paragraph (5) confirms that further provisions are regulated by law.³²

From the provisions of Article 28 H paragraph (1), Article 33 paragraphs (3), (4), and (5) of the 1945 Constitution, five critical things become state legal policies in environmental management and utilization of natural resources as follows:³³

- a. Environmental management and utilization of natural resources must be placed within the framework of recognition, protection, and fulfillment of the human rights of every

³¹ Indah Maharani, "Peran Notaris Dalam Membuat Akta Hukum Sesuai Dengan Undang-Undang Jabatan Notaris Berdasarkan Teori Kemanfaatan," *Jurnal Multidisiplin Indonesia* 1, no. 3 (2022): 962–69, <https://doi.org/10.58344/jmi.v1i3.91>.

³² Dani Amran Hakim, "Politik Hukum Lingkungan Hidup Di Indonesia Berdasarkan Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup," *Fiat Justisia: Jurnal Ilmu Hukum* 9, no. 2 (2015): 114–32, <https://doi.org/10.25041/fiatjustisia.v9no2.592>.

³³ *ibid.*, hlm. 120.

citizen to a good and healthy environment. In other words, the human right to a good and healthy environment cannot be sacrificed due to the Implementation of development and utilization of natural resources;

- b. Environmental management and utilization of natural resources is the responsibility of the state, where through the right to control the state, the state makes rules and policies for the use of the environment and natural resources;
- c. People's welfare is the philosophical and sociological basis for all activities and environmental management activities, and the use of natural resources is used for people's welfare;
- d. Environmental management and utilization of natural resources is a means of achieving sustainable development with an environmental perspective, in the sense that the targets of environmental management and utilization of natural resources include not only people's welfare but also aspects of environmental sustainability and national economic progress; And
- e. There is delegation of further regulations regarding environmental management by law.

In the article above, the word "sustainable" is related to the concept of sustainable development, or in Indonesian, it is called sustainable development. This is closely related to the development of ideas about the importance of maintaining, preserving, and protecting a healthy environment, which today has become a discourse and general awareness worldwide to apply in practice. Therefore, these two terms are closely related to each other. Sustainable development embodies the environmental insight referred to in the 1945 Constitution. On the other hand, the principles of sustainable development must also be applied to environmentally sound development policies. There is only sustainable development with the environment as the main element and environmental insight with sustainable development.³⁴

Good forestry governance is formulated as an institutional mechanism for managing forest resources by applicable law, accountability, transparency, democracy, justice, decency, efficiency, equity, sustainability, and participation. Forest governance is associated with governance, authority, and territoriality. The concept of territorial boundaries includes actual technical and administrative processes, including forest resources. Conceptually, governance is determined based on the actor's role, authority, and resources; rules or regulations; and discourse related to management systems.

³⁴ Wahyu Nugroho, *Buku Ajar Hukum Lingkungan Dan Pengelolaan Sumber Daya Alam* (Yogyakarta: Genta Publishing, 2022), hlm. 31.

According to the author, a Community-Based Rural Tourism Development Model or Community Tourism (CBT) needs tourism awareness of cultural, social, and environmental sustainability.³⁵ This form of tourism is managed and owned by the community for the community to help tourists increase their awareness and learn about the community and local way of life. CBT is very different from mass tourism.³⁶

The community approach model has become the standard for the tourism development process in peripheral areas, where involving the community is a significant factor in the success of tourism products. D'amore in Hadiwijoyo provides model guidelines for community-based tourism development, namely:³⁷

- a. Identify the development priorities of the local population;
- b. Promote and encourage residents;
- c. Involvement of residents in industry;
- d. Local capital investment or entrepreneurship is urgently needed;
- e. Citizen participation in broad events and activities;
- f. Tourism products to describe local identity;
- g. Overcoming problems that arise before further development.

So in the regulation of NTFPs in Indonesia, it can be seen from the policy regulations of the Minister of Environment and Forestry of the Republic of Indonesia Number P.78/MENLHK/SETJEN/KUM.1/10/2019 Concerning Administration of Non-Timber Forest Products Derived from State Forests. This rule guarantees the fulfillment of state rights, legality, and order in the distribution of non-timber forest products and the availability of data and information on non-timber forest products. It is necessary to regulate the mechanism for administering non-timber forest products originating from state forests. This policy arrangement replaces the Regulation of the Minister of Forestry Number P.91/MENHUT-II/2014 concerning the Administration of Non-Timber Forest Products Derived from State Forests, which are considered to be less than optimal in the Implementation of fulfillment of state rights, legality, and orderly circulation of timber forest products, as well as data availability and information.

³⁵ Gunawan Pasaribu dkk., "Current challenges and prospects of Indonesian non-timber forest products (NTFPs): A review," *Forests* 12, no. 12 (2021): 1743.

³⁶ Dian Kagungan, *Kebijakan Penatakelolaan Pariwisata Di Daerah Otonom Baru Strategi Penatakelolaan Pariwisata Kabupaten Pesawaran Menuju Industri Pariwisata Mandiri Berbasis Kearifan Lokal "One Village One Destination"* (Bandar Lampung: Pusaka Media, 2019), hlm. 43.

³⁷ *ibid.*, hlm. 44.

Division of Central and Regional Authority in the Forestry Sector Based on Law No. 23 of 2014 concerning Regional Government. Forest Management is divided into two between the central and provincial Governments. The provincial Government shall: a. Administration of forest governance. b. Implementation of forest management plans. c. Implementation of forest utilization and area use. The Provincial Government does a. Implementation of forest management unit forest management except for conservation forest management units (KPHK). b. Implementation of the 90 forest plan. d. Implementation of forest rehabilitation and reclamation. e. Implementation of forest protection. f. Implementation of processing and Administration of forest products. Management of forest management units except for conservation forest management units (KPHK). c. Implementing forest utilization in production forest areas and protection forests, including 1) Utilization of forest areas; 2) Utilization of non-timber forest products; 3) Collection of forest products; 4) Utilization of environmental services except utilization of carbon storage and sequestration. d. Implementation of rehabilitation outside the state forest area. e. Implementation of forest protection in protected forests and production forests. f. Implementation of non-timber forest product processing. g. Implementation of processing of wood forest products with a production capacity of <math><6000\text{ m}^3/\text{year}</math>. h. Implementation of KHDTK management for religious purposes.³⁸

As is the case in South Africa and Namibia, NTFPs are regulated simultaneously by the national and provincial levels of Government in South Africa and the national Government in Namibia. Tensions are evident between the two in favor of decentralization and locally-based resource management and, on the other hand, a preference for centralized political control. This can be seen from the need for more clarity in regulations regarding NTFPs.³⁹

In Indonesia, the division of authority between the Central and Regional Governments regarding NTFPs still needs to improve in regulation through ministerial regulations. Article 8, paragraph (2) of Law Number 12 of 2011 only recognizes the existence of Ministerial Regulations and their legal force. This regulation needs to be more apparent in the position of Ministerial Regulations. This makes it difficult to measure the position of the Ministerial Regulation itself, especially when the Ministerial Regulation is faced with Regional

³⁸ Badan Pembinaan Hukum Nasional, "Inventarisasi Permasalahan dan Peraturan Perundang-Undangan di Bidang Kehutanan."

³⁹ RP Wynberg dan SA Laird, "Less Is Often More: Governance Of A Non-Timber Forest Product, Marula (*Sclerocarya birrea* subsp. *Caffra*) In Southern Africa," *International Forestry Review* 9, no. 1 (2007): 475–90.

Regulations. If you look at it in practice, there are still regions that, when forming Regional Regulations, do not refer to Ministerial Regulations and even tend to ignore them because Ministerial Regulations are not included in the types and hierarchies of Legislation. Apart from that, in practice, several Regional Regulations still need to include Ministerial Regulations as their legal basis. When viewed normatively between Ministerial Regulations and Regional Regulations, the position of Ministerial Regulations is higher than Regional Regulations, both Provincial Regulations and Regency/City Regional Regulations.⁴⁰

According to Gatot Dwi Hendro Wibowo's research, there are two emerging opinions. First, some want the NTFP management policy to be included in the Regional Regulation (PERDA) on Environmental Services. Second, the NTFP management policy becomes a separate PERDA so that the scope of regulation is broader, from planning and management to trade Administration. In addition, the content of the Regional Regulation must be explicit about the presence of community involvement, including increasing institutional capacity. What is no less important is that the formulation process needs to involve broader parties such as the DPRD. It is essential to get political support. Policy alternatives in the management of NTFPs can be carried out in stages, from the most concrete norms to general and abstract norms. Concrete legal norms, namely decisions or determinations (Beschikking), are realized in the Regent's Decree. Abstract and general regulations are stated in the form of regulations (Regeling) such as Regent Regulations and Regional Regulations.⁴¹

Looking at the opinion above, Stellinga stated that *doelmatigheid* is the most important goal of a legal product, compared to *rechtmatigheid*, this shows that Stellinga prioritizes considerations of expediency in assessing the existence of legal products that have essential deficiencies, rather than *rechtmatigheid* certainty to then immediately decide the decision/decision as a legal product is absolutely null and void.⁴²

In this dimension, it appears that there are different opinions between the central government through ministerial regulations and regional governments with their regional regulatory products. This can also have different conditions and legal objectives. It seems that the thinking regarding the above regulation refers to the Positivists who emphasize legal

⁴⁰ Juwita Putri Pratama, Lita Tyesta Alw, dan Sekar Anggun Gading Pinilih, "Eksistensi Kedudukan Peraturan Menteri Terhadap Peraturan Daerah Dalam Hierarki Peraturan Perundang-Undangan," *Jurnal Konstitusi* 19, no. 4 (2022): 865–85, <https://doi.org/10.31078/jk1947>.

⁴¹ Gatot Dwi Hendro Wibowo, "Analisis kebijakan pengelolaan hasil hutan bukan kayu (HHBK) di NTB dan NTT," *Jurnal Hukum & Pembangunan* 44, no. 2 (2016): 197–225.

⁴² Anajeng Esri Edhi Mahanani, "Paradigma Yuridis Kemanfaatan Dan Kepatutan Suatu Produk Hukum Yang Mengalami Kebatalan Mutlak," *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 2, no. 2 (2020): 61–74, <https://doi.org/10.37631/widyapranata.v2i2.244>.

certainty, while the Functionalists prioritize the benefits of the law, and it could be argued that "summum ius, summa injuria, summa lex, summa crux" which means that harsh laws can hurt , unless justice can help him, so even though justice is not the only goal of law, the most substantive goal of law is justice.⁴³

Meanwhile, the purpose of law from a social perspective can be seen from the test method introduced by Jeremy Bentham which aims to see the sustainability of legal certainty of a legal product, but in looking at this legal certainty, Jeremy Bentham does not only stop at determining a legal product, but must also be evaluated. how useful it is in society, so that it can be used as a reference regarding the sustainability of the legal product. This is different from the flow of legal positivism which views that legal certainty has been achieved if a legal product has been determined.⁴⁴

The law's benefits need to be considered because everyone hopes for benefits in implementing law enforcement. Do not let law enforcement cause public unrest. Because when we talk about law, we tend to only look at statutory regulations, which sometimes could be better and aspirational for people's lives. Of the above principles, I was very interested in reading Prof. Satjipto Rahado, who stated that justice is indeed one of the central values. However, it remains alongside others, such as utility (utility, doelmatigheid). Therefore, law enforcement's comparison between benefits and sacrifices must be proportional.⁴⁵

In another dimension, policymakers must carry out the most crucial task in a tourism destination is "tourism awareness" activities involving all stakeholders. The definition of "tourism awareness" here does not mean forcing stakeholders to accept that their area is used as a tourism destination. This activity should identify how big the needs of the people living in tourism destinations are for tourism development. Why should this be a priority? Tourists generally do not have a long-term interest in the stability of social, cultural life, and environmental preservation in tourism destinations because they do not own the area. This differs from residents, who depend on the quality of social conditions, culture, and

⁴³ Oksidelfa Yanto, *Negara Hukum: Kepastian, Keadilan Dan Kemanfaatan Hukum (Dalam Sistem Peradilan Pidana Indonesia)* (Bandung: Pustaka Reka Cipta, 2020), hlm. 25.

⁴⁴ Endang Pratiwi, Theo Negoro, dan Hassanain Haykal, "Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum Atau Metode Pengujian Produk Hukum?," *Jurnal Konstitusi* 19, no. 2 (2022): 268–93, <https://doi.org/10.31078/jk1922>.

⁴⁵ Mahkamah Konstitusi RI, "Resume Perkara No. |7IPHP. BUP-XfV/2018," 2018, https://www.mkri.id/public/berkas/30069_RESUME%20.pdf.

environmental preservation because they are the owners and have a very close psychological and historical relationship with tourism destinations.⁴⁶

Therefore, Sarah A. Laird et al. explain that policies and laws are essential in regulating trade in NTFP products, determining ecological sustainability, and influencing whether and how society benefits from using these products. In recent decades, regulatory measures instituted around NTFPs are often considered wood-centric, citing forest laws, lack of information, and inadequate resource allocation monitoring and Implementation. As a result, they ultimately create opportunities for corruption and exploitation and often, in conjunction with other legal entities such as agriculture and land ownership, provide perverse incentives to overharvest NTFPs. In many cases, policy interventions also criminalize NTFP extraction, further marginalizing harvesters and producing new forms of injustice. Customary and local laws are also often damaged by the regulation of NTFPs. Therefore, efforts are needed to establish legal control over NTFPs.⁴⁷

Ecotourism relies heavily on nature as a tourist attraction that will be presented to tourists. This tourism is often associated with a passion for natural beauty, the freshness of the air in the mountains, and the wonders of life in rare animals, animal species, and plants rarely found in other places.⁴⁸

According to Sarah M. Greene et al. The economic contribution of wood products, particularly in temperate forests and developed countries, is well understood, measured, and recorded. Therefore, policymakers often assume that forests have no economic value if not cut down. However, non-timber forest products (NTFPs), which include all biological products other than timber, are a traditional source of income for households in rural areas worldwide. As a result, NTFPs can provide an essential vehicle for economic growth, especially for geographic areas that are poor in human resources and rich in forest resources. An essential feature of NTFPs is the continuous return of timber products available intermittently at rotational intervals, and this feature can be used intelligently and strategically to conserve forest resources through sound forest management. However, knowledge of the marketing of NTFPs is still limited and rare, while timber marketing and trading are widely

⁴⁶ Diane Tangian dan Merryany Theovanny Bawole, *Buku Ajar Hukum Bisnis Pariwisata* (Jakarta: Risetdikti, 2021), hlm. 44.

⁴⁷ Sarah A Laird, Rachel Wynberg, dan Rebecca J McLain, "Regulating Complexity: Policies For The Governance Of Non-Timber Forest Products," dalam *Non-timber forest products in the global context*, Chpater II (Berlin Heidelberg: Springer Verlag, 2011), 227–53.

⁴⁸ I Gusti Bagus Rai Utama, *Pengantar Industri Pariwisata* (Yogyakarta: Deepublish, 2014), hlm. 110.

discussed in the forestry literature. Therefore, NTFP marketing must be examined before developing NTFPs for economic growth and forest conservation.⁴⁹

The fundamental values of expediency are a unit that applies sociologically, as well as the fundamental values of legal certainty, which are a unit that must be applied in a balanced way in law enforcement. According to utility theory, the law aims to ensure as much benefit or happiness as possible for citizens. The originator of this theory is Jeremy Betham. In his book *Introduction to the Morals and Legislation* (1780), he argued that the law aims to realize solely what is useful/beneficial for the most significant number of people or what is known as "the greatest good of the greatest number."⁵⁰

NTFPs are not limited to forest products in the form of plants, fruit, etc. If you refer to the Food and Agriculture Organization, there are forest service products that cover several aspects with various general categories (broad types), including:⁵¹

- a. Services that have market potential and can be developed (Those for which a formal market exists and could be developed). Examples are clean water, grazing, ecotourism, recreation, hunting, and sources of raw materials.
- b. Forest services that are not priced in money and not sold on the market (Those essentially intangible functions and not sold through the market). Examples include cultural and spiritual values, climate balancing (Influence on Climate), Controlling Erosion (Erosion control), and Biodiversity conservation (Biological diversity conservation).

Activities carried out to support priority policies for community economic empowerment in and around forest areas are carried out through community economic development and empowerment activities through the development of community forests, community forests, village forests, and the development of conservation villages. Furthermore, increasing community economic efforts are carried out by developing forestry commodities in the form of wood and non-timber/non-timber forest products (NTFPs) such as rattan, latex, fruit, tubers, and natural tourism service businesses.

Nature tourism has several principles of ecotourism. These principles are as follows:⁵²

- a. Emphasize as little as possible the negative impacts on nature and culture that can damage tourist destinations.
- b. Provide learning to tourists about the importance of conservation.

⁴⁹ Adedapo Ayo Aiyelaja dan Opeyemi Isaac Ajewole, "Non-Timber Forest Products' Marketing in Nigeria. A case study of Osun state," *Educational Research and Reviews* 1, no. 2 (2006): 54–58.

⁵⁰ Oksidelfa Yanto, *Op.Cit.*, hlm. 23.

⁵¹ Wahyudi, *Op.Cit.*, hlm. 274.

⁵² I Gusti Bagus Rai Utama, *Op.Cit.*, hlm. 172.

- c. Emphasize the importance of responsible businesses collaborating with government and community elements to meet local residents' needs and benefit conservation efforts.
- d. Directing economic benefits for conservation and managing natural resources and protected areas directly.
- e. Emphasize the need for regional tourism zones and the arrangement and management of plants for tourism purposes in areas designated for ecotourism purposes.
- f. Emphasize the use of environmental and social-based studies and long-term programs to evaluate and minimize the impact of tourism on the environment.
- g. Encourage efforts to increase economic benefits for the state, business people, and local communities, especially residents living around protected areas.
- h. Strive to ensure that tourism development is within acceptable social and environmental limits as determined by researchers collaborating with residents.
- i. Entrusting the use of energy sources, protecting wild plants and animals, and adapting them to the natural and cultural environment.

Even though the regulation regarding legal benefits is not stated with certainty in the existing laws and regulations in Indonesia, the 1945 Constitution, especially in article 28H in paragraph 2, says that everyone has the right to receive special facilities and treatment to receive the same benefits. In this case, in the author's opinion, the arrangement of legal benefits has been represented in the 1945 Constitution in Article 28H paragraph 2. However, it does not explicitly mention benefits and only says benefits. However, if you look deeper, there is a link between benefits and justice in that article where opportunities and benefits are obtained. Equality and justice will be realized in society.⁵³

Therefore, expediency is the most essential thing in a legal purpose regarding the discussion of the purpose of the law. First, it is known what is meant by its ends and what has only human goals, but the law is not a human goal; the law is only one of the tools to achieve goals in life in society and the state. The purpose of law can be seen in its function as a function of protecting human interests; the law has targets to be achieved. If we look at the

⁵³ Setyawan Joko Nugroho, "Analisis Yuridis Kumulasi Pidana Penjara Dan Denda Terhadap Tindak Pidana Narkotika Berdasarkan Asas Kemanfaatan Hukum" (Tesis, Semarang, Universitas Sultan Agung, 2023), hlm. 64.

definition of benefit in the sizeable Indonesian dictionary, benefit in terminology can be interpreted as use or advantage.⁵⁴

So, the benefit of the law is one of the goals of the law, where the law is aimed at providing benefits to society so that society is happy and prosperous. Whether the law works in society effectively or not cannot be judged by the value of its benefits. Law is a tool for photographing societal phenomena or social realities; law can play a role in providing benefits or utility for society. Adherents of the utility school believe that law aims solely to provide the most significant benefit or happiness for as many people as possible. "The principle of benefit underlies all activities based on the extent to which the action increases or reduces the group's happiness; or, in other words, it enhances or opposes that happiness."⁵⁵

When regulations and law enforcement are not commensurate with using forests for consumptive economic purposes, NTFPs have demonstrated the ability to harmonize forest use and conservation. NTFPs encourage communities to do this to preserve forest landscapes to receive short-term and long-term benefits for livelihoods, food, and health security. This way, NTFPs can support sustainable forest management and conservation strategies while providing alternative resources. Cash income for the rural poor. Apart from that, NTFPs not only make a significant contribution to the livelihoods of rural residents but also to those who formally form communities around the forest. This means that people and communities who own homesteads live in open spaces within or on the city's outskirts.⁵⁶

There are two very positive things about this school, namely, first, its rationality. An action is chosen and judged to be good because that action will bring more good consequences than other actions. Second, this school tends to be pragmatic, always emphasizing practical benefits for as many people as possible.⁵⁷

The benefits of law can be achieved in people's lives; according to Jeremy Betham, nature has placed humanity under the Government and two rulers, namely joy and sorrow. The two kings also determine what we will do and what must be done. The two kings also determine what we will do, what we will say, and what we will think. Law as an order of living

⁵⁴ Muhammad Ridwansyah, "Mewujudkan Keadilan, Kepastian Dan Kemanfaatan Hukum Dalam Qanun Bendera Dan Lambang Aceh," *Jurnal Konstitusi* 13, no. 2 (16M): 278–98, <https://doi.org/10.31078/jk1323>.

⁵⁵ Batori Laskarwati, "Implementation Of The Value Of Legal Use In Preventing Drug Abuse Through The Legal Awareness Family (Kadarkum) Contest," *Lex Scientia Law Review* 2, no. 1 (2018): 47–64, <https://doi.org/10.15294/lesrev.v2i1.23643>.

⁵⁶ Jun Harbi dkk., "Making A Bridge Between Livelihoods And Forest Conservation: Lessons From Non Timber Forest Products' Utilization In South Sumatera, Indonesia," *Forest policy and economics* 94 (2018): 1–10.

⁵⁷ Ibnu Artadi, "Hukum: Antara Nilai-Nilai Kepastian, Kemanfaatan Dan Keadilan," *Jurnal Ilmiah Hukum Dan Dinamika Masyarakat* 4, no. 1 (2016): 67–80.

together must be directed at supporting the "king of joy" and, at the same time, curbing the "king of sorrow." In other words, the law must be based on benefits for people's happiness. As an adherent of the utilitarian school, Jeremy Bentham states that law can only be recognized as law if it provides the most significant possible benefit to as many people as possible.

CONCLUSION

Using law in the study of non-timber forest products gives Indonesia an advantage compared to other countries. NTFP commodities in Indonesia are financial income that can be carried out sustainably, especially in natural tourism. Although from a regulatory perspective, Law of the Republic of Indonesia Number 41 of 1999 concerning Forestry still provides a strict definition of HHKB because it does not explicitly cover ecotourism or natural tourism. For ecotourism to be successful and beneficial for local communities both economically, socially, and environmentally, it can combine the natural potential of a forest area, which is run together with local communities so that they can benefit from ecotourism activities and are fully involved in these activities. So, to achieve this goal, a Community-Based Rural Tourism Development Model or Community Tourism (CBT) is needed, namely, tourism awareness of cultural, social, and environmental sustainability. To guarantee this, the test method used is to see the sustainability of the legal certainty of a legal product, but in looking at this legal certainty, Jeremy Bentham does not only stop at determining a legal product but also has to evaluate how useful it is in society so that it can be used as an as a reference regarding the sustainability of the legal product. The legal product is intended to ensure that the regulation of NTFPs is included in regional government programs that must be implemented by forming regional regulations that specifically regulate NTFPs within the scope of environmental services or natural tourism.

REFERENCES

A. Statutory Regulations

- Undang-Undang Dasar Negara Republik Indoneisa Tahun 1945
- Undang-Undang Republik Indonesia Nomor 41 Tahun 1999 Tentang Kehutanan
- Undang-Undang Republik Indonesia Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan
- Peraturan Pemerintah Republik Indonesia Nomor 6 Tahun 2007 Tentang Tata Hutan Dan Penyusunan Rencana Pengelolaan Hutan
- Peraturan Menteri Dalam Negeri Nomor 23 Tahun 2009 Tentang Tata Cara Pembinaan dan Pengawasan Kerja Sama Antardaerah

Peraturan Menteri Lingkungan Hidup Dan Kehutanan Republik Indonesia Nomor P.78/MENLHK/SETJEN/KUM.1/10/2019 Tentang Penatausahaan Hasil Hutan Bukan Kayu Yang Berasal Dari Hutan Negara

Peraturan Menteri Kehutanan Nomor P.91/MENHUT-II/2014 tentang Penatausahaan Hasil Hutan Bukan Kayu yang Berasal dari Hutan Negara

Peraturan Menteri Kehutanan Republik Indonesia Nomor : P.8/Menhut-II/2010 tentang Rencana Strategis

B. Book

Eric T. Jones, Rebecca J. McLain, dan James Weigand. *Nontimber Forest Products In The United States*. United States: University Press of Kansas, 2021.

Conie Pania Putri. *Arab Politik Hukum Nasional: Aktualisasi Perkembangan Politik Hukum Sebagai Strategi Arab Pembangunan Nasional*. Jakarta: PT. Kaya Ilmu Bermanfaat, 2022.

Dian Kagungan. *Kebijakan Penatakelolaan Pariwisata Di Daerah Otonom Baru Strategi Penatakelolaan Pariwisata Kabupaten Pesawaran Menuju Industri Pariwisata Mandiri Berbasis Kearifan Lokal "One Village One Destination"*. Bandar Lampung: Pusaka Media, 2019.

Diane Tangian dan Merryany Theovanny Bawole. *Buku Ajar Hukum Bisnis Pariwisata*. Jakarta: Risetdikti, 2021.

H. Oka A. Yoeti. *Dasar-dasar Pengertian Hospitality dan Pariwisata*. Bandung: Alumni, 2010.

Hesti Lestari Tata, Merryana Kiding Allo, Aswandi, Cut Rizlani Kholibrina, Imam Muslimin, Agus Kurniawan, Kusdi, dkk. *Pengembangan Hasil Hutan Bukan Kayu Indonesia untuk Mendukung Bunga Rampai Sustainable Development Goals*. Bogor: IPB Press, 2019.

I Gusti Bagus Rai Utama. *Pengantar Industri Pariwisata*. Yogyakarta: Deepublish, 2014.

Mohamad Ridwan dan Windra Aini. *Perencanaan Pengembangan Daerah Tujuan Pariwisata*. Yogyakarta: Deepublish, 2019.

Nanang Martono. *Metode Penelitian Kuantitatif: Analisis Isi dan Analisis Data Sekunder (sampel halaman gratis)*. RajaGrafindo Persada, 2010.

Oksidelfa Yanto. *Negara Hukum: Kepastian, Keadilan Dan Kemanfaatan Hukum (Dalam Sistem Peradilan Pidana Indonesia)*. Bandung: Pustaka Reka Cipta, 2020.

Peter Mahmud Marzuki. *Penelitian Hukum Edisi Revisi*. Jakarta: PT. Kharisma Putra Utama, 2016.

Sarah A Laird, Rachel Wynberg, dan Rebecca J McLain. "Regulating Complexity: Policies For The Governance Of Non-Timber Forest Products." Dalam *Non-timber forest products in the global context*, Chapter II., 227–53. Berlin Heidelberg: Springer Verlag, 2011.

Serlika Aprita dan Rio Adhitya. *Filsafat Hukum*. Depok: PT. RajaGrafindo Persada, 2020.

Sinaulan, Ramlani Lina. *Buku Ajar Filsafat Hukum*. Yogyakarta: Zahir Publishing, 2020.

Sukarno Aburaera, Muhadar, dan Maskun. *Filsafat Hukum*. Jakarta: Kencana, 2017.

V Simatupang. *Hukum Keparivista Nasional Bebrbasis Ekspresi Budaya Tradisional Menuju Negara Kesejahteraan*. Bandung: PT. Alumni, 2015.

Wahyu Nugroho. *Buku Ajar Hukum Lingkungan Dan Pengelolaan Sumber Daya Alam*. Yogyakarta: Genta Publishing, 2022.

Wahyudi. *Buku Pegangan Hasil Hutan Bukan Kayu*. Yogyakarta: Pohon Cahaya, 2013.

C. Journal Articles

Adedapo Ayo Aiyeloja dan Opeyemi Isaac Ajewole. "Non-Timber Forest Products' Marketing in Nigeria. A case study of Osun state." *Educational Research and Reviews* 1, no. 2 (2006): 54–58.

Anajeng Esri Edhi Mahanani. "Paradigma Yuridis Kemanfaatan Dan Kepatutan Suatu Produk Hukum Yang Mengalami Kebatalan Mutlak." *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 2, no. 2 (2020): 61–74. <https://doi.org/10.37631/widyapranata.v2i2.244>.

- Batari Laskarwati. "Implementation Of The Value Of Legal Use In Preventing Drug Abuse Through The Legal Awareness Family (Kadarkum) Contest." *Lex Scientia Law Review* 2, no. 1 (2018): 47–64. <https://doi.org/10.15294/lesrev.v2i1.23643>.
- Dani Amran Hakim. "Politik Hukum Lingkungan Hidup Di Indonesia Berdasarkan Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup." *Fiat Justitia: Jurnal Ilmu Hukum* 9, no. 2 (2015): 114–32. <https://doi.org/10.25041/fiatjustisia.v9no2.592>.
- Dian Diniyati dan Budiman Achmad. "Kontribusi Pendapatan Hasil Hutan Bukan Kayu Pada Usaha Hutan Rakyat Pola Agroforestri Di Kabupaten Tasikmalaya." *Jurnal Ilmu Kebutanan* 9, no. 1 (2016): 23–31. <https://doi.org/10.22146/jik.10181>.
- Endang Pratiwi, Theo Negoro, dan Hassanain Haykal. "Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum Atau Metode Pengujian Produk Hukum?" *Jurnal Konstitusi* 19, no. 2 (2022): 268–93. <https://doi.org/10.31078/jk1922>.
- Gatot Dwi Hendro Wibowo. "Analisis kebijakan pengelolaan hasil hutan bukan kayu (HHBK) di NTB dan NTT." *Jurnal Hukum & Pembangunan* 44, no. 2 (2016): 197–225.
- Gunawan Pasaribu, Ina Winarni, Raden Esa Pangersa Gusti, Rizki Maharani, Andrian Fernandes, Alfonsus Hasudungan Harianja, Grace Serepina Saragih, Maman Turjaman, Agustinus Panusunan Tampubolon, dan Harlinda Kuspradini. "Current challenges and prospects of Indonesian non-timber forest products (NTFPs): A review." *Forests* 12, no. 12 (2021): 1743.
- Ibnu Artadi. "Hukum: Antara Nilai-Nilai Kepastian, Kemanfaatan Dan Keadilan." *Jurnal Ilmiah Hukum Dan Dinamika Masyarakat* 4, no. 1 (2016): 67–80.
- Indah Maharani. "Peran Notaris Dalam Membuat Akta Hukum Sesuai Dengan Undang-Undang Jabatan Notaris Berdasarkan Teori Kemanfaatan." *Jurnal Multidisiplin Indonesia* 1, no. 3 (2022): 962–69. <https://doi.org/10.58344/jmi.v1i3.91>.
- Jun Harbi, James Thomas Erbaugh, Mohammad Sidiq, Berthold Haasler, dan Dodik Ridho Nurrochmat. "Making A Bridge Between Livelihoods And Forest Conservation: Lessons From Non Timber Forest Products' Utilization In South Sumatera, Indonesia." *Forest policy and economics* 94 (2018): 1–10.
- Juwita Putri Pratama, Lita Tyesta Alw, dan Sekar Anggun Gading Pinilih. "Eksistensi Kedudukan Peraturan Menteri Terhadap Peraturan Daerah Dalam Hierarki Peraturan Perundang-Undangan." *Jurnal Konstitusi* 19, no. 4 (2022): 865–85. <https://doi.org/10.31078/jk1947>.
- Mohamad Iqbal dan Ane Dwi Septina. "Pemanfaatan Hasil Hutan Bukan Kayu Oleh Masyarakat Lokal Di Kabupaten Sanggau, Kalimantan Barat." *Jurnal Penelitian Ekosistem Dipterocarpa* 4, no. 1 (2018): 19–34. <https://doi.org/10.20886/jped.2018.4.1.19-34>.
- Muhammad Ridwansyah. "Mewujudkan Keadilan, Kepastian Dan Kemanfaatan Hukum Dalam Qanun Bendera Dan Lambang Aceh." *Jurnal Konstitusi* 13, no. 2 (16M): 278–98. <https://doi.org/10.31078/jk1323>.
- Revita Yuni, Pasca Dwi Putra, dan Dedi Lanova Hutabarat. "Sinergi Indonesia Menuju Negara Maju." *Prosiding WEBINAR Fakultas Ekonomi Unimed "Strategi Dunia Usaba Menyikapi Status Indonesia Sebagai Negara Maju: Pra dan Pasca Covid-19,"* 2020, 35–42.
- RP Wynberg dan SA Laird. "Less Is Often More: Governance Of A Non-Timber Forest Product, Marula (*Sclerocarya birrea* subsp. *Caffra*) In Southern Africa." *International Forestry Review* 9, no. 1 (2007): 475–90.
- Shira Thani. "Peranan Hukum Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup." *Warta Dharmawangsa*, no. 51 (2017): 1–7. <https://doi.org/10.46576/wdw.v0i51.240>.
- Sónia M Carvalho Ribeiro, Britaldo Soares Filho, William Leles Costa, Laura Bachi, Amanda Ribeiro de Oliveira, Patricia Bilotta, Allaoua Saadi, Elaine Lopes, Tim O'Riordan, dan Humberto Lôbo Pennacchio. "Can multifunctional livelihoods including recreational ecosystem services (RES) and non timber forest products (NTFP) maintain biodiverse forests in the Brazilian Amazon?" *Ecosystem Services* 31 (2018): 517–26. <https://doi.org/10.1016/j.ecoser.2018.03.016>.

Triyono Puspitojati. "Persoalan Definisi Hutan dan Hasil Hutan dalam Hubungannya dengan Pengembangan Hhbk melalui Hutan Tanaman." *Jurnal Analisis Kebijakan Kehutanan* 8, no. 3 (2011): 210–77. <https://doi.org/10.20886/jakk.2011.8.3.210-227>.

D. Thesis/dissertation

Arif Nurhadi Didik. "Tinjauan Geografis Pengembangan Objek Wisata Goa Pindul Dan Pengaruhnya Terhadap Kehidupan Sosial Ekonomi Masyarakat Sekitar." Thesis, Universitas Widyadarmas, 2016.

Setyawan Joko Nugroho. "Analisis Yuridis Kumulasi Pidana Penjara Dan Denda Terhadap Tindak Pidana Narkotika Berdasarkan Asas Kemanfaatan Hukum." Tesis, Universitas Sultan Agung, 2023.

Suhartono. "Harmonisasi Peraturan Perundang-Undangan Dalam Pelaksanaan Anggaran Belanja Negara." Disertasi, Universitas Indonesia, 2011.

E. Internet

Badan Pembinaan Hukum Nasional. "Inventarisasi Permasalahan dan Peraturan Perundang-Undangan di Bidang Kehutanan," 2023. https://bphn.go.id/data/documents/ae_ttg_kehutanan.pdf.

Bank Indonesia. "Laporan Perekonomian Indonesia Tahun 2020," 2020. https://www.bi.go.id/id/publikasi/laporan/Documents/LPI_2020.pdf.

Djati Witjaksono Hadi. "Negara-negara FAO Apresiasi Kebijakan Pemerintahan Jokowi di Bidang Kehutanan." Kementerian Lingkungan Hidup dan Kehutanan, 2020. https://ppid.menlhk.go.id/siaran_pers/browse/1353.

Hanna Farah Vania. "Bambu Jadi Hasil Hutan Bukan Kayu Terbanyak pada 2019." *dataBOKS*, 2021. <https://dataBOKS.katadata.co.id/datapublish/2021/06/08/bambu-jadi-hasil-hutan-bukan-kayu-terbanyak-tahun-2019>.

HIMABA FKT UGM. "Peran Hutan dalam Mendukung Sustainable Development Goals," 2023. <https://himaba.fkt.ugm.ac.id/2023/05/23/peran-hutan-dalam-mendukung-sustainable-development-goals/>.

Mahkamah Konstitusi RI. "Resume Perkara No. |7IPHP. BUP-XfV/2018," 2018. https://www.mkri.id/public/berkas/30069_RESUME%20.pdf.

suduthukum.com. "Ruang Lingkup Harmonisasi Hukum," 2017. <https://suduthukum.com/2017/10/ruang-lingkup-harmonisasi-hukum.html>.

Zega Hutan. "6 Masalah Pengusahaan Hasil Hutan Bukan Kayu," 2022. <https://www.zegahutan.com/2022/09/6-masalah-pengusahaan-hasil-hutan-bukan.html>.