THE JURIDICIAL ANALYSIS TOWARDS OVER FUNCTION OF CONSERVATION FOREST CONNECTED TO THE LAW NO 41 YEAR 1999 ABOUT FORESTRY *JUNCTO* THE LAW NO 32 YEAR 2009 ABOUT ENVIRONMENT PROTECTION AND MANAGEMENT

By:
Moch. Aditia Gunawan

ABSTRACT

Indonesia has a wide range of tropical forest with the high flora and fauna and even the second highest in the world after Brasilia. The data of forestry planology until June 2011 shows that Indonesian forest is 130, 68 million acre, that consists of conservation forests 26,8 million acre, protected forest 28,8millions acre, production forest 32,6 millions acre, limited production forest 24,4 millions acre, and conversion production forest 17,9 millions acre. The improving of wood need motivate people either individually or group do exploitation of forest result with no pay attention to its sustainability. The level of forest damage Indonesia is 3,7million acre per year. The cause of forest damage is back grounded with the forest over function, either towards conservation forest or protected forest that become production forest. The land over function or land conversion is function change a part or all land area from previous function, as planned become negative or positive impact function towards environment and its land potency. The land over function happens in several areas, either forestry area or agriculture production area. The problem concerned by writer is how the Law no 41 year 1999 affectivity about forestry *juncto* The Law no 32 year 2009 about environment protection and management towards over function of protected forest connected to The Law no 41 year 1999 about forestry *juncto* The Law no 32 year 2009 about environment protection and management.

The study is conducted in descriptive analytic with juridical normative approach. The study result are analyzed in qualitative juridical, where one Law rule do not contradict with other, and hierarchy of Law rules can be noticed and legal certainty guaranteed.

According to the study it is concluded that, first, The Law no 41 year 1999 about forestry *juncto* The Law no 32 year 2009 about environment protection and management has not run well. This case is caused by several factors that happen from government as caretaker damage of the protected forest. Government does not implement monitoring towards national forestry company (perhutani) as state owned company (BUMN) that manage and use forest result as their working area, finally the forest condition is getting endanger and uncontrolled. Second, legal action that can be conducted by government and society towards over function of protected forest connected to The Law no 41 year 1999 about forestry *juncto* The Law no 32 year 2009 about environment protection and management is where the government and society work together to keep forest and environment. The synergistic cooperation of both side for activity monitoring that conducted by perhutani and society who cultivate land need to be followed up based on determined regulation.