

Legal but Not Legitimate? Ecological Justice and the Paradox of Forest Governance in Indonesia's Presidential Regulation No. 5/2025

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Abstract

This study examines the challenges of ecological justice in the implementation of Presidential Regulation Number 5 of 2025 concerning the Control of Forest Areas, departing from the problem that a policy may possess formal legality but does not necessarily obtain ecological and social legitimacy. The control of forest areas, which is directed toward reclaiming state control over forest areas, collecting administrative fines, and recovering assets, needs to be examined to determine whether it is consistent with the principles of environmental protection, justice for affected communities, and ecosystem restoration. The purpose of this study is to analyze the legal construction of Presidential Regulation No. 5 of 2025 and assess its conformity with the principle of ecological justice in environmental law. This study employs a normative juridical method with statutory and conceptual approaches. The data used are secondary data consisting of primary legal materials, such as laws and regulations related to forestry, environmental protection, government administration, and the control of forest areas, as well as secondary legal materials, including literature, scientific journals, and legal doctrines. Tertiary legal materials include legal dictionaries. The analysis is conducted qualitatively by interpreting legal norms and linking them to the concepts of legality, legitimacy, and ecological justice. The findings indicate that Presidential Regulation No. 5 of 2025 has a legal basis as an instrument of state control, but the legitimacy of its implementation depends on the protection of indigenous and local communities, transparency of forest area data, public participation, proportionality of measures, and a genuine orientation toward ecological restoration. This study concludes that the control of forest areas must not stop at administrative enforcement, but must instead be directed toward fair, participatory, and sustainable forest governance.

Keywords: Ecological Justice, Forest Areas, Legality, Legitimacy, Presidential Regulation

Introduction

The issuance of Presidential Regulation Number 5 of 2025 concerning the Control of Forest Areas (Presidential Regulation No. 5 of 2025) demonstrates a new government effort to restore forest governance in Indonesia. Presidential Regulation No. 5 of 2025 was issued in response to various problems in the management of forest areas, particularly those related to mining activities, plantations, land use, and various forms of area utilization that have not fully complied with applicable provisions (Abimanyu, 2023; Chamdani, 2021; Markum et al., 2022). This began when the Government positioned Presidential Regulation No. 5 of 2025 as an instrument to accelerate the resolution of land governance problems, strengthen state control over forest areas, and optimize state revenue.

Normatively, control is carried out through administrative mechanisms in the form of fine collection, repossession of forest areas, and asset recovery within forest areas. However, on the other hand, the implementation of this policy has generated controversy in the control of forest areas because the implementation of this regulation is not only related to state administration, but is also directly connected to community rights, environmental sustainability, and ecological justice (Yuliantika et al., 2022). In accordance with these conditions, this policy reflects a tension among the interests of the state, economic actors, the environment, and communities affected by the forest area control policy (Roengtam et al., 2023). Based on this explanation, Presidential Regulation No. 5 of 2025 becomes an issue that needs to be re-examined in relation to the direction of Indonesia's forestry law policy in addressing problems of control and utilization of forest areas that, until now, have not been clearly resolved.

The emergence of the forest area control policy through Presidential Regulation No. 5 of 2025 cannot be separated from long-standing problems in national forest governance, such as unclear forest area boundaries, tenurial conflicts, and unequal utilization of natural resources. From an administrative perspective, the designation of forest areas has shown relatively positive progress, as indicated by the area of designated forest reaching approximately 106.21 million hectares as of December 2023 (KLHK, 2024). However, this administrative

progress has not been fully accompanied by the resolution of conflicts that occur in practice. This condition can be seen in the large number of indigenous peoples, small farmers, and local communities that continue to face claims over territories they have managed for generations. This phenomenon shows that the legal and administrative designation of forest areas does not always align with the recognition of the rights and existence of communities that have long lived and carried out activities within them (Arizona & Illiyina, 2024). In fact, the forest area control policy under Presidential Regulation No. 5 of 2025 has the potential to improve forest governance if properly implemented by taking action against business actors proven to have violated the law and harmed the environment. On the other hand, if the policy is implemented generally without distinguishing the legal position and conditions of each party, it risks creating injustice, especially for indigenous peoples and local communities involved in tenurial conflicts (Maring, 2022).

Normatively, Presidential Regulation No. 5 of 2025 was issued to reaffirm forest area governance through administrative measures that are more firm, coordinated, and directed. This policy was established as a manifestation of the state's intention to reassert control over forest areas that have been used in ways inconsistent with legal provisions. From the perspective of *das sollen*, the control of forest areas through Presidential Regulation No. 5 of 2025 should be directed toward protecting ecological functions, restoring environmental damage, ensuring legal certainty, and holding accountable those who benefit from the illegal and unlawful control of forest areas (Rohmy et al., 2024). However, from the perspective of *das sein*, the implementation of this policy has the potential to generate social problems if forest areas are treated merely as objects of administrative control without considering the conditions of communities that depend on them (Rustiadi & Veriasa, 2022). Moreover, forest areas are also social, ecological, economic, and cultural spaces for various community groups (Rahmani et al., 2022). This provision clearly contradicts Article 11 paragraph (4) of Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction, as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation

into Law, which states that: “Communities residing inside and/or around forest areas who cut timber outside conservation forests and protected forests for their own needs and not for commercial purposes must obtain permission from the authorized official in accordance with the provisions of laws and regulations.” Consequently, if the control mechanism prioritizes administrative aspects and state revenue, the objective of ecological restoration may shift into merely reclaiming assets. Based on this explanation, the gap between normative objectives and the reality of implementation constitutes the main problem of this research.

The next problem in this study lies in the tendency of forestry law to remain strongly influenced by a legalistic-formal approach. This approach emphasizes that a government action is considered correct as long as it has a valid basis of authority, procedure, and legal form. However, in natural resource governance, formal legality is not always identical to social and ecological legitimacy (Korhonen et al., 2023). This statement is supported by Prof. Hariadi Kartodihardjo, who warned of a problem in the discourse on forest areas that are “legal but not yet legitimate,” referring to state instruments that reproduce uncertainty of rights and neglect ethical aspects in policy (Kartodihardjo, 2016). This statement is relevant in relation to Presidential Regulation No. 5 of 2025 because the control of forest areas may be administratively valid, yet still create problems if implemented in a manner that is not participatory, not transparent, and not sensitive to the rights of affected communities (Arney et al., 2023). Therefore, the problem of this research is not only related to the legal conformity of Presidential Regulation No. 5 of 2025, but also to whether its implementation possesses legitimacy from the perspective of ecological justice. This main formulation will demonstrate the importance of shifting the analysis from a normative compliance orientation toward the fulfillment of law in accordance with substantive justice in forest area management.

In addition, an analytical gap is found in the relationship between forest area control policy, regulatory harmonization, and the protection of community rights. In this context, Presidential Regulation No. 5 of 2025 cannot be separated from other applicable provisions, but must be read systematically and aligned

with the Forestry Law and other related laws and regulations. Presidential Regulation No. 5 of 2025 needs to be examined collectively and realigned with the Forestry Law, the Law on the Prevention and Eradication of Forest Destruction, the Law on Environmental Protection and Management, the Government Administration Law, as well as implementing regulations related to the settlement of business activities within forest areas (Permadi et al., 2022). This policy synchronization needs to be carried out to prevent potential overlapping authority among institutions and legal uncertainty for both communities and business actors (Banola et al., 2025). This problem becomes even more complex because, according to Presidential Regulation No. 5 of 2025, the policy includes provisions on the establishment of a task force involving various state institutional elements in the control mechanism. Ideally, this means that the policy under Presidential Regulation No. 5 of 2025 requires cross-institutional coordination to strengthen the effectiveness of law enforcement in forest areas. In practice, however, such coordination must also be controlled through the principles of the rule of law, proportionality, accountability, transparency of information, and protection of citizens' rights (Umar, 2023). Thus, the main gap in this research lies in the absence of a comprehensive evaluation to assess whether the forest area control policy has fulfilled the principle of legal certainty while also realizing ecological justice.

The novelty of this research lies in its approach, which positions Presidential Regulation No. 5 of 2025 as an object of ecological legitimacy analysis within the environmental rule of law, rather than merely as an administrative instrument. This differs from previous studies that emphasized only normative and institutional aspects, whereas this research also focuses on evaluating the conformity of the policy with the principles of ecological justice and environmental sustainability (Mukti & Sobirov, 2023; Putrijanti & Pinilih, 2023). The novelty of this research also lies in the application of the concept of *legal but not legitimate* as an evaluative instrument for the forest area control policy, particularly to examine the alignment among formal legality, ecological justice, and the protection of communities affected by the policy. In addition, this research integrates a normative juridical approach with the perspective of

ecological justice, which emphasizes distributive justice, procedural justice, recognition justice, and restorative justice. By using this approach, this research does not only focus on the legality of norms, but also evaluates the direction of forest area control policy from moral, social, and ecological perspectives. Another novelty of this research lies in its effort to formulate a forestry law reform model capable of balancing state control, environmental protection, and community rights. Based on this novelty, this research is expected to broaden the paradigm of forestry law from legal compliance toward ecological justice compliance.

The significance of this research lies in its contribution to the development of concepts and practices in forestry law, administrative law, and environmental law in the context of forest area management in Indonesia. Theoretically, this research enriches the discourse on the rule of law in the environmental context by emphasizing that a policy that is formally valid must still be tested through ecological legitimacy and social justice. Practically, this research serves to provide input for the government in improving the design of forest area control so that it becomes more transparent, participatory, proportional, and oriented toward ecosystem restoration. In addition, this research is relevant for civil society, academics, and policymakers in ensuring that the repossession of forest areas continues to uphold the principles of justice, protection of community rights, and environmental sustainability. Nevertheless, this research has limitations because it uses a normative juridical method, so the analysis relies primarily on laws and regulations, doctrines, legal concepts, and secondary legal materials. In addition, this research is also limited because it cannot directly examine the implementation of Presidential Regulation No. 5 of 2025 in all regions that face diverse dynamics and conflicts in forest area management. Therefore, further empirical or socio-legal research is needed to examine how forest area control norms operate in practice and the extent to which this policy truly realizes ecological justice.

Based on the background described above, the research questions in this study are as follows: (1) what is the position of Presidential Regulation No. 5 of 2025 concerning the Control of Forest Areas within Indonesia's forestry law system?; (2) how is the substance of the regulation in Presidential Regulation No.

5 of 2025 viewed from the principles of legal certainty and ecological justice?; and (3) what is the direction of forestry law reform in realizing just and sustainable forest governance after the issuance of Presidential Regulation No. 5 of 2025?

Research Method

This research employs a normative juridical research method, namely legal research that focuses on positive legal norms, legal principles, legal doctrines, and legal concepts relevant to the research problem (Antony et al., 2026). The selection of the normative juridical method is based on the nature of this research, which focuses on analyzing the position, substance, and direction of Presidential Regulation No. 5 of 2025 concerning the Control of Forest Areas within Indonesia's forestry law system. This research does not directly focus on empirically examining community behavior, but rather on assessing the conformity of legal norms with the principles of legal certainty, proportionality, policy legitimacy, and ecological justice. The approaches used in this research include the statutory approach, conceptual approach, and analytical approach. The statutory approach is used to examine Presidential Regulation No. 5 of 2025 and other regulations related to forestry, environmental protection, government administration, and the settlement of forest area control. Meanwhile, the conceptual approach is used to examine the concepts of legality, legitimacy, the environmental rule of law, and ecological justice as the basis for assessing the forest area control policy (Disemadi, 2022).

The type of data used in this research is secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to the object of the research, including Presidential Regulation No. 5 of 2025 concerning the Control of Forest Areas, the Forestry Law, the Law on Environmental Protection and Management, the Government Administration Law, and implementing regulations relevant to the control, use, and regulation of forest areas. Meanwhile, secondary legal materials include legal books, scientific journals, research findings, expert opinions, institutional reports, and doctrines discussing forestry law, environmental law, administrative law, tenurial conflicts, and ecological justice.

The tertiary legal materials used in this research serve as supporting materials to clarify legal terms and concepts, such as legal dictionaries, legal encyclopedias, and regulatory indexes. Data collection is conducted through library research by tracing, inventorying, and classifying legal materials that have direct relevance to the research questions. The collected data are analyzed qualitatively by using legal interpretation, norm systematization, and legal argumentation to identify the relationship between the formal legality of Presidential Regulation No. 5 of 2025 and the demand for ecological legitimacy in its implementation. The results of the analysis are then arranged prescriptively to formulate a concept of forest area control that is not only legally valid, but also socially just, ecologically sound, and sustainable (Tan, 2021).

Results and Discussions

The Position of Presidential Regulation No. 5 of 2025 concerning the Control of Forest Areas within Indonesia's Forestry Law System

Within Indonesia's hierarchy of laws and regulations, a Presidential Regulation is positioned below Laws and Government Regulations (J. P. Pratama et al., 2022). Although it is located below Laws and Government Regulations, a Presidential Regulation still has binding legal force because it forms part of the recognized laws and regulations established based on the President's constitutional authority. This position indicates that a Presidential Regulation cannot stand independently without limitation, but must function as an instrument for implementing higher legal norms. Based on this statement, Presidential Regulation No. 5 of 2025 should not contradict the Forestry Law, the Law on Environmental Protection and Management, the Government Administration Law, or the government regulations derived from them (K. J. Pratama, 2022). From a normative perspective, the existence of Presidential Regulation No. 5 of 2025 is intended as a form of implementing the President's governmental authority in organizing sectoral policies in the forestry sector. However, the validity of a Presidential Regulation must not be separated from

the obligation to align its content with its type and position within the hierarchy of laws and regulations. Based on this explanation, Presidential Regulation No. 5 of 2025 can be understood as an instrument for implementing forestry policy that has binding legal force, as long as it does not conflict with higher laws and regulations (Aritonang, 2024).

As a legal product of the President, Presidential Regulation No. 5 of 2025 has the characteristics of an administrative regulation governing government actions in controlling forest areas (Amancik, 2023). The impact of Presidential Regulation No. 5 of 2025 is not only to create a new legal framework in forestry, but also to strengthen the implementation of existing regulations within the statutory system. In this context, a Presidential Regulation functions as an instrument that connects general provisions in Laws with the practical needs of implementing government policies in the field. The President's authority to issue a Presidential Regulation must be understood as part of the governmental function in administering state governance effectively. However, this administrative function should remain subject to the principles of the rule of law, particularly legal certainty, protection of citizens' rights, accountability, and the prohibition of abuse of authority (Ridwan, 2023). Therefore, this Presidential Regulation should not only be examined from the formal aspect of its formation, but also from the perspective of its substance and potential implementation. In accordance with this urgency, an analysis of the position of Presidential Regulations becomes important so that the control of forest areas does not turn into administrative action that exceeds the limits of legal authority (Baihaki, 2023).

In relation to Presidential Regulation No. 5 of 2025 and Law Number 41 of 1999 concerning Forestry, the connection between these two policies lies in the basis of state control over forests and the state's obligation to ensure forest management for the greatest prosperity of the people. Law Number 41 of 1999 concerning Forestry regulates that forests, as natural resources, must be managed by taking into account conservation functions, protection functions, and production functions. Based on the mandate of this Law, the implementation of forest area control through Presidential Regulation No. 5 of 2025 must be

directed toward maintaining status certainty, preserving forest functions, and ensuring the sustainability of forest areas (Syahputra & Israhadi, 2025). In addition, Presidential Regulation No. 5 of 2025 must be viewed as an instrument for addressing the use of forest areas that is inconsistent with legal provisions. However, this relationship must not be understood merely as an expansion of the state's repressive authority. This is because the control of forest areas must remain directed toward restoring forest governance, protecting ecosystems, and resolving legal problems proportionally (Hermawan et al., 2023). Therefore, Presidential Regulation No. 5 of 2025 should be positioned as an implementing instrument that must remain consistent with the fundamental objectives of national forestry law.

In addition to its relationship with Law Number 41 of 1999 concerning Forestry, Presidential Regulation No. 5 of 2025 is also connected to various implementing regulations in the forestry sector, one of which is Government Regulation Number 23 of 2021 concerning the Implementation of Forestry. Government Regulation Number 23 of 2021 concerning the Implementation of Forestry is an important policy instrument because it regulates forestry planning, forest area use, forest utilization, social forestry, forest protection, supervision, and administrative sanctions. This relates to Presidential Regulation No. 5 of 2025 in terms of provisions concerning administrative sanctions and non-tax state revenue derived from forestry-related fines, because such matters are also regulated under Presidential Regulation No. 5 of 2025 (Maskun et al., 2025). The relationship among these regulations shows that Presidential Regulation No. 5 of 2025 cannot be implemented separately from the existing forestry regulatory system. Every control measure must refer to the mechanisms, limitations, and procedures stipulated in higher regulations and relevant implementing regulations, namely Presidential Regulation No. 5 of 2025 and Government Regulation Number 23 of 2021 concerning the Implementation of Forestry (Kismartini et al., 2024). If Presidential Regulation No. 5 of 2025 is implemented without considering synchronization with its implementing regulations, the potential for legal uncertainty will become even greater. Therefore, the relationship between Presidential Regulation No. 5 of 2025 and other forestry

regulations should be structured systematically, rather than sectorally and partially, so as not to create overlapping policies.

The main objective of issuing Presidential Regulation No. 5 of 2025 is to strengthen the handling and improvement of governance over mining, plantation, and other activities within forest areas. This regulation is also directed toward preventing the loss of state control over forest areas and optimizing state revenue (Almansuri et al., 2025). The regulatory content of Presidential Regulation No. 5 of 2025 includes control measures against every person or business entity that controls forest areas in a manner inconsistent with the provisions of laws and regulations. The forms of control regulated include the collection of administrative fines, repossession of forest areas, and asset recovery within forest areas. From the perspective of administrative law, this regulation reflects the government's effort to use administrative instruments as corrective mechanisms against violations in the use of forest areas (Ismail & Karjoko, 2023). However, it must be emphasized that the objective of optimizing state revenue must not override the constitutional objective of ecological protection, which constitutes the core of forestry law. Therefore, the substance of Presidential Regulation No. 5 of 2025 must be interpreted as an instrument for improving governance, not merely as a fiscal tool or an instrument for asset control.

Furthermore, the substance of Presidential Regulation No. 5 of 2025 also shows a classification of control objects based on the type of forest area and the licensing status of activities (Daulay et al., 2023). In conservation forest areas and protected forest areas, control measures are directed at mining, plantation, or other activities that are inconsistent with the function of the area. Meanwhile, in production forest areas, control measures under Presidential Regulation No. 5 of 2025 are directed at activities that fail to meet basic requirements, have incomplete licensing, lack business permits, or obtain permits unlawfully. Such regulation indicates that Presidential Regulation No. 5 of 2025 seeks to differentiate legal consequences based on the character of the violation and the type of forest area (Maulana & Firmansyah, 2023). Beyond its substantive provisions, Presidential Regulation No. 5 of 2025 also requires caution in its implementation and interpretation because the term "every person" may include both large business

entities and small communities. Therefore, without clear distinguishing parameters, Presidential Regulation No. 5 of 2025 has the potential to equate corporate violations with the existence of local communities involved in historical tenurial conflicts (Larson et al., 2023). Accordingly, the substance of Presidential Regulation No. 5 of 2025 needs to be re-examined and aligned with the principles of proportionality, protection of vulnerable communities, and ecological justice.

Based on Presidential Regulation No. 5 of 2025, the legal principles underlying this policy include the principles of legality, legal certainty, utility, prudence, proportionality, and environmental protection (Bimasakti, 2022). The principle of legality requires that all control measures have a clear basis of authority and are not carried out arbitrarily. The principle of legal certainty requires that the objects of control, procedures for control, types of sanctions, and objection mechanisms be clearly understood by both communities and business actors. The principle of proportionality requires government action to be adjusted to the level of violation, ecological impact, legal position of the subject, and possible social consequences. Meanwhile, the principle of prudence requires the government to verify forest area data, licensing status, territorial boundaries, and factual conditions before imposing administrative measures. When linked to the perspective of environmental law, Presidential Regulation No. 5 of 2025 should also be supported by the principles of precaution, sustainability, prevention of damage, environmental restoration, and intergenerational justice (Aminudin et al., 2021). With these additional principles, they can serve as normative indicators for assessing the effectiveness of Presidential Regulation No. 5 of 2025 as an instrument of the rule of law, rather than merely an administrative control instrument.

Moreover, although Presidential Regulation No. 5 of 2025 already has a legal basis, it also has the potential to create regulatory disharmony within Indonesia's forestry law system. The first potential disharmony can be found in the relationship between central and regional authority in the supervision and management of forest areas (Surono et al., 2025). This can be seen from the existence of a policy that centralizes actions through a task force to accelerate coordination, even though this may create problems if it is not aligned with the

technical authority of ministries, regional governments, and institutions that have long handled forestry conflicts. The second potential disharmony relates to the relationship between administrative control and criminal, civil, or administrative dispute resolution processes that are ongoing or may proceed simultaneously (Muhyidin, 2018). This problem may arise if the boundaries among legal pathways are not clearly formulated, resulting in procedural uncertainty for both business actors and affected communities. In addition, the third potential disharmony emerges in the relationship between forest area control and the agendas of agrarian reform, social forestry, and recognition of indigenous law communities. In accordance with these potential problems, policy harmonization becomes an important element so that Presidential Regulation No. 5 of 2025 does not generate new legal conflicts in forestry governance.

When viewed from the impact of Presidential Regulation No. 5 of 2025 on Indonesian forestry governance, the impact of this policy can be assessed from two interrelated perspectives. On the one hand, Presidential Regulation No. 5 of 2025 provides legitimacy for the state's capacity to control business activities that unlawfully occupy forest areas. In addition, the mechanisms for collecting administrative fines, repossessing forest areas, and recovering assets may become key instruments for addressing the weak forestry supervision that has existed so far (Rimawan & Ufran, 2023). Nevertheless, on the other hand, the success of this policy must not be measured solely by the amount of land repossessed or the amount of state revenue obtained. This is because a more substantive measure of success must be prioritized, including the restoration of ecological functions, resolution of tenurial conflicts, protection of community rights, and transparency in the use of forest area data (Lorenzini & Jacobi, 2024). In addition, good forestry governance does not only require state effectiveness, but also involves participation, accountability, and justice for affected parties (Marta, 2021). Thus, Presidential Regulation No. 5 of 2025 can become an instrument for reforming forestry governance if its implementation is not trapped within a narrow administrative approach.

A Substantive Review of the Principles of Legal Certainty and Ecological Justice in Presidential Regulation No. 5 of 2025

The principle of legal certainty is one of the fundamental principles of the rule of law, requiring every governmental action to have a clear legal basis, be predictable, and not be carried out arbitrarily. In legal doctrine, legal certainty is not only related to the existence of written norms, but also includes clarity of formulation, consistency of application, and protection of the rights of legal subjects (Nugraheni & Aime, 2022). Legal certainty is important because law must be able to provide guidance for the government, society, and business actors in determining actions that are permitted, prohibited, or subject to legal consequences. In the context of government administration, this principle requires every public policy to have a clear basis of authority, procedures, regulatory objects, and accessible objection mechanisms (Is, 2021). Meanwhile, ecological justice is a concept that positions the environment not merely as an object of economic exploitation, but as a living space that must be protected fairly and sustainably. Ecological justice includes distributive justice, procedural justice, recognition justice, and restorative justice for affected communities and ecosystems (Setyawan, 2025). Therefore, legal certainty and ecological justice are two important principles that must operate together in every forestry policy.

The relevance of the principles of legal certainty and ecological justice in national forestry policy is very strong because forest areas constitute legal objects that simultaneously possess ecological, social, economic, and cultural dimensions. Forestry policy is not sufficient if it merely regulates the status of areas and utilization permits, but must also ensure the protection of forest functions for community life and the sustainability of future generations. Legal certainty is needed to determine forest area boundaries, control status, types of permitted activities, and sanctions for parties that violate legal provisions. However, legal certainty that relies solely on administrative designation may create injustice if it does not consider the history of land control, the rights of indigenous peoples, and long-standing tenurial conflicts (Patabang & Hardjanto, 2023). In this

context, ecological justice serves as a corrective framework to forestry approaches that are overly legalistic and sectoral. Ecological justice requires forestry policy not only to pursue administrative order, but also to guarantee the distribution of forest benefits, community participation, rights recognition, and restoration of environmental damage (Widyastuti, 2023). Therefore, national forestry policy must be designed as an instrument of the environmental rule of law that combines normative certainty and substantive justice.

In Presidential Regulation Number 5 of 2025, the principle of legal certainty can be seen from the government's effort to formulate the objects, subjects, and forms of forest area control measures more firmly. This Presidential Regulation regulates control measures against mining, plantation, and other activities within forest areas that are inconsistent with the provisions of laws and regulations (McCarthy et al., 2022). From the perspective of the object, this regulation provides boundaries by stating that control measures are directed at legally problematic control over forest areas. From the perspective of the subject, Presidential Regulation No. 5 of 2025 uses the category of "every person," which may include both individuals and business entities (Redin & Jordan, 2023). From the perspective of action, Presidential Regulation No. 5 of 2025 regulates mechanisms for collecting administrative fines, repossessing forest areas, and recovering assets within forest areas. This formulation shows the state's intention to build a more structured and coordinated control framework (Golar et al., 2022). In accordance with this substantive content, Presidential Regulation No. 5 of 2025 seeks to provide legal certainty in addressing the use of forest areas that has long created governance problems.

Nevertheless, the implementation of the principle of legal certainty in Presidential Regulation Number 5 of 2025 still has several normative limitations that need to be carefully examined. First, the use of the term "every person" may create problems if it is not accompanied by clear parameters to distinguish among large corporations, illegal business actors, indigenous peoples, and local communities, especially in terms of legality. Second, the control mechanism must ensure that it does not ignore the right to be heard, the right to submit objections, and the right to an objective administrative examination (Prastyo, 2022). Third,

legal certainty also greatly depends on the validity of spatial data, area status, forest boundaries, and licensing documents used as the basis for action (Faxon et al., 2022). If the data used are inaccurate or not transparent, control measures may give rise to new disputes. Fourth, inter-agency coordination within a task force may strengthen effectiveness, but it may also create overlapping authority if there is no clear division of duties. Therefore, legal certainty in Presidential Regulation No. 5 of 2025 must not only be viewed from the existence of written norms, but also from the clarity of procedures, accuracy of data, and guarantees of rights protection in its implementation.

The philosophical foundation of ecological justice in forest policy rests on the understanding that forests are not merely state assets, but also living systems that support ecological balance and social sustainability (Cortés-Capano et al., 2022). Forests function as providers of water, carbon sinks, buffers of biodiversity, living spaces for indigenous peoples, and sources of livelihood for local communities. Therefore, forest area control policy must be placed within the framework of protecting life, not merely within the framework of state administrative control. The idea of “legal but not legitimate” becomes relevant because a policy may be valid in legal form, yet still lose legitimacy if it produces social injustice and ecological damage. In this context, legal legitimacy does not arise only from governmental authority, but also from the conformity of policy with the values of justice, participation, transparency, and sustainability (Dzebo & Adams, 2023). Ecological justice requires parties that benefit from forest destruction to bear greater responsibility for restoration. Thus, the philosophical basis of ecological justice encourages forest area control not to stop at formal legality, but to move toward the protection of ecosystems and the dignity of affected communities.

Ecological justice in the substance of Presidential Regulation No. 5 of 2025 can be seen from the regulatory orientation toward the repossession of forest areas and asset recovery within forest areas. Normatively, the repossession of forest areas can become an important step in stopping unlawful and environmentally damaging forest utilization practices (McKenna et al., 2023). Asset recovery can also be understood as a form of correction against benefits

obtained from control over forest areas that is contrary to law. However, ecological justice cannot be measured merely by the state's success in reclaiming areas or collecting administrative fines. The policy must ensure that the areas that have been repossessed are genuinely restored in terms of their ecological functions. In addition, the control process must involve affected communities so that it does not result in eviction, criminalization, or the disproportionate loss of livelihoods (Buxton et al., 2022). Based on the views in these studies, the substance of ecological justice in Presidential Regulation No. 5 of 2025 still requires strengthening through the principles of participation, rights recognition, environmental restoration, and fair distribution of responsibility.

The tension between the principle of legal certainty and ecological justice arises when forest area control is carried out based on administrative compliance but does not yet consider social complexity at the site level (Sze et al., 2022). Legal certainty requires clarity of forest area status and compliance with licensing, while ecological justice requires that the history of spatial control, power relations, and environmental impacts also be taken into account (Syofiarti et al., 2023). In certain circumstances, local communities may be considered to be unlawfully occupying forest areas under positive law, even though they have lived in and managed those spaces for generations. Conversely, large corporations may possess certain administrative documents, yet their business activities may still cause ecological degradation and social inequality. This condition demonstrates that administrative legality does not always reflect substantive justice. Therefore, forest area control must not apply a uniform approach to all legal subjects. This tension must be resolved through a policy model capable of distinguishing among corporate violations, administrative errors, tenurial conflicts, and the existence of communities requiring legal protection.

A normative evaluation of the synchronization between the principles of legal certainty and ecological justice shows that Presidential Regulation No. 5 of 2025 has positive potential, but still requires strengthening in procedural and substantive aspects. From the perspective of legal certainty, Presidential Regulation No. 5 of 2025 has provided a basis for the government to carry out forest area control in a more coordinated manner (Rahmi et al., 2025). However,

from the perspective of ecological justice, Presidential Regulation No. 5 of 2025 must be ensured not only to produce administrative order, but also environmental restoration and protection of affected communities (Blattert et al., 2022). Synchronization of these two principles requires transparency of forest area data, public information disclosure, effective objection mechanisms, and socio-ecological impact assessments before control measures are carried out (Yanuardi et al., 2022). In addition, the application of administrative fines must take into account the principle of proportionality so as not to burden vulnerable groups unfairly. The state must also ensure that the results of control measures do not merely become instruments of state revenue, but are redirected toward forest rehabilitation and ecosystem restoration. Through these stages, synchronization between legal certainty and ecological justice can only be achieved if the legality, procedures, substance, and impacts of the policy are assessed comprehensively.

The implications of forestry law enforcement arising from the substance of Presidential Regulation No. 5 of 2025 lie in the shift of orientation from passive law enforcement toward more active administrative control (Prastiti, 2022). The state no longer merely waits for criminal or civil proceedings, but may use administrative instruments to collect fines, repossess areas, and recover assets (Kurdi et al., 2025). This model can accelerate correction of problematic control over forest areas, particularly when violations are committed by business actors with substantial economic capacity. However, the effectiveness of forestry law enforcement must still be limited by the principles of legality, proportionality, prudence, and accountability (Zahroh & Najicha, 2022). Strong law enforcement without rights protection may turn into repressive and illegitimate action. Conversely, rights protection without firmness against forest destroyers may weaken the state's function in protecting the environment. Therefore, the main implication of this Presidential Regulation is the need to develop forestry law enforcement that is firm against forest destroyers, yet remains fair to affected communities and consistent with ecological restoration.

The Direction of Forestry Law Reform in Realizing Just and Sustainable Forest Governance after Presidential Regulation No. 5 of 2025

After the issuance of Presidential Regulation No. 5 of 2025, this regulation brought about a shift in the state's orientation in addressing forest area problems that have long been complex, complicated, and multilayered. Following the issuance of Presidential Regulation No. 5 of 2025, the Government no longer focuses solely on an ordinary sectoral approach, but has begun to establish a more integrated control mechanism through administrative instruments and special institutional arrangements (Aulia & Usman, 2026). Based on this, after the issuance of Presidential Regulation No. 5 of 2025, this policy began to demonstrate the state's initiative to strengthen the repossession of forest areas, collect administrative fines, and recover assets located within forest areas. However, this change also creates legal consequences that need to be carefully re-examined because forest areas cannot be regarded merely as objects of state control, but also as living spaces for communities and ecosystems (Kusters et al., 2022). In addition, after the issuance of Presidential Regulation No. 5 of 2025, forest governance stands at a crossroads between the acceleration of control measures and the need to protect ecological justice (Bouwmeester et al., 2023). If control measures are carried out in a measured manner, this policy can become a momentum for improving national forest governance. Conversely, if implemented in a legalistic and uniform manner, this policy has the potential to deepen tenurial conflicts and weaken the state's social legitimacy.

This is reinforced by an evaluation of existing regulations, which shows that Indonesian forestry law already has a relatively broad set of norms, but has not yet been fully able to resolve the structural problems of forest area control (P & Suhadi, 2024). This statement contrasts with the Forestry Law, which has emphasized that state control over forests must be utilized for the greatest prosperity of the people in a just and sustainable manner. This is also supported by implementing regulations in the forestry sector, which have regulated planning, area use, utilization, rehabilitation, protection, supervision, and

administrative sanctions. However, in reality, the existence of numerous regulations has not always resulted in effective synchronization in practice. This is evidenced by the continued potential for overlap among forestry, land, environmental, mining, plantation, agrarian reform, and indigenous legal community recognition policies (Muhdar et al., 2023). This condition shows that forestry problems are not merely caused by legal gaps, but also by regulatory development and weak inter-agency coordination (Wardana, 2025). Therefore, forestry law reform should be directed toward harmonizing the legal system, rather than merely focusing on the addition of new policies.

In reality, the need for forestry law enforcement reform arises from the awareness that previous policies tended to place forests as objects of state administration and economic commodities. Although such law enforcement is not entirely wrong, it becomes problematic when the ecological functions of forests and the social relations of communities living around them are neglected. This becomes a contradiction when linked to the future model of forestry law, which moves from the paradigm of state control toward the paradigm of ecological governance, placing the state as the manager of an ecological trust (Folke et al., 2021). Within this paradigm, state control over forests must not be interpreted as absolute power, but rather as a constitutional obligation to protect the environment and ensure the welfare of the people fairly. This paradigm shift also demands a change in perspective from mere legal compliance toward ecological justice compliance (Rhiti, 2025). This means that legal compliance is not sufficiently measured only by permits, area status, and payment of fines, but also by environmental restoration, community participation, and the sustainability of forest functions. Therefore, Presidential Regulation No. 5 of 2025 should serve as a momentum to renew the orientation of forestry law toward a more substantive direction.

Furthermore, the reorientation of principles and legal doctrines in Presidential Regulation No. 5 of 2025 is one of the important stages in building just and sustainable forest governance. The principles of legality and legal certainty must still be maintained because they serve as the basis for government action in controlling forest areas (Dewa et al., 2023). However, these principles

need to be balanced with the principles of proportionality, precaution, public participation, transparency of information, protection of vulnerable communities, and ecological restoration (Hutauruk et al., 2025). The principle of proportionality is needed so that control measures do not equate violations committed by large corporations with the presence of local communities that have historical ties to forest areas. In addition, the principle of public participation is also necessary so that affected communities are not merely treated as objects of policy, but also as subjects whose voices are heard in the decision-making process. The principle of ecological restoration is needed so that repossession of forest areas does not merely stop at a change in administrative status, but continues to the stage of rehabilitating environmental functions. Through such reorientation of principles, forestry law, particularly Presidential Regulation No. 5 of 2025, can move from a conventional control model toward a governance model based on ecological justice.

In addition to the reorientation of principles, normative reform also needs to be carried out by clarifying the parameters of subjects, objects, procedures, and legal consequences in forest area control. Norms that use general terms such as “every person” must be operationally explained so that they do not create equal treatment between corporations, illegal business actors, indigenous peoples, small farmers, and local communities, and do not give rise to multiple interpretations (Spaak, 2022). In addition, implementing regulations or technical guidelines need to contain classifications of violations based on the scale of activity, licensing status, ecological impact, economic benefit, and social position of the legal subject. In terms of mechanism, it is necessary to regulate an administrative objection mechanism that is easily accessible, transparent, quick, and not burdensome for affected communities. Normative reform of Presidential Regulation No. 5 of 2025 must also ensure that the proceeds from administrative fines and asset recovery can be directed toward forest rehabilitation, ecosystem restoration, and the resolution of social conflicts. From the institutional side, clear and systematic coordination needs to be further developed among technical ministries, regional governments, law enforcement agencies, supervisory institutions, and institutions dealing with indigenous

communities or agrarian reform (Myers et al., 2022). Through these stages, normative and institutional reform needs to be designed to prevent abuse of authority while improving the effectiveness of forest area control.

Strengthening law enforcement and the supervisory system is a key requirement to ensure that forestry law reform is not merely normative, but also has a real impact on forest area management (Wijayanto et al., 2022). Forestry law enforcement must be carried out in an integrated manner through administrative, civil, criminal, and environmental restoration instruments according to the characteristics of the violations that occur. Administrative instruments such as fines and repossession of areas may be used quickly, but must still be accompanied by accurate data verification and accountable procedures (Theovanus et al., 2026). Meanwhile, for violations that cause serious ecological damage, law enforcement must not focus solely on the payment of fines, but must also include environmental restoration and the accountability of perpetrators. Supervision must also be strengthened through spatial data transparency, digital technology-based monitoring, compliance audits, and the involvement of civil society. Public complaint mechanisms must be designed and initiated so that communities can report both the misuse of forest areas and the abuse of authority in the control process (Annisa et al., 2024). With strong supervision, Presidential Regulation No. 5 of 2025 can function optimally as a corrective instrument, rather than merely as an administrative instrument operating without public control.

In addition, aligning forestry law reform with the Sustainable Development Goals (SDGs) framework is necessary to ensure that forest area management supports the achievement of sustainable development objectives. This is closely related to good forest governance under Goal 15 of the Sustainable Development Goals (SDGs) concerning terrestrial ecosystems, particularly the protection, restoration, sustainable use of terrestrial ecosystems, and sustainable forest management (Ridhofi et al., 2024). Furthermore, forestry law reform is also related to Goal 13 of the Sustainable Development Goals (SDGs) concerning climate action because forests have an important function as carbon sinks and climate balance buffers (Prakoso et al., 2026). The relevance of Goal 16 of the

Sustainable Development Goals (SDGs) is also evident from the fact that forest area conflicts are often influenced by limited access to justice, low transparency, and weak institutional accountability. In line with this relevance, synchronization with the Sustainable Development Goals (SDGs) requires that forest area control not only focus on legal compliance, but also support land restoration, biodiversity protection, and the strengthening of community rights. Therefore, the indicators of success for control measures need to be expanded from those oriented only toward the amount of fines or the size of areas repossessed to indicators that also focus on ecological and social sustainability. Based on these concerns, forestry law after Presidential Regulation No. 5 of 2025 must be realigned with a development agenda that is just, low in conflict, and sustainable.

The direction of forestry law reform must also reconsider the position of indigenous peoples and local communities as part of forest governance. This is due to the mismatch between the state's administrative recognition of forest areas and the factual condition of spatial control that has long existed within communities (Ariesna et al., 2024). Based on phenomena in the field, if legal reform only strengthens control instruments without strengthening community recognition and protection, forestry law will continue to face a crisis of legitimacy. Therefore, the recognition of indigenous legal communities, the acceleration of tenurial conflict resolution, and the strengthening of social forestry need to be integrated with forest area control policies (Anggia et al., 2026). This is intended so that communities proven to have historical, social, and ecological relationships with forest areas should not be treated the same as business actors who gain substantial benefits from legal violations. Therefore, the principle of recognition justice needs to be prioritized so that forest area control does not ignore the rights and socio-ecological relationships of communities that have long depended on forest areas. In this regard, forestry law reform must be designed in a balanced manner so that the objectives of law enforcement can be achieved without neglecting community protection and ecosystem restoration efforts (Setiawan et al., 2026).

Apart from recognition, forestry law reform must also strengthen the design of ecological restoration as the main objective of control measures. The

repossession of forest areas cannot directly be interpreted as environmental restoration if it is not accompanied by rehabilitation, reclamation, restoration, and post-control supervision plans (Sasmito et al., 2023). Therefore, every control measure should be followed by an assessment of ecological damage, a restoration plan, funding sources, responsible parties, and measurable indicators of success. As a consequence, business actors who cause damage must be burdened with restoration responsibility based on the Polluter Pays Principle and the principle of liability for environmental damage (Kurnia et al., 2023). Furthermore, when the state takes over an area, the state must also ensure and guarantee that the area is not reallocated for economic interests that disregard ecological functions (Prasetyaningsih et al., 2022). This affirms that ecological restoration must become the main measure of policy legitimacy, rather than focusing only on administrative success. Thus, forestry law reform after the issuance of Presidential Regulation No. 5 of 2025 must emphasize that lawful control is control that is able to realize environmental restoration while providing protection for affected communities.

Based on the discussion above, the direction of forestry law reform after Presidential Regulation No. 5 of 2025 should be shaped by considering the integration of legality, legitimacy, ecological justice, and sustainability. Through this policy reform, Presidential Regulation No. 5 of 2025 has a strategic role in supporting the strengthening of forest area governance and control. In addition, the resolution of national forestry problems also requires a clearer approach through legal reform that includes normative renewal, institutional strengthening, regulatory harmonization, protection of community rights, and restoration of the ecological functions of forest areas. On the other hand, forestry law enforcement must be directed primarily at actors who gain benefits from unlawful control over forest areas and cause environmental damage. At the same time, the state must be able to distinguish fairly among large business actors, indigenous peoples, local communities, and vulnerable groups situated in tenurial conflict. Through this policy direction, ideal forest governance is governance that is not only formally legal, but also socially and ecologically legitimate. In conclusion, Indonesian forestry law reform must move toward a

model of forest management that is participatory, transparent, restorative, just, and sustainable.

Conclusion

Based on the results of the discussion, it can be concluded that Presidential Regulation No. 5 of 2025 concerning the Control of Forest Areas has a legal position as an instrument for implementing government policy within Indonesia's forestry law system. Presidential Regulation No. 5 of 2025 is situated within the hierarchy of laws and regulations and functions to strengthen control over the occupation and utilization of forest areas that are not in accordance with legal provisions. In relation to the Forestry Law and its implementing regulations, this Presidential Regulation must be positioned as an operational instrument that must not conflict with higher norms, particularly the principle of state control over forests for the greatest prosperity of the people in a just and sustainable manner. The substance of its regulation demonstrates the state's effort to reorganize forest areas through the collection of administrative fines, repossession of areas, and asset recovery. However, from the perspective of the principles of legal certainty and ecological justice, the implementation of Presidential Regulation No. 5 of 2025 still requires caution because there is potential ambiguity regarding the subjects of control, the validity of forest area data, objection mechanisms, and the risk of equating corporate violations with the existence of local communities or indigenous peoples. Therefore, the answer to the research questions shows that Presidential Regulation No. 5 of 2025 is normatively valid, but its ecological legitimacy depends greatly on how the state carries out control measures in a transparent, proportional, participatory manner and with an orientation toward environmental restoration. A policy that is formally legal is not necessarily legitimate if it does not provide space for recognizing the rights of affected communities and does not produce real ecological restoration. Therefore, the control of forest areas must be understood not only as an administrative action, but also as part of forest governance reform that is just, sustainable, and consistent with the principles of the environmental rule of law.

As a recommendation, the government needs to ensure that the implementation of Presidential Regulation No. 5 of 2025 is carried out by strengthening regulatory synchronization, transparency of forest area data, factual verification in the field, and administrative objection mechanisms that are easily accessible to affected communities. Forest area control must clearly distinguish between large corporations that benefit from the unlawful occupation of forest areas, business actors that commit administrative violations, indigenous peoples, small farmers, and local communities situated in tenurial conflict. The government also needs to direct the proceeds from administrative fines and asset recovery to support forest rehabilitation, ecosystem restoration, conflict resolution, and the strengthening of environmental governance. In addition, the institutions responsible for control measures must operate accountably while still ensuring the principles of proportionality, protection of citizens' rights, public participation, and civil society oversight. From the perspective of legal reform, technical guidelines or implementing regulations are needed to clarify control procedures, classifications of violations, protection of vulnerable communities, and indicators of success based on ecological justice. Future research is recommended to use an empirical or socio-legal approach to assess the implementation of Presidential Regulation No. 5 of 2025 in regions with different characteristics of forestry conflicts. Further studies may also compare the effectiveness of forest area control policies with agrarian reform policies, social forestry, and the recognition of indigenous legal communities. Therefore, future research development is expected to strengthen a model of Indonesian forestry law that not only enforces formal legality, but also brings about social legitimacy, ecological justice, and intergenerational sustainability.

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Competing Interest

The authors declare that there are no competing interests.