HuMa with their partners by way of action research of indigenous forest initiative to attempt implementation of indigenous forest territory in 12 locations.
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Forword

Indegenous Forest, or if it is been landscaping broadened is a part of Indigenous territories, suddenly being a main topic which is often discussed after issuing constitutional court ruling No. 35, yet such a little bit of people who want to achieve it. Regardless of boisterous debates about conditions of indigenous peoples, HuMa, together with their 12 partners, Jaringan Komunitas Masyarakat Adat (JKMA) Aceh, Kelompok Konservasi Indonesia (KKI) Warsi, Akar Foundation, Rimbawan Muda Indonesia (RMI), Lembaga Bela Banua Talino (LBBT), Perkumpulan Serumpun, Perkumpulan PADI, Yayasan Merah Putih (YMP), Perkumpulan Bantaya, Perkumpulan Wallacea dan Aliansi Masyarakat Adat Nusantara (AMAN) Sulawesi Selatan, initiate to encourage of establishing Indegenous Forest/Territories which was mandated by Law and other regulations.

The establishment of Indegenous Forest/Territories urges to be accomplished by Indonesia Government which is needed as a restitution on expropriation of Indegenous territories by National State for decades. The establishment is a guarantee to ensure of Indegenous Peoples Rights on their territories. This profile compilation contains requirements of establishment on the Rights of Indegenous communities, including the subject of law, regulations or law and Adat territories. This profile is an extract of long term researches of HuMa Partners whom was mentioned who want to encourage establishment of Indegenous Forest/Territories.

This brief explanation is expected to assist Decision Makers to accelerate arrangement of regional regulation or regent decree which can establish Indegenous Rulling Communities, included of its forest/territories.

Best Regards

Andiko, SH., MH.
Executive Coordinator - Perkumpulan HuMa Indonesia
Executive Summary - Encouraging Research Indigenous Forest/Territory

Once Identified, Now Waiting Promise

Constitutional court ruling No. 35/2012 had become new encouragement in the long term struggle of customary society to get their territorial right, including customary society’s forest. That Decision revised official claims by state which included customary society’s forest as a part of national forest. A claim which was not briefly occurred.

State claim has caused excess which is not small, shaken communal life’s principle of customary society, and surely created systematically structural and broaden unjust. There are uncounted of how many cases of criminalization of customary society by state whom is charged because of its clash with the formal rules.

Regardless, Constitutional court ruling No.35/2012 declared that there is neglect on customary society’s rights which should be parts of purposes of the state as written in Constitution Preamble. Purposes of the state, three of them are to protect the whole people of Indonesia and the entire homeland of Indonesia, and in order to advance general prosperity, to develop the nation’s intellectual life. It seems that those purposes are not yet applicable generally to customary society.

Constitutional court ruling 35 have a role to return identity – in this case customary territory, including customary forest belong to customary society. The problem of customary forest or territory has become arena of value and interest battle between subject and object of right might not be separated. It seems that Constitutional court ruling No.35/2012 is an oasis to be retrieval of customary society’s rights on their territory.

This territory identification research, including customary forest result produce inventions which is important enough as action research to implement Constitutional court ruling No.35/2012. Generally, as known by public that Constitutional court ruling No.35/2012 admitted customary society as a law entity. They are a subject who have right on customary forest which is in same Decision it was removed from category of national forest. It means that object of law which is called customary forest is very dependent to the subject of law as it right holder. Ideally, between subject and object of right might not be separated.

There are regulations which regulate about customary society and its requirement, such as Law No. 41/1999 on Forestry, Law No. 1/2014 On Management of Coastal Areas and Small Islands and Law No. 6/2014 On Village to the technical regulations of ministry, such as Regulations of Ministry of Agrarian No. 5/1999, On Completion of Customary Right Issue of Customary People, Regulation of Ministry of Forestry No. 62/2013 On Inaugural Forest, or Regulation of Ministry of Home Affairs No. 52/2014 on Guidance on The Recognition and Protection of Customary People.

Those requirements spread to regulations related of customary society. About its establishment, those regulations categorically mention three rule which can be used as instrument to establish customary society, which are regional regulation, regent’s decree, or both of them.

From this requirements, research found that all of social unit which is be an object of research has filled criteria as customary society. There are mukim or kemukiman in Aceh, nagari ini Sumatera Barat, lipu Wana Posangke in Kabupaten Morowali dan to in Kabupaten Sigi, Sulawesi Selatan, marga in jambi dan Bengkulu, Kampong in Sekadau and also in Kabupaten Paser, kasepuhan di Lebak, Banten, Ammatoa di Bulukumba and other unity.

<table>
<thead>
<tr>
<th>Social Unit / Territory</th>
<th>Adat Territory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mukim Lango, West Aceh Region, Nanggro Aceh Darussalam</td>
<td>45.485.41 Ha.</td>
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<tr>
<td>Mukim Beungga, Pidie District, Nanggro Aceh Darussalam</td>
<td>14.088.65 Ha.</td>
</tr>
<tr>
<td>Nagari Malaloi, Tanah Datar Region, West Sumatera</td>
<td>± 10.689.98 Ha.</td>
</tr>
<tr>
<td>Nagari Simpang, Pasaman Region, West Sumatera</td>
<td>4.496 Ha.</td>
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<tr>
<td>Marga Rejang Suku IX, Lebong, Bengkulu</td>
<td>192.424 Ha.</td>
</tr>
<tr>
<td>Marga Serampas, Merangin Region, Jambi</td>
<td>1.623.50 Ha.</td>
</tr>
<tr>
<td>Kasepuhan Karang, Lebak, Banten</td>
<td>388.572 Ha.</td>
</tr>
<tr>
<td>Kampung Muluy, Paser Region, East Kalimantan</td>
<td>35.350 Ha.</td>
</tr>
<tr>
<td>Kampung Tapang Sambas-Tapang Kemayau, Sekadau, West Kalimantan</td>
<td>± 9.358.93 Ha.</td>
</tr>
<tr>
<td>Ketemenggungan Siyai, Melawi Region, West Kalimantan</td>
<td>14.259 Ha.</td>
</tr>
<tr>
<td>Wana Posangke, Morowali Utara Region, Central Sulawesi</td>
<td>20.583 Ha.</td>
</tr>
<tr>
<td>To Marena, Sigi Region, Central Sulawesi</td>
<td>± 1.970.72 Ha.</td>
</tr>
<tr>
<td>Ammatoa Kajang, Bulukumba, South Sulawesi</td>
<td>374 Ha.</td>
</tr>
<tr>
<td>Padang Seko, Luwu Utara Region, South Sulawesi</td>
<td>2.109.19 km²</td>
</tr>
</tbody>
</table>

All of unity of customary society above have customary rules which is related to forest or other natural resources which allow them to take important role to keep their environment sustainability.

For example in Mukim Beungga, with high awareness on environment management sustainability in mukim area, imum mukim together with his people issue qanun mukim which allows people to protect from external exploitation. Similarity with that condition is in Mukim Lango, and other.

On Kasepuhan K’Arang, Ammatoa K’Ajang, Serampas Clan and other customary society admitted and adjusted pattern of land use to guarantee the forest deposit which is conceptually resemble the function of protection or conservation of national perspective.

After those requirements on customary society fulfilled, recently no more another way but urge its establishment. Establishment of customary society including customary forest/territory is one of restitutions and guarantee equity and certainty of customary society’s right on their territory. For delaying justice is a denial to the justice itself.

Widiyanto
Coordinator of identification research of customary forest of Perkumpulan HuMa Indonesia
Muluy Kampong is located in the hill of Lumut Mountain, Muara Komam District, Paser Regency, East Kalimantan. The major of Kampong Muluy people are composed of Dayak Paser. According to the history, Kampong people were formed from the by the marriage among Banjernesse, Java- nesse and Bugisnesse. The total of population consists of 32 families or 134 people.

This village is located in the hill of Lumut Mountain. The large of the forest area of Lumut Mountain is about 35,350 hectare. The areas are the water preserver from three watersheds, which are Kesungei, Kandilo and Telake, and also streams like Tiwaw and its branches to Komam. The Minister of Forestry has established the forest areas of Lumut Mountain as conservation forest through forestry minister No. SK 24/kpts/Um/1993.

As the preservation area, Lumut Mountain functions to protect water distribution, maintain water infiltration, prevent flood and erosion, and maintain the fertility of soil. The other function is as the place for the breed of animals and vegetations. The location as large
13,000 hectare is region or customary forest of Kampong Muluy people. Administratively, Kampong Muluy is included in Suan Selutung village. Kampong is also renown as the Kampong of forest protector of Lumut Mountain. The local people have traditional wisdom from their ancestor.

As the march of politic and culture development, until now Muluy people still protect the forest whether according to their customary law or national law. Based on the wisdom of their ancestor, the people classify the forest as:

- New plantation land (Lati Bayu);
- Plantation (Umo);
- Former field (Lati);
- Old former field (Lati Ono);
- Nearly-abandoned former field (Lati litiye);
- Grove (Alas Lati litiye);
- Secondary forest (Alas rusak); and
- Primary forest (Alas Royong).

Those local wisdoms bring into positive impacts to hills areas, mountains and Watershed protection. In the arround of Lumut Mountain, there is Protected Forest of Ketam Mountain, and Beratus Mountains extending over North Penajam Paser and West Kutai Regency, the other side extending over mountains territories in South Kalimantan. The institutional “adat” (custom) in Muluy kampong still exists until now. The election of Kepala Adat (The Head of Traditions) is still held by the mixing of bloodline factor and people approval. It means that there is no guarantee that every descendant of Kepala Adat will also become Kepala Adat automatically. It is because if in the adat deliberation the descendants do not get approval from all members of the indigenous people, then they will be not chosen and can be altered by other men supposedly capable to be the successor of Kepala Adat of Muluy.

Now, the institutional adat system of the indigenous people of Muluy consists of: Kepala Adat (The Head of Traditions) and The Interpreter. While the elected Kepala Adat is Mr. Jidan, The Interpreters are appointed, that are Kutuk and Lunggung.

The economy of Muluy Kampong people is very supported by cultivation, agriculture and the utilization of non-wood forest product, and the fishery of Muluy River activities. Commonly, the economic activities of the indigenous people of Muluy are farming and hunting, and also some of them work in timber.

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The institutional adat system of Muluy is dynamic, the structure changes are conducted annually through adat discussion by considering the present needs and condition. The explanation in this part, besides based on primary data also refers to written document composed by kusnadi, Padi Foundation Balikpapan (tt)
companies. In a certain time, the people also utilize gold resources.

In one year, the earning for life activity is determined based on the season, like: farming for rice, fruits and vegetables; hunting looking for payau, deer and pig and fishing, gathering and selling birds, picking and selling forest products, like Durians, honey and Gaharu.

The farming activities around Lu-mut Mountain is conducted with a safe system for environment and it is applied until now, through:

1) Meresa Tana;
2) Nuntun Tana;
3) Cutting down (Tukung Mombas);
4) Notou (Chopping down);
5) Ngeke Jowa (Drying);
6) Neket/Nutung Joa (Burning);
7) Seeds selection;
8) Nasok (Sowing)
9) Nias (Planting);
10) Sodding;
11) Making Emping (chips) (ponta genu-la); and
12) Harvest.

The indigeneous people of Muluy Kampong still practice the customary laws in their daily life. The laws is applied informally and consider more in harmony. The people classify the customary laws with a general category on natural resources object and environment. The example are the prohibition to steal wood and to burn bushes.

Data Sources:
The results of PADI Indonesia Association researches, PusHam UGM,
The Tropenbos Indonesia Programme***.
Adat Malalo Forest, Tanah Datar, West Sumatera

Mora Dingin Nasution & Nora (Perkumpulan Q-Bar)

Adat Malalo Forest is in the two administrative regions, that is Guguak Malalo and Nagari Padang Laweh Malalo, South Batipuah sub-district, Tanah Datar Region. Malalo people are from Nagari Pariangan. Because of the development of the Pariangan people, they are forced to find new area for residence and to open new field for farming. This is called manaratak.

Malala is a place chosen by the groups that come from Pariangan as a new place for them. After they decided to stay in Malalo, the group make a nagari. To ease the customary government, Malalo is divided into 3 customary governments that is Jutai Guguak, Jurai Padang Laweh and Jurai Tanjuang Sawah in one custom area.

Jambak ethnic is the original ethnic of Malalo People. However, the development of the people caused this ethnic separated into 11 ethnics, such as Muaro Basa, Nyiur, Makaciak, Pauh, Simawang, Talapuang, Melayu, Jambak, Pisang, Sapuluah Dan Baringin. Each ethnic has their own structure in authority and management of ulayat. The structures are:

1) **Penghulu Pucuk.** Penghulu Pucuk is elder person. The function of this person is as the first person to stake or rammed the forest and make the forest as the area for farming. Penghulu Pucuk has a higher position so that the others member will come to him to ask for suggestion if there is problem in nagari;

2) **Penghulu suku.** Penghulu Suku is the leader for one ethnic or in one paruik (one descendant) who has authority to manage ulayat designation to the entire kemanakan in his ethnics;

3) **Ampek Jiniah** or for kinds that consists of manti, clergy, dubalang, pandito and headman (penghulu). Ampek Jiniah is a component that helps the government, such as manti for customary administrative, and dubalang to keep the security and malin takes care the religion aspect;

4) **Tungganai** is elder person in a house or the mamak leader of inheritance and directly related to the relatives;

5) **Anak kemanakan** is the entire member in the ethnics. Anak kemanakan is the person who will use and manage the ulayat.
Based on the participative mapping, Adat Malalo area is 10.689ha. The border of this area is Solok Region (Nagari Paninggahan) in the south and Padang Pariaman Region (Nagari Anduring) in the west. Besides, Adat Malalo also borders with Nagari Sumpur and Bungo Tanjuang in the north and Nagari Simawang across the Singkarak Lake in the east. Nagari Guguk Malalo has customary area until Nagari Anduring. Padang Pariaman Region.

Adat Malalo forest is part of the Malalo area that is used by the people as water buffer and resources for irrigation or others daily needs. In managing and using the forest, the indigenous people of Malalo divided the forest into 3 category, that is:

a) **Prohibited Forest**

Prohibited forest is ulayat nagari forest that is not divided to the 11 ethnics. The location is in the upper of bosweisen point and do not allow to be used, the wood or non-wood. This forest is protected.

b) **Reserve Forest**

The location is above the boschweisen. It is not divided yet for the 11 ethnics but it is possible to be divided for them. This forest is used for parak when the population is getting bigger. The product of the forest are allowed to use whether the wood or non-wood but with certain procedure and permission from the ninik mamak in KAN.

c) **Paramuan Forest**

This forest is for anak kemenakan to take wood for ulayat nagari forest house that is already divided for the ethnics and also allow to be used by the anak nagari to complete their needs whether wood or cloves, candlenut, nutmeg, and other plants.

The people of Malalo are very consistent to keep their forest. The people believe that the forest is as the water resources, keeping their house from the natural disaster such as landslide or galado. The society has strict rules to keep the forest. There are rules in entering the prohibited forest and reserve forest. People who are entering the forest will get customary punishment, even for the forestry officer who manages for the forest borderline.

Indigenous people of Malalo do not admit the claim of the Forestry Ministry for the forest area in Malalo that is divided into two areas, which are the protected forest based on the SK. Menhutbun Nomor 422/Kpts-II/1999 and the reservation forest based on the Gubernur
Belsuit Nomor 25 Stbl 756 date 18 December 1922.

Perda kabupaten Tanah Datar No. 4 tahun 2008 about Nagari said that nagari is the unity of custom society that has particular borders. It has authority in managing and organizing the people based on the customary philosophy adat basandi syara', syara' basandi kitabullah and or based on the origin and the custom of Minangkabau that is admitted and respected.

The rules also give differences between ‘wilayah nagari’ with ‘wilayah pemerintahan nagari’. Wilayah nagari include the law area with certain borders that is applied from generation to generation, admitted in the custom or based on the agreement. Meanwhile, the pemerintahan nagari area includes the administrative area that already defined for the limits. And also consist of some jorong as the working area for management administrative of pemerintahan nagari. It is in the one area of the common law of nagari people.

Indigenous people of Malalo have an customary area in two area of pemerintahan nagari that is Nagari Guguak Malalo and Nagari Padang Laweh Malalo.

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Tau Taa Wana Posangke (Wana Posangke People) is a community that lives on the valleys and hills along Salato river flow in the southern peninsula of East Sulawesi. Based on the government administration, the indigenous territories of Wana Posangke is included in Bangku Utara sub district, Morowali Utara district. Currently there are eight pattern units identified, they are: Salisarao, Viautiro, Pu’umbatu, Sumbol, Ratobae, Sankiyoe, Karuru and Samma. The number of people lives in eight lipu in Wana Posangke area is around 93 households or about 523 people.

The result of the mental map identification clearly indicates that the geographical location and landscape boundaries of Wana Posangke indigenous territories. Salato river area is a landscape as well as a cultural landscape for the life of Wana Posangke people. In the north, Taminsari Mountain to Tamungku Bae Mountain is the natural border with Taa Wana Untunu Ue. In the east side, it is bordered by Tokala Mountain with the highest peak of 2,593 meters above sea level. Then, in the South side, it has Fur Taronggo (335 meters above sea level) and; West, Tiworo tributary to Pantol Mountain which also becomes natural border of Wana Kajupoli people. The total area of indigenous Wana Posangke is estimated for about 20583 hectares.

Ecologically, the vegetation formation in the indigenous region consists of the composition of the lowland rain forest and mountain rain forests that dominate at altitude points. The interior structure of the region is characterized by steep and mountainous landscape (WWF 1980a; Schweithelm in Alvard et al.1992, 1999). This affects the production mode of Wana Posangke people, where the rotational cultivation system is a major part to support the subsistence life. Then, the collection of non-timber forest products such as gum resin, rattan, honey and aloe are additional activities to increase family income.

The institutional structure of Wana Posangke indigenous people consists of:

- **Tau Tua Adat** or indigenous stakeholders holds the highest role in the application dimension of customary law.
- **Tau Tua Lipu** has a role in managing lipu and social life.
- **Vorotana** is related to the procedures of land setting (agriculture), and
• *Tau Valia* has a role for spiritual role in the practice of treating the disease.

All of the highly indigenous leaders are respected as essential persons to maintain social stability and customs of *Wana Posangke*.

While the pattern use of land and forest that had been practiced in the community are:

a. *Pangale* or uncultivated jungle, for the protection of water sources and soil fertility;
b. *Pompalivu* or forests where rattan, resin, agar wood and honey are found;
c. *Kapali* or forbidden forest that must not be used or cultivated;
d. *Yopo Masia*, the former garden which has 10 years old trees.
e. *Yopo Mangura*, the former garden which has less than 10 years trees
f. *Navu*, the rotation of cultivated land for rice and short-term plants.
g. *Lipu*, the living and yard areas which are used for long-term crops such as coconut and coffee

*Wana Posangke* still keeps their inherited traditional custom and maintained that tradition from one generation to next generations, such as a good model of food security. Pitopang research results (2008) showed that *Wana* people do rice variety cross naturally by replacing varieties with seeds from other villages.

Another local wisdom which still exists and continues to be practiced today is the knowledge of traditional medicine ingredients which are picked directly from the forest. Some well-known medicine practice which is used to treat people is goraka for curing diarrhea, andolia for abdominal pain, tofu mioli for heartburn medication, and kukul for curing wounds.

The struggle for the entity recognition and custom territory is begun by *Wana Posangke* people and YMP since 2010. The result is, on 26 November 2012, Morowali Regent passed the local regulation of Morowali No. 13 year of 2012 on the Recognition and Protection of Indigenous Wana Tribe. This regulation documents have been included in the Regional District Additional Sheet of Morowali No. 0177.

Based on the study of legal aspects of regional regulation No. 13 In 2012, it is only the existence recognition as a subject of law; its Wana tribe in Morowali district (now North Morowali district). As for the recognition of customary lands have not been completed, because the regional regulation No. 13 year of 2012 has not attached map of indigenous area and mandate of Article (6) that the Local Government together with the Indigenous People of Wana Tribe will define the boundaries of customary law.

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**DIALOGUE & LOKAKARYA INDIGENOUS FORESTS**
(Palu, 27-28 Agustus 2013).

Left to right: Agung SH (Kabag Hukum KEMENHUT), Sudarto (Wakil Gubernur Sulteng), Prof. Hariadi Kartodihardjo (Ketua Presidium DKN/ Guru Besar IPB) dan Andiko SH (Direktur HuMA)
Mukim is a unit of customary law society. It is admitted in local rules (qanun) in UU No. 1 tahun 2006 about Aceh Goverment. Mukim Lango is one of the Mukim in Pante Ceureumen Sub-district, West Aceh Region. This Mukim is in the remote area in the hinterland of Patee Ceureumen Sub-district. It is 18km from the center of the sub-district and 63km from Meulaboh the capital city of West Aceh Region, in the coverage and the hills of Mount Sikundo.

There is no certainty about the name of Kemukiman Lango. However it is believed that its name is related with the history in the Dutch colonialism era where to reach that location the people have to ‘meulango’. Meulango means to swim and Dutch people called it lango.

In the leadership of Sultan Iskandar Muda, Lango became the center of government of the kingdom. The first ruler is King Teuku Tandi Bungkai. After he died, he was replaced by his son, Teuku Tandi Raja Muda. After King Teuku Tandi Raja Muda, it is hold by Ulee Balang Cut (Mukim). After Ulee Balang Cut (Mukim) there is Mukim in Lango.

During the Dutch colonialism, Mukim is under wedana and the people are not allowed to meet wedana directly. They have to meet Mukim first so that all the activity and people problems, Mukim has to know.

Mukim Lango has the borderline as follows:
- In the north there is Central Aceh
- In the south there is Krueng Meureubo/Mukim Manjeng.
- In the east there is Beutong Ateuh sub-district, Nagan Raya.
- In the west there is Mukim Meunuang Kinco.

Kemukiman Lango consists of four Gampong that is Gampong Lango, Lawet, Canggai dan Sikundo. Based on the partisipasive mapping and the analysis of the Geographical information System the large of Mukim Lango area is approximately 45.485, 41 Ha or 16,40% of 277.272,49 ha the large of West Aceh Region. The area of that mukim consist of 36.924,51 Ha (81,18%) protected forest, 3.546,86 Ha (7,80%) produce forest, 156,89 Ha river, and 4.857,15 Ha (10,68%) Areal penggunaan Lain (APL), include housing, garden, and field of the people inside.

Nowdays, the condition of law customary Mukim Lango

During the Orde Baru era the lango forest start to damage. This damages start from the entering of HPH PT. Rajawali Garuda Mas in about 1997s. This company is not long operate and when conflict explode after the reformation
in Aceh. This company is out from Aceh and left damages in the forest for Gampong Sikundo people.

Nowadays, customary forest bears several threats such as the entering of big plantation company PT. PBS (Potensi Bumi Sakti) that has concession space 6,751,68 Ha. Besides there is illegal mining and the government planning in building the hydroelectric power (Pembangkit Listrik tenaga Air (PLTA)).


The width of the Ulayat Mukim Lango Forest that is proposed in the spatial of West Aceh Region is 29,825,58 Ha or 65,57% of the width of Mukim Lango. Based on the function, the forest is consist of protected forest 24,977,82 ha (83,75%), produce forest 3,546,86 Ha (11,89%) and APL 1,300,89 Ha (4,36).

Based on the used of Ulayat Mukim Lango forest today, 28,524,68 Ha is the working area of HPH/IUPHHK Pt. Raja Garuda Mas lestari (24,977,82 Ha in protected forest, 3,546,86 Ha produce forest) and 1,300,89 Ha is authorized by HGU PT. Mapoli Raya of the width of Mukim Lango area.

The society has agreed for not giving permission to outsider to access the forest in their gampong area because they believe that the effect is not good for the society itself. The society used the potential of the forest to fulfill their daily needs such as looking for alem wood, honey, the product of non-wood, resin, and etc.

The society is more aware with the function of the forest. It is proved that the outsider have to ask permission if they want to open field in a certain area and in the future opening a land like what the HPH done is not allowed anymore.
Administratively, Mukim Beungga is located in Tangse Sub-district, Pidie Region, Nanggroe Aceh Darussalam. It is 25 km from the north of the capital city of Pidie Region. Geographically, Mukim Beungga borders with Tiro Sub-district in the north, Aceh Besar in the south, Mukim Blang Bungong in the east, and Mukim Keutapang in the west. Mukim Beungga consists of six gampong that is Gampong Lhok Keutapang, Gampong Alue Calong, Gampong Pulo le, Gampong Beungga, Gampong Krueng Seukek, and Gampong Blang Malo. Based on the population census in 2012, the population is 7,010 people (91,630 KK), which consist of 3,977 men and 3,686 women.

Based on the history of Aceh kingdom, Mukim roles to strengthen the government of the kingdom which applied based on the group of Friday Prayer. It has real power and become the consolidation media for the society that is effectively enough. It is known that the religious leaders are being respected in the real life of Aceh people at that time. Becoming Mukim as one separated level of government, the Sultan already embraces the religious leaders as one of the real component of his authority.

This condition developed until the Dutch era. However in the Orde Baru era, Mukim is officially erased because of the uniformity village so that there is no role of Mukim anymore. Geuchik or the leader of the village coordinates directly with the sub-district. During the Orde Baru era, about 20 years, Mukim is not function anymore and deleted by the government.

After reformation and peace in Aceh, there are many things that the government has done to return the custom. One of the ways is by Qanun No. 4 tahun 2003 about Pemerintahan Mukim (Mukim Government), Qanun No. 9 and 10 tahun 2008 about Pembinaan Kehidupan Adat and about Lembaga Adat. The existence of Mukim also strengthen with UU No. 11 tahun 2006 about Aceh Government.

Based on the result planning Duek Pakat Mukim Beungga on 18-19 January 2010, the
purpos of Mukim Beungga is 'saban-saban taseumikee 'beusabee tapeubuet, mangat jeut keubuet ban tjita-tjita, tapeudong hukom atoe beu-ade mangat beuseujahtera dalam Mukim Beungga (together we think, always do to get the purpose, and also uphold to the law, run fairly good prosperous Kemukiman Beungga Society).

Mukim Beungga Customary Forest

Mukim Beungga has potential resource whether it has handled or not such as forest, field, agriculture, and plantation. However, the utilization of the resources is limited in farming and plantation. Until now, the forest sector is taken care by the government so that the society struggle is very limited, with the natural resource planning and the proposal mukim ulayat forest is the result of the participative mapping of Mukim people.

Mukim Beungga customary forest is located in Ulu Masen forest area which is an area of REED Ulu Masen Aceh Project. This area consists of 21% (750.528ha) of 3.549.813ha Aceh forest based on the SK Menteri Kehutanan No. 170/Kpts-II/2000 about Forest Area and irrigation in Aceh.

Ulu Masen forest is famous with diversity of floral. We can find various plants and animals. One of them is Harimau Sumatra (panthera tigris sumatra) and Sumatra big mammals that is in the end of extinction that is Gajah Sumatra (elephas maximus sumatran). Besides, this area is also as the absorption of carbon.

Based on the result of field mapping and the analysis of Geographical Information System (GIS) the width of Mukim Beungga customary forest is 14.088.65ha (45%) and Areal Penggunaan Lain (APL) is 1.355,75 ha (10%). This area includes 1.347,06 Ha production Forest and 1.183,82 Ha Protected Forest that consists of garden, field or a symbol that that location is already handled.

For the Mukim Beungga people, the area of Mukim Customary forest is very important. It has ecological, economic, social, and cultural function. Ecologically, the existence of this forest is to keep the balance of the environment and water for Beungga area and the surrounding. It is also as the water resource for the river upstream in that area.

Economically, the Mukim Beungga people depend their life from the forest area whether for irrigation or for poll forest produce. Forest cannot be separated from the customary society. Customary forest is a symbol of customary society recognition, even along with its history, Aceh has Panglima Ute-un that specially responsible to take care the forest.
Administratively, Lebong district consists of 13 sub-districts with 11 villages and 100 villages. The total area of this district is 192,424 ha (does not include the district of Padang Bano which is still in dispute with North Bengkulu). From the total area of 134,834.55 hectares, this land is used for conservation area, it is 111,035.00 Ha for Kerinci Sebelat National Park, 20,777.40 for Ha protected forest and 3,022.15 Ha for nature reserve.

The determination of Kerinci Sebelat National Park (TNKS) is based on the decree of Minister of Agriculture No. 736 / Mentan / X / 1982 then amplified by decree of the Minister of Forestry and Plantations No. 901 / kpts-II / 1999 as a conservation area. Rimbo protected forest areas as well as Boven Lais protected area are two areas are known as the forest boundary Boszwezen (BW) since Dutch Colonial in 1927.

Institutional structure

Rejang Ethnicity is one of the native tribes who inhabited the region in Sumatra in Rejang Lebong District, Lebong, Kepahiyang, North Bengkulu, and some areas in South Sumatra Province. Rejang ethnic has traditional govern-
ance system known as Kutai (kuteui / Kutei), which is derived from the Hindu word "Kuta". In Malay language, this word is interpreted as an individual village.

The origin of Rejang is believed originating from Lebing region and divided into four Petulai, those are Jurukalang, Bermani, Selupu and Tubey. Then, Tubey is split into two; they are Marga Suku VIII and Marga Suku IX. Based on the writing of Dr. Hazarin displayed in De Redjang quoted from Muhammad Hussen's writing, it is found that Petulai is also called as Mego or later called Marga or Margo.

This statement is reinforced also by the writings of British people who ever lived in Bengkulu. In the writings of Marsden and Raffles as well as Dutch people called Res and Swaab mentioned that the word Mego is used for mentioning Petulai institutional system.

Petulai or Mego is a familial unity which is arising from unilateral system with patrilineal lineage and exogamy marriage, even if they are scattered everywhere. Exogamy system is an absolute requirement in the emergence of Petulai/clan while the patrilineal kinship system is greatly affecting the social system and the shape and power of unity in the community.

At Bikau era, the society is governed on the basis of the legal system which is established based on the principle of consensus/discussion and this situation establish the unity of indigenous people called Kutai which is led by Ketuai Kutai. Kutai is derived from language and words of Hindu “Kuta” which is defined as individual village. So, understanding the word “Kutai” is the unity of indigenous peoples with government which stand individually and has family-oriented.

In 1861, there was a clan government system set by Dutch colonial in Rejang Tribe which is a combination of several Kutai. This kind of government system is based on Simbur Cahaya law which is adopted from Simbur Cahaya law in South Sumatra.

In that colonial era, the institution and customary government is set by Dutch Resident Assistant J. Walland (1861-1865) and he called Kutai or Petulai as the clan lead by Pesirah. Since there is a change in the governmental system, Kutai is changed into Dusun as the unity of customary law and it stands under the authority of clan leader called Pesirah.
HUTAN ADAT KASEPUHAN KARANG BANTEN
“VISIBLE WITHOUT NO SINGLE GLANCE”

A

dministratively, Kasepuhan Karang is part of Jagaraksa village, Muncang sub district, Lebak district, Banten and geographically it is included in the expansion area of Taman Nasional Gunung Halimun Salak (TNGHS). Kasepuhan Karang is also in the traffic lane of Sobang-Sajira sub district-Rangkas Bitung city.

Kasepuhan Karang shares land border in the north side with Pondok Raksa; Cikarang village, Cilunglum-Cibinglum; Jagakarsa villa in the south side, Pasir Nangka village in the west side, and Kumpay village in the east side.

The location of Kasepuhan Karang can be considered as a bit far since it is located 35 km away from the regional government center in Rangkas Bitung city. There are some rivers that have important role in supporting community life, such as farm life and pools used for everyday activities like bathing, washing, and other activities.

Some rivers which are located in Kasepuhan Karang are Cikamarung, Cimapag, Cipondok Aki, Cibedug, Cilunglum, Cikadu and Cibaro. Some fish are found in those rivers, such as catfish, “beunteur”, “regis”, shrimp, “sarampet”, “kehkel”, “bogo” and “manyeng”.

Generally, the residential land (lembur) and some farmland have already had written certificate displays on the Letter C book; it is land registration book as the basis of “girik” publication which later changed into notice of tax payable (Surat Pemberitahuan Pajak Terhutang, SPPT). Most agricultural land of Kasepuhan Karang community or cawisan land is included in the claim of Taman Nasional Gunung Halimun-Salak (TNGHS). The society called this land as arable land (anu digarap ku masyarakat).

The result of participatory mapping facilitated by RMI (2014) asserts that the extensive area of Kasepuhan Karang that reach 388,572 ha, almost 50% of the area of Kasepuhan Karang is claimed as TNGHS area, it is 167,625 ha.

In the system of land use, Kasepuhan Karang community continues to recognize the areas as the protected areas communally. Kase-puhan Karang community calls the region with the term Aub Lembur. Aub Lembur is an area used as a water source and is considered as sacred land for Kasepuhan community, including the land used as a tomb. In this area, the public is prohibited from conducting some
activities, such as cutting down trees or take advantage of timber products.

Another area which is considered as sacred is Leuweung kolot/Paniisan (literally means a place of rest). Paniisan has a function as a place of rest, whether a rest place of Kasepuhan people or a rest from the environmental damage since this place is used as the water source for Kampung Karang people. As stated in the philosophy "Salamet ku Peso, bersih ku Cai" – knife (pisau) gives a life and water provides a personal hygiene. In other words, this philosophy impli cate that Karang people are reminded to always be in the right conditions and circumstances, as appropriate, sharp, consistent and simple in any circumstances. However, if a mistake occurs, they should be hurry to get cleaned up and returned to the suitability, sharpness and simplicity of life, including in the context of managing and utilizing natural resources.

Kasepuhan Karang indigenous people believe that the management of nature and society should focus on the balance. It implies that, what is taken must be proportional to what is given to nature. In general, the forms of natural resource management in Kasepuhan Karang community divided into three, they are: forests, gardens and fields.

In the context of Lebak district regional policy, the recognition of indigenous peoples guaranteed through some local regulations, such as Baduy community which is regulated in Regional Regulation (Perda) No. 13 year of 1990 on the Founding and Development of Baduy Indigenous Community in Lebak regency. Another regulation is stated in Regional Regulation No. 32 year of 2001 on Protection of Baduy community rights.

Not only in the form of regional regulation, Lebak District Government also issued policies in the form of Lebak Regent Decree on the protection of Kasepuhan indigenous people in Lebak regency through Lebak Regent Decree No. 430 / Kep.318 / Disporabudpar / 2010 on the recognition of the existence of Cisitu Indigenous Indigenous people, Banten Cisitu Elders society in Lebak district which is then enhanced by the issue of Lebak Regent Decree No. 430 / Kep.298 / Disdikbud / 2013 on the Recognition of Indigenous Presence in Banten Kidul Indigenous Unity in Lebak district that consists of 17 Kasepuhan. Those 17 Kasepuhan are Cisungsang, Cisitu, Cicarucub, Ciherang, Citorek, Bayah, Karang, Guragog, Pasireurih, Garung, Karangcombong, Jamrut, Cibedug, Sindangagung, Cibadak, Lebaklarang dan Babakanrabig. Those communities has a close relationship with the forest resources as well as a rule that has been kept for generations.
To Marena customary law people is one of the customary law societies in Ngata Marena, Kulawi Sub-district, Sigi region, Central Sulawesi. The name ‘Marena’ is derived from ‘Porenaa’ or a place for spreading buffalo (Bengka) to look for food from the owners of buffalo when the buffalo was brought from Kuwali to Gimpu back and forward.

Since 1930, Marena became a place for shepherding or lamara and fielding (bone) by the Kuwali people. Before officially became a village in 2013, Marena was a small village of Bolapapu Village and small village 1B, O’o Parese village.

To Marena law customary people is a typical of law customary people that is formed because of genealogy similarity and residence similarity. Genealogically, To Marena is the descendants of Kuwali ‘Mamo’. Besides, Ngata Marena is also dwelled by Rampi people and Seko people, Toraja, Bugis (South Sulawesi, Pakurehua, Bada (Poso Region), Da’a (Donggala Region), Manado (North Sulawesi), Java, and Kulawi ethnics that speak Uma like Peana, Kantewu, Kalamanta, Winatu, and Siwongi, that have been lived in Nagata Marena since 1970.
Topologically, Marena is dominated by 90% mountains or hills with the level of slope is approximately 60%-80%, whereas 10% is land for housing and field. The width of To Marena customary area is +1,970.72 Ha. This width is divided into:

a. 200 Ha include in protected forest.
b. 1,732 Ha include in Lore Lindu National Park area.
c. 440 Ha include in limited production forest
d. 125 Ha is authorized by the goverment of Central Sulawesi

Thus, the area of To Marena customary that is changed or claimed by the goverment is 1,497.1 Ha. The rest is 473.62 Ha is organized by the Marena people.

The management system of To Marena Forest

In general, the conception of law customary of To (people) Marena is based on two philosophical values that is Hintuvu and Katuvua. Hintuvu is the life value that underlying the rules in interaction among human. According to To (people) Marena, if human can appreciate each other or Pomebilia, upheld solidarity, help each other or Mohingkau and Momepanimpu, also deliberation or Molivu, can create peaceful life in the society.

Katuvua itself is the value of life that underlying the rules of human interaction with nature. So, people have to increase their wisdom and balance in using the nature Papohilolanga Katuvua. For the forest area, there are several zones that applied based on the function and its allocation. This is a form of the land management in the forest area by the Marena people, that is:

a. **Wanangkiki** is part of forest area located in the top of mountains and dominated with grass, moss, also herbaceous plant. The diameter of the plant that live here usually small and never touched by human. This location has significance meaning as the location for fresh air or winara for the people.

b. **Wana** is wilderness or primary forest that is never been managed to be agriculture field. The diameter of the trees usually big and very crowded. Wana is location for the water resources, rare animals, and also rare floral. It is prohibited that this area is changed become agriculture field because can caused drought. This area can be used for taking gum resin, rattan (lauro), medicines, and ingredients for perfume (wangi-wangi).

c. **Pangale** is the forest area that has been used to be an agriculture area of the previous society, but it had been left for years so that this area becomes forest again. Geographically, Pangale located between the mountain range and land with the diameter of the trees is quite big. Because of that this area is include as the secondary and primary forest. Pangale is an area which manages as garden and rice field for their children. In this area, Marena people use the product of the forest such as rattan, gum resin, wood for housing, firewood, pandanus forest (naho) to make map and bakul, medicine and ingredients for perfume.

d. **Pahawa Pongko** is an area of the forest that is used as agriculture location by the previous people. However it had been left for more than 25 years. The diameter of the
trees is big so we need Pongko if we want to cut the trees. Pongko is a stepping made of wood to ease to cut the tree. The remains of the tree will grow new tree. That is why it is called Pahawa means replaced.

Wanangkiki and wana are forest area that is not allowed to be touched by human or there no human activity in managing the nature. There are several rules in Pangale and Oma area:

Cutting the trees and opening land around Taolo and Dumpolo (the upstream of the river and forbidden area), taking/ cutting trees for commercial whether in the form of pad or semi-pad, managing resin or agatis wood and gaharu wood in the forest area of Marena without permission from the Marena customary institution, forbidden to catch/ steal rare animals such as Maleo Birds (molo) Rangkong Sulawesi (Alo), Sulawesi eagle (Lowe), and other kinds of birds by using noose, mines, guns, wind weapons, knives, and poisons, mining gold without permission from the customary institution, taking rattan by cutting the wood where the rattan grow.

In processing the wood for housing, it is not allowed to cut wood which has diameter under 50cm. It is forbidden to sell and or to alienator land/ forest, especially Dodoha) private or individual forest to anyone and whatever the tendency is, without permission from the Marena customary institution (tendency and permission to release/ to sell, is the authority of the customary institution and coordinate with local government (the leader of the village and small village).

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The Recognition of Indigenous People of Ammatoa Kajang South Sulawesi

Sardi Razak (Aliansi Masyarakat Adat Nusantara Wilayah Sulawesi Selatan)

Administratively, the Ammatoa Kajang customary area is in three administrative area of sub-district, that is Kajang sub-district that includes Tana Toa village and the capital city of Kajang/ Kajang Kassing sub-district, and Bonto Biraeng Village; Bulukumpa Sub-district include Jo’jolo Village, Bonto Mangiring Village; and Ujung Loe Subdistrict include Tommato Village and Palangisang Village. It is 20km from the capital city of Kajang Subdistrict, 60km form the surrounding region capital city, and it is 200km from the Makassar, the capital city of South Sulawesi Province.

The borderlines of Ammatoa Kajang indigenous poeple are:
- In the west there is Tana Toa Village, Batu Lohe and Sampeang Village (Rilau ale Sub-district)
- In the east there is capital city of Kajang Sub-district (Kassi-coastal area)
- In the south there is Jo’jolo Village (Bulu-kumpa Subdistrict), Bonto Biraeng Village (Kajang Subdistrict), Bonto Mangiring Village (Ujungloe Subdistrict), the borders of agriculture land, farming and also customary forest that is dwelled by the indigenous people of Ammatoa Kajang, and
- In the north shows the borders of the customary forest area that extends in borderline of Bulukumba Region and Sinjai Region.

The customary area of Ammatoa Kajang is an area that is dwelled by the people of Kajang. In this area the customary law is still run whether it is obligated or not. The width of the Ammatoa forest becomes contraventional. The government decides that the width of the forest is 331,17 Ha but Galla Puto, the Ammatoa spokesman, that is strengthen by Ammatoa itself, claim that the width of the forest is 374 Ha.

In general, Ammatoa Kajang customary area is divided into two; Rabbang Seppang and Rabbang Luara or usually called as I Lalang Embayya and I Pantarang Embaya or also...
called Kajang Dalam and Kajang KLuar. The special customary area in I Lalang Embayya or also called Rambang Seppang is a customary area where all the tradition rules are applied in all the aspects of life, include the principal life kamase-mase.

The point of view of the indigenous people of Ammatoa Kajang toward the natural resources in their area reflects the relationship between society and the land and natural resources. It is unique because of the local tenurial system based on the common ownership as part of the life system of the society. The local tenurial system of the indigenous people of the Ammatoa Kajang is built based on Pasang that influences all the aspects of life such as social, economy, laws, and cultural.

The managing of the natural resources in the customary area, such as forest has its own values in the life of the people of Kajang. According to the sacred in Pasang ri Kajang, that the natural resources has to have four important values (reality) for the human life, that is religious reality, historical reality, ecological reality, and economical reality.

a. Customary forest or Borong

According to indigenous people of Ammatoa Kajang, forest (borong) is divided into two category; borong lompoa (big forest) and palleko’na boronga (small forest-the blanket of the forest). In customary area of Kajang there is location of borong lompoa with 331.17 Ha large. The condition of this area is still good. The forest is surrounded by eight palleko’na boronga that spreads in ten locations.

In borong lompoa there is Sakuang or holy place for custom ceremony. There are two karrasayya areas: pa’rasangeng i lau (small village in the west side, battasayya place/ritual of customary entombment pilgrimage) and pa’rasangeng I raja (the village in east side, the place for taking shrimp and vegetables for battasayya and panganro). That is Ammatoa establishment.

The forest in Ammatoa Kajang area can be categorized into tropical forest. There are several specific floral that grows in this forest such as nannasa wood (bitti), uhe (rattan), erasa (banyan tree), tokka, kaju katinting, pala-pala (pala hutan), ropisi, sattulu (ketapi), rao (olives), langsat, bilalang, taru, pakis, asa, oro’ (bamboo), and orchid. The orchid is an endemic orchid.

b. Kalompoang land or Gallarang

Kalompoang land or Gallarang is customary land which the rights of its management is given to the leader of the ethnics, and for the source of life.

c. Gilirang land

Gilirang land is land which its owner is from generation to generation of the one descendant of the indigenous people.

d. Private land

Private land is land that is given from the family based on the needs and agreement of that family. ***
Nagari Simpang has total area of ±4,496 ha with an average altitude 100-453m above sea. Ecologically, Nagari Simpang is rather flat and also located in the slope area. The average temperature of this area is 27-30°C and has an average rainfall 324.3 mm/yr. Administratively, Nagari Simpang are bordered by: the north is bordered by Nagari Ganggo Mudiak; south by Nagari Alahan Mati; west is bordered by Nagari Malampah and Alahan Panjang; while in the east by Malampah and Ganggo Hilir.

Nagari Simpang is surrounded by protected forest and nature reserve. From the 4,496 ha area of Nagari Simpang, 7/10 is a forest area which becomes the biggest potential of Nagari Simpang. This area is split by the road that connects Bonjol sub district, Simpati and Tigo Nagari sub district. The road is patterned by the settlements area located along the road. This Nagari is considered as an area which is prone to flood disasters caused by illegal deforestation.

In terms of forest management, since 1970 until 1990s, the forest is managed independently by following local customs laws. The custom regulations and custom sanction are still very tight up to now. For those who violate the provisions of customs, they will be subjected to a fine of 3 tribes. That is then known as "hutan larangan" (forbidden forest), for the people who make logging in prohibited areas such as, upstream water and the hill with high slope (Tabing Tarah). The penalties of 3 tribes (Uang Mamak) are imposed in accordance with the major mistakes made.
1991 to the 2000s, people have started to build permanent settlements that resulted against deforestation to clear land settlements. Meanwhile, from 2001 to the present status of forest ownership is still overlap between the protected forests of customary ownership claims the Ministry of Forestry.

In terms of the community, they consider forest as the legacy of their ancestors managed for one generation to the next generations, while in terms of government, the forest is a protected forest managed by the government so that people do not have rights to manage the forest management. This is one reason that triggered the forestry conflict which has no ending at Nagari Simpang.

The potential of Nagari Simpang natural resources consists of agriculture, forestry, and plantations that produce many commodities. Types of plants existed in the area of nature reserves and protected areas such as, wood, rattan, resin, manau, rubber, areca nut, chocolate and patchouli. Types of plants in the plantations area are rubber, chocolate, kemi-ri, corn, peanuts, bananas and durian. In the fields, the potential plants are crop, rice, corn, peanuts, spinach, peppers and eggplant. The management of natural resources is managed by the community with the prevailing customs system (communal).

The management of Ulayat in the structure of Nagari Simpang community is territorially divided into Ulayat Dt. Putih and Ulyat Dt. Bando Bases. Furthermore, those Ulayat is divided again into langgam. Langgam has the same meaning with Ulayat Kaum. The structure used in this area is similar to the custom used in West Sumatra. Langgam comes from Ulayat Rajo in which previously Rajo devided that Ulayat to each tribe leaders. Langgam is inherited as high inheritance. This inheritance is coming from Ninik to Mamak which continues to ka kamanakan. The area which is inherited by people is based on the ability to manage that land.

Generally, Ulayat of Nagari Simpang is divided into two parts, they are Ulayat and Laggam. Ulayat is the combination of several Langgam controlled by rajo. While Langgam is the mastery of Ulayat rights showed by Rajo to ninik mamak. Langgam will be inherited to Kemenakan based on the genealogical descent (ranji). This inheritance process is done through Mamak Kapalo Waris. ***
SEKO CUSTOM SOCIETY,
IN ENCOURAGING THE ASSURANCE OF CUSTOMARY LAND
NORTH LUWU, SOUTH SULAWESI,

Geographically, Seko is a plateau region which is administratively included in the territory of North Luwu, South Sulawesi. Seko is widest and farthest sub district in North Luwu. The land area of Seko reaches 2109.19 square kilometres. This area is located at an altitude of 1,113 to 1,485 meters above sea level and it is covered with the hilly topography.

Seko consists of twelve villages that each of them has definitive status. To reach Seko district, we could simply use two-wheeled vehicles and aircraft flight which still has limited schedule.

Seko sub district consists of three broad areas, they are Seko Padang, Seko Tengah and Seko Lemo. To explore the three major regions, we could only use two-wheelers vehicles, riding horses and walking. The road is unpaved and it has sticky red soil. When the rainy season comes, it will be difficult to reach every region of Seko by using two wheels vehicles.

From the three major regions mentioned above, Seko has nine customary law regions: Hono', Turong, Lodang, Seko Rampi/Sing-Kalong, Pohoneang, Amballong, Hoyyane, Karriango and Beroppa. Those nine regions have their own customary institutional structures, clear the area, and apply customary law autonomously.

There is a state recognition of their existence especially since 2004. There was an issue of regional regulation No. 12 year of 2004 this was followed by the release of North Luwu Regent Decree No. 300 as a form of formal legal recognition of indigenous peoples in North Luwu. The regulation regulates Empowerment, Conservation, Development of Custom and Customary Institutions in North Luwu, while regent decree as derivatives provisions of recognition of Seko indigenous peoples.

The regional regulation No. 12, 2004, sets many traditional institutions. That regulation does not recognize clearly on the rights of indigenous peoples. Then, the Regent Decree maintains the definition of Seko indigenous peoples, region recognition, the structure and customary law. Unfortunately, the Regent Decree has not accompanied by the map of indigenous territories as an integral part of the recognition of the existence of Seko indigenous people.
The recognition of region or indigenous forest area is a serious problem that has led to the violation of Seko indigenous people’s rights since previously the indigenous territories has not been recognized. The customs territory is claimed as part of the territory which is under the subordination of state power.

Finally, on May 16, 2013 indigenous people across the country welcomed the release of constitutional court ruling No. 35 / PUU-IX / 2012 (constitutional court ruling No.35). This Constitutional Court’s decision is an important decision because it is different from the classical understanding in Indonesia about the forest, forest area and the position of indigenous forest. This decree assures that indigenous forest is no longer a part of the state forest, as the government has claimed it which is legitimized in the regulation No. 41 year of 1999 on Forestry.

In line with the previous matter, the policy research to accelerate the recognition and determination of indigenous peoples and territories, also indigenous forest is a very important thing to do. Research is intended to encourage the establishment and recognition of indigenous territories including indigenous forest, for Seko indigenous peoples in North Luwu district.

The conclusions of Indigenous Forest Research are:

First, the recognition of indigenous peoples by the North Luwu government is still limited on the piece of paper because there is no form of government policies that support the empowerment of indigenous institutions in Seko.

Secondly, as a result, Seko people are still constrained in terms of public services because the distance between regions is quite remote and difficult to reach because the road conditions.

Third, in addition, the impact of the control of Seko region and forests by companies and government make Seko people still weak in terms of education.

Fourth, Seko region, especially Seko Padang is still administratively controlled by PT Fajar Seko.

Fifth, the eastern region of Seko is damaged since it was previously once managed by PT. KTT. And

Sixth, with the constitutional court ruling no. 35, Seko community wants to have a continuation follow-up so that their territories are included in the protected forest.

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PREPAREDNESS OF SERAMPAS JAMBI INDIGENOUS PEOPLE IN MANAGING Indigenous FORESTS

Adi Junaedi (KKI Warsi Jambi)

Jambi province is one of the pioneers of indigenous forests in Indonesia. The existence of indigenous forest in Jambi has been recognized for a long time before the Constitutional Court Decision No. 35 / PUU-X / 2012 on the indigenous forests. For example, Temedak Indigenous Forest located in Keluru Village Keliling Danau District, Kerinci regency. That indigenous forest has been recognized through District Decree KDH TK.II Kerinci No. 176 year of 1992 dated on 6 November 1992 with an area of ± 23 ha. This decree was followed by 14 regent decrees and 2 local regulations that recognizes indigenous forest the district in Merangin district, Kerinci, Bungo and Sarolangun with a total area of ± 9358.93 ha.

Serampas clan (indonesia: Marga1) consists of five villages; they are Renah Kemumu, Tanjung Kasri, Lubuk Mentilin, Rantau Kermas and Renah Alai. There are only few literature found related to the origins of Serampas clan which can be used as reference materials. The search on this clan is obtained from the hereditary stories circulating in the local community. The name Serampas is taken from the name of the river, it is Serampas / Serampu

In the eleventh century, the existence of serampas/serampu ancestor had been there for a long time before the arrival of people from Javanese and Minangkabau kingdom. At that time, Serampu people had animist beliefs. Besides, a government called the Manjuto kingdom or nan tigo community grew in Bukit Atap.

The three kingdoms included in Nan Tigo Kaum is the kingdom located in Pulau Sangkar lead by Depati Rejo Talang, in Tanjung Kasri led by Depati Segindo Balak and in the Koto Tapus led by Depati Koto Dewo.

In that period, Serampu people fulfilled their need by hunting and gathering forest products. Then, after the influx of Javanese and Minangkabau kingdom, there was a development of Hinduism and people’s lifestyle turned into gardening and trading.

Serampas area is in Tanjung Kasri (Renah Kemumu) which consisted of 28 villages at that time. Serampas area is divided into three areas which are direct descendants of Segindo Balak including Nenek Puti Segindo Mersik inhabited in Renah Kemumu, Nenek Puti Selindung Bulan inhabited in Tanjung Kaseri and Nenek Puti Senialus inhabited in Ranah Alai. The governmental functions of Serampas indigenous area led by Depati Seribumi Puti Pemuncak Alam serampas and underneath it; there is Depati Pulang Jawa in Renah Kemumu, Depati Singo Negaro in Tanjung Kasri and Depati Karti Mudo Menggalo in Renah Alai. To Depa-

1 Unity of indigenous people in Jambi
ti Karti Mudo Menggalo, he has some subordinates; they are Depati Seniudo, Depati Payung, Depati Singo rajo, Depati kartau, Depati Siba.

**Indigenous boundaries**

The indigenous boundaries of Serampas are divided into two parts, they are:

1. The boundary of indigenous territories or clan covers three areas, they are Depati Pulang Jawa, Depati Singo Negaro, and Depati Karti Mudo Menggalo Depati under the control of Depati Seri Bumi Putih Pemuncak Alam as mentioned in Tembo Induk.

2. The boundary of indigenous territory is owned by two villages, they are included in the area of Depati Pulang Jawa and Depati Karti Mudo Menggalo. The indigenous boundary which is under the control of two Depati which is displayed in Tembo Anak and it is saved in each villages.

The conflict over the area in the region of Serampas is not happening regularly. This is based on strict custom regulations used by Serampas and they are very firmly held by that society. For supervision and maintenance of indigenous territories, Serampas has a local knowledge such as the ban on public for Serampas society to bring someone “the south” in either through marriage or used as agricultural labourers. If some people break it, there will be subject to customary sanctions. The sanction is in the form of expulsion from Serampas territory.

This research concluded that Serampas Indigenous People have fulfilled the fulfilment of indigenous people stated in Law No. 41 of 1999 on Forestry. With the fulfilment of these elements, it is very feasible that if Merangin District Government recognizes the existence of Serampas indigenous peoples unity through regional policy.

Merangin District Government has good experience in recognizing the existence of indigenous forest in Merangin district. This is a basic capital in developing broader regional policies in terms of the recognition of indigenous peoples along with their customary land. Therefore, the regent regulations will be very relevant regents to provide alternative policies that govern and recognize the existence of indigenous peoples in the area of jurisdiction of the district.

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The indigenous people inhabiting Sungkup and Belaban Ella Village are mostly from Dayak Ethnic, which are Sub-ethnic of Dayak Limbai and Dayak Ransa. Those villages are located alongside each other, only separated by rubber, durians and Tengkawang plantation. Administratively, the government of Sungkup and Belaban Ella Village are included in Belaban Ella Village, Menukung District, Melawi Regency. Customarily, the governments of those villages are under Ketemenggungan Siyai.

Their territories borders are: in the north they are bordered with Laman Oras Dusun (sub-village), Batu Badak Village, Menukung District, Melawi Regency; in the south they are bordered with Sungai Krosit Dusun, Lalau River, Parembang Nyuruh Village (Ella Hilir District) and Tumbang Keburai Village, Bukit Raya District, Katingan Hulu Regency, Central Kalimantan; in the east they are bordered with Sungai Sampak Village, Menukung District and Melawi Regency; and in the west they are bordered with Nangan Siyai Village, Menukung District, Melawi regency. Those borders are marked by the natural signs which have been approved and obeyed through generations by each village, like rivers, hills, bamboo trees, rubber plantation, and ulin woods.

The large of Sungkup and Belaban Ella Village is 14,259.00 ha, consisting of Bawas 741.05 ha, Gupung 136.00 ha, Rubber Plantation 424.00 ha, Farming Field (umo) 308.00 ha, Paddy field 36.75 ha, Unutilized land (alang-alang) 3,096.97 ha, customary Rimak (forest) 9,514.78 ha. The numbers of people consist of 478 families, composed of 750 males and 676 females. Most of the adat territory is located in Berbukitan highland, and they are still intact. In jungle/customary forest, there are various vegetations growing, like Ulin, Keladan, Meranti, Kenyauk, bengkirai, Rotan and others. Those wooden plants are utilized for construction material and for sale. Besides that, in the forest it also lives many kinds of wild animals and fishes that they can hunt to fulfill their daily protein needs. In customary Rimak there are various vegetations for traditional herbal, fruits, rembung, and others.

Some of the Indigenous People of Sungkup and Belaban Ella Village still live in Rumah Panjang and some of them in Rumah Tunggal. In the daily life, they still hold tightly the sense of kinship and mutual assistance, especially in major events in the villages, like mutual assistance of going to farming fields/umo, event of wedding party, party of settling a new house,

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2 According to data of The Head of Sungkup Dusun, Belaban Ella Village in 2011.
lot of benefits for them and the environment, whether in term of economy, social-culture, religion, and ecology. Actually, the Principal Laws of Agrarian 1960 has attempted to realize customary laws recognition, meaning that the customary laws are settled in national laws system. Yet, in practice, the implementation and derivation regulations of the customary laws are far away from the reality.

The management and utilization of natural resources (forest) by the Indigenous People of Sungkup and Belaban Ella Village have got interference since 1992. Their customary forest, by the Minister of Forestry of Republic Indonesia was appointed as a conservation area named TNBBR (National Park of Bukit Baka Bukit Raya)⁴. The appointment is conducted regardless socialization and discussion with the people of Sungkup and Belaban Ella as the owner of the forest from generation to generation. The effect of TNBBBR existence is the restriction of the indigenous people access to the natural resources (forest), which causes conflict with the TNBBBR caretaker as result. The conflict reached the climax when 2 (two) of Sungkup people were criminalized by TNBBBR caretaker in 2007. Of course, the indigenous people did protest with TNBBBR caretaker treatment which until this year it continues intimidating Sungkup and Belaban Ella people.

As result, the indigenous people of Sungkup and Belaban Ella have been struggling to regain the customary Rimak/territory unilaterally claimed by TNBBBR caretaker. In 2012, they did dialogue with Pemda (Local government) Melawi Regency to urge the Regent of Melawi to exclude TNBBBR from their adat territory. The Local Secretary of Melawi Regency agreed to sign the indigenous people of Sangkup and Belaban Ella’s demands. In 2014, they did dialogue again with the Regent of Melawi. The result is, the Regent of Melawi announced a recommendation letter addressed

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³ From the interview with Mr. Manan as the Temenggung of Siyai at the present.

⁴ Decision of the Minister of Forestry number: 281/Kpts-II, date 26 February 1992 about the function change and appointment of Bukit Raya Conservation Area located in Daerah Regency Tk. II Sintang West Kalimantan Province and Bukit Raya Conservation Area in Daerah Tk. II east Kotawaringin, Central Kalimantan Province ± 181,090 Ha become National Park named National Park of Bukit Baka-Bukit Raya
to the Minister of Forestry of Republic Indonesia in order to exclude TNBBBR region from the adat territory of Sungkup and Belaban Ella based on the participative map 1998.

The struggle shown by the indigenous people of Sungkup and Belaban to gain the recognition and protection of law over the adat territory is not only on regency level. In May 2014, they visited Ministry of Forestry, Ministry of Home Affairs and National Commission on Human Right. They asked the Minister of Forestry and Minister of Home Affairs to exclude TNBBBR region from their adat territory based on the participative map in 1998 ago.

With the commitment, then the next advocacy strategy is to make sure that the Local government of Melawi Regency realizes the promise through or in the form of SK (decree) or Perda (Local regulation) about the recognition and protection of the indigenous people's rights. Therefore, it is needed a dialogue, an intent communication with the Local Government of Melawi Regency. Besides, it is also necessary ensure the commitment of the indigenous people of Sungkup and Belaban Ella in protecting and preserving the adat territory.

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### Realizing the Recognition and Protection of Law on Tapang Sambas Indigenous Village - Tapang Kemayau West Kalimantan

**Agustinus (Lembaga Bela Banua Talino)**

Indigenous peoples who inhabit in Tapang Sambas Village-Tapang Kemayau consider themselves as Dayak De’sa Indigenous people. This indigenous people have a big community in Tapang Semadak village. Administratively, Tapang Sambas village-Kemayau is included in Tapang Semadak village, Sekadau Hilir sub district, Sekadau district. This village has some customary boundaries, they are:

- In the north side, it is bordered by Engkelitau village/Nanga Sebedau, Sepauk sub district, Sintang district;
- In the south side, it is bordered by Suak Terentang village, Engkeresik, Sekadau Hilir sub district, Sekadau district;
- In the east side, it is bordered by Tanah Putih village (Tugu Sapat), Engkelitau river, Sepauk sub district, Sintang district; and
- In the west side, it is bordered by Sebadu village/Tapang Semadak, Tapang Semadak, Sekadau Hilir sub district, Sekadau district.

Tapang Sambas village-Tapang Kemayau has 1623.50 ha area, comprising of 309.60 ha Bawas, 82.16 ha Gupung, 589.60 ha of rubber gardens, 22.74 ha people settlements, 38.79 ha Indigenous Rimak, 490.43 ha field, 64.50 ha Tembawang and 26.06 ha Tengkawang gardens. The population of this area is 200 head of family, 709 people which consists of 379
male and 330 female. Their main livelihood is dry land farming (be Uma), rice field (uma payak) and tapping rubber latex. They occupy a single house that is lined follow the highway of the village. They hold high feast of family and remain in compliance with applicable customs hereditary.

Rimak / indigenous forest located in the area of Tapang Sambas village-Tapang Kemayau is called as Rimak Adat Tawang Panyai. This Rimak custom is common property (communal) for the societies. Until now, this rimak custom is relatively intact with low land topography (wet and dry).

There are various kinds of precious wood, wild animals, rattan, medicinal plants and others in Rimak Adat Tawang Panyai. Many things can be used in this Indigenous Rimak, such as fruits, rattan, wood for private herb and public facilities, fish, and various kinds of wild animals. In addition, Indigenous Rimak can be used as natural attractions (tourism place).

For taking advantages of riamak, people have agreed to make rules which is called as Bepekat Bat Ngetan Ngintu Tanah Ai’. The agreement is to strengthen Indigenous Forests Certificate of Tapang Sambas village-Tapang Kemayau proposed by the village head of Tapang Sambas-Kemayau (1994). This is also approved by Tapang Semadak village head and known by Sekadau Hilir head.

For that reason, people of Rimak Adat Tawang Panyai continue to strive in order to get the filing and legal protection of the Local Government of Sekadau regency. In 2012, they held a dialogue with the District Government of Sekadau by producing an official report about the understanding of indigenous forest resources management in the Semadak Tapang village.

As the follow up of the previous official report, Indigenous people of Tapang Sambas village-Tapang Kemayau have agreed to make the Village Regulations (Perdes) on the Management of Rimak Adat Tawang Panyai. In June 2014, they have a dialogue with the Government of Sekadau district. The local government is very enthusiastic and welcomed the initiative of Tapang Sambas village-Tapang Kemayau that has made village regulations.

The only village in the Sekadau district that has the initiative and courage to make the village regulations on indigenous forest is Tapang Sambas village – Tapang Kemayau. They continue escorting the commitment of Sekadau local government so that a decree or Sekadau District Regulation on the recognition and protection of their traditional forests is issued.

As Indigenous People, especially Dayak, the indigenous peoples in Tapang Sambas village-Tapang Kemayau has institutional and custom rules which are held for generations. Tapang Sambas village-Tapang Kemayau is under Tapang Semadak. The structure of traditional institutions is considered as Top Indigenous Stakeholders, and then Minister for Indigenous is assisted by the Allied for governing the indigenous peoples of each village. The positions of indigenous authorities have their own duty and authority. The interesting thing is that this government (temenggungan) controlled and governed all three sub-tribes, namely Dayak De’sa, Dayak Ketungau and Malay.

They have agreed on the customs and customary law on the custom meeting (2010) that will be written and documented in the form of book. This custom book becomes the guideline, the grip of traditional authorities in resolving the dispute/disagreement, whether the disputes among villagers or involve outsiders.