

# UPDATE ON CUSTOMARY/ADAT FOREST AND LOCAL COMMUNITIES IN INDONESIA

by

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Ladies and Gentlemen, particularly member of The Local Communities and Indigenous Peoples Platform, it is an honor for me and also my colleagues to attend and to be part of this LCIPP meetings during UNFCCC COP 27 Egypt. We believe these meetings can strengthen knowledge, technologies and efforts of local communities and indigenous peoples around the worlds related to addressing and responding to climate change, and also for the exchange of experiences and sharing of best practices within countries on mitigation and adaptation in a holistic and integrated manner.

## *Customary Forest/Adat Forest*

- Indonesia Multiculturalism is inevitable. Currently, 1,128 ethnic tribes and 718 languages are spread across 76.655 villages in the archipelago. Some of them are the living space of the customary law community from generation to generation.
- In general, they identify themselves with their own local name such as “Kasepuhan, Nagari, Gampong, Kampung, Marga, Ngata, Hoana, Ketemenggungan, and other local terms. Thus being said, when we mentioned the Customary Law Community or *Masyarakat Hukum Adat*, we are essentially referring to the same community entity.
- Adat peoples and their supporters have celebrated a decision by Indonesia’s Constitutional Court that takes their customary or Adat forests out of state forest areas. This represents a huge gain for indigenous communities whose rights to own and manage their territories have been denied for decades.
- According to the Decision of Constitution Court No 35 year 2012, Adat Forests are not part of State Forests, but are part of Private Forests. The state's authority is limited to Adat forests, but the government still has general authority in the forestry sector which is applied to all forest statuses, including state forests, adat forests and private rights forests. And also the existence of Adat peoples must be subject to the limits specified in the constitution, not contrary to the fundamental principles Indonesia.
- The existence of customary law communities is recognized and stated on article 67 in law number 41 year 1999, if it fulfills the following elements: (1) The community is still in the form of an association/paguyuban (recht-gemeenschap); (2) There are institutions in the form of traditional rulers; (3) There is a vivid customary law area; (4) There are legal institutions and

instruments, particularly customary/adat courts, which are still being adhered to; and (5) Still preserving the collection of forest products in the surrounding forest area to meet the needs of daily life.

- Therefore, the aim of designating Adat Forests are: (1) to guaranteeing the living area of the Customary Law Community; (2) to preserving Ecosystems both forests and environment; (3) to Protecting the local wisdom and traditional knowledge; (4) and as one of the strategy in conflict resolution regarding the community in and around the forest area. And also the spirit of the Adat People is to PROTECT the Customary forest with sustainable management
- Since 2015, specific laws and regulations pertaining to community forests have been passed. These include:
  1. the procedure for determining private forest area and the requirements for determining customary forest (2015);
  2. mapping the customary territory, customary forest, and their indicative areas;
  3. the customary territory, customary forest, and forest rights (2020);
  4. the forestry management which includes the customary forest (2021), and (5) the social forestry, Government Regulation No 23 of 2021 concerning Forestry Management that include the governance of the Customary Forest; and Minister of the Environment and Forestry Regulation No 9 of 2021 concerning the management of Social Forestry.
- Government of Indonesia has been striving to made breakthrough in order to accelerate the determination of Adat Forest, these include:
  1. Simplification of the regional legal products regarding the recognition and protection of customary law community into 1 (one) regional regulation for each district which is then followed up with a Regional Head Decree.
  2. In the event that the application for determination of the status of Customary Forest has not been accompanied by a decision on the recognition of customary law community and the determination of a map of its customary area by the Regional Government, the Ministry of Environment and Forestry can facilitate the implementation of the identification and mapping of Customary Areas through the formation of an Integrated Team involving the Regional Government and related parties/agencies.
  3. For requests for determination of the status of customary forests that have not received a decision on customary law community recognition and the determination of maps of their customary areas by the Regional Government, field verification is still carried out and the results are determined to be Indicative Areas of Customary Forests by a Minister of Environment and Forestry decree.
- The momentum for state recognition of customary forests began on December 30, 2016. For the first time, 8 Ministerial Decrees on the determination of customary forests were handed over to customary communities by President Jokowi at the State Palace. Since then, the customary forest policy has been continuously strengthened and the implementation of the recognition of customary forest has increased significantly. And since 2016 to 2022, There are 105 Adat

Forest's Decree that has been released, with total area approximately 148,488 hectare and involvement of 47,158 households.

- One of the efforts taken to accelerate the acknowledgment of customary forests is to issue a 2019 Ministerial Decree regarding the customary forests map and its indication in an area of approximately + 1.090.754 Ha hectares.

### ***Local Communities***

Communities that do not fulfill the requirement as Customary/Adat People can be classified as local communities. Furthermore, the local communities that lived in rural area have the opportunity to receive the access of the forest resources in form of Social Forestry scheme (include indigenous forest). As of 30 October 2022, more than 5.1 million hectares of forest area have been distributed to be legally managed by more than 1.2 million households. These local communities that have received the social forestry scheme will be guiding by the facilitators in order to manage the sustainable forest management plan, enhancing community prosperity and increasing climate change action (both mitigation and adaptation issues).

### ***Closing Statement***

Recognition of Adat Forest and the role of customary law community and local community will become more strategic in determining the fate of their forests. Going forward, we believe it would be good if national and regional policies incorporate local wisdom in their approach. Only by joining forces, can we all be responsible agents of change and partners in sustainable forest management.

Eventually, we also believe that the recognition of customary Law community and their Adat forest and local community are getting better through strengthening policies and implementing intensive facilitation from the government and other stakeholders. In addition, the establishment of the recognition of customary Law community will have a positive impact on preserving local wisdom and traditional knowledge in order to develop a dignified society and a sovereign state.

### **Additional Lesson learned: Kasepuhan Adat Ciptagelar**

- There are several lessons learned from Adat Forest communities, a good example comes from Kasepuhan Adat Ciptagelar that inhabits in the Mount Halimun National Park area, which is spread over 3 districts, namely: Lebak – Banten; Bogor and Sukabumi – West Java. Kasepuhan Ciptagelar is one of the customary law community that are included in the traditional unity of Banten Kidul.

Kasepuhan Adat Ciptagelar still holds strong customs and traditions handed down since 655 years. One of them is Seren Taun Rituals that is performed by the community's people of Kasepuhan to be grateful for the harvest that year and as entertainment for people who have worked for one year in Agriculture. Farming is the main livelihood.

They are also developed Leuit (or rice barn) as a type of vernacular rice barn. It used to store rice after harvest for future and daily use. A leuit is an essential part of Kasepuhan agricultural

tradition, especially during annual Seren Taun harvest ceremony and symbolizes sustenance and livelihood.

Leuit take basic form of triangular gable roofed structure, made of thatched materials (ijuk black aren fibers, hateup or kirai leaves, or palm leaves) covering wooden frames and beams, woven bamboo walls, and its structure is built on stilts either short or long. The leuit took form of rectangular structure with upper section is slightly wider than the lower section. The door of the rice barn is located on the upper section, and to reach it requires bamboo stairs.

Kasepuhan Ciptagelar has translated the local wisdom of forest management into customary rules, one of which is for land use plans or in the local language called *Leuweung* that divided into 3 forms, which are: (1) *Leuweung Tutupan*: forest area that reserved for community settlement; (2) *Leuweung Titipan*: protective and forbidden forest area; (3) *Leuweung Garapan*: forest area that opened for community business, such as: agriculture and rice field.

### **Additional Lesson learned: Ammatoa Kajang**

- Another good lesson learned is Ammatoa Kajang in Bulukumba Regency, South Sulawesi. The Kajang community has an Adat belief called “passang,” a simple life, far from greed for worldly things, and more concerned with certain aspects of life, such as the obligation to protect and care for the forest, and other natural resources.

For people of Kajang, the forest is a symbol of stairs that enable the soul to descend from heaven down to earth, and then re-ascend from the earth back to the sky. Forests are the place used for connecting between the supernatural and the real world. According to Kajang Adat Community Belief, their main village of Tana Toa is the birthplace of the first humans (Tutowa Mariolo, Mula Tau, and Ammatoa).

Humans are required to maintain the biodiversity of the forest and its surroundings, as it is considered a gift from ‘Turie A’ra’na (God). This belief helps the natural environment to be protected. Both the Kajang Adat Community and outsiders are required to take off any footwear when entering “Kajang Dalam” customary territory. This is based on the Kajang Adat Community’s philosophy that the earth is a mother (Naiya Anronta) so that between humans and the earth there must be fusion, and no separation. For Kajang community, if the forest is destroyed, it destroys itself. forest destruction (ammanraki borong), This action that can be subject to sanctions from infants or severe sanctions issued and may not return to Ammatoa, not only the perpetrators but the whole family.

The main source of life for Kajang community is agriculture and plantations. Most of the men working in farms or paddy fields during the day to meet the needs. When planting season arrives, they flock to the fields that are located a few kilometers from their homes. People who do not have farms or fields usually work for the owners of the fields. Women usually work at home weaving fabrics. They weave fabrics to be used to make black sarongs called *Tope Le'leng*.