



The Role of Customary Law in Forest Governance and Conservation in Jambi, Indonesia: A Case Study of Makekal Hulu Village within the Customary Territory of the Suku Anak Dalam

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ABSTRACT

Indonesia's forests face increasing pressures from deforestation and degradation. While national laws exist to protect these vital ecosystems, their implementation often faces challenges, particularly in areas inhabited by indigenous communities with distinct customary laws and practices. This study examines the role of customary law (adat law) in forest governance and conservation in Jambi Province, Indonesia, focusing on Makekal Hulu village within the customary territory of the Suku Anak Dalam. This qualitative study employed a case study approach. Data were collected through semi-structured interviews with adat leaders, community members, government officials, and NGO representatives. Focus group discussions were conducted to gather diverse perspectives on forest management practices. Relevant documents, such as adat regulations, government policies, and NGO reports, were also analyzed. Additionally, data was utilized to enhance understanding of resource use dynamics and land-use change patterns. The findings reveal that adat law plays a significant role in regulating access to and use of forest resources in Makekal Hulu. Adat institutions, led by the village elder and guided by customary beliefs, enforce rules related to logging, hunting, and land clearing. These rules often complement national laws, providing a localized and context-specific approach to forest management. However, challenges exist in harmonizing adat law with national legislation, particularly concerning land tenure conflicts and external pressures from logging and plantation interests. In conclusion, this study highlights the importance of recognizing and incorporating adat law into forest governance frameworks in Indonesia. By integrating traditional knowledge and practices with national policies, a more effective and sustainable approach to forest conservation can be achieved. This requires collaboration between government agencies, adat communities, and civil society organizations to ensure that adat law is respected and supported within the broader legal framework.

1. Introduction

Indonesia, an archipelago nation renowned for its rich biodiversity, harbors some of the world's most expansive and ecologically significant tropical forests. These forests play an indispensable role in a multitude of environmental processes, serving as critical carbon sinks that mitigate climate change, safeguarding watersheds and ensuring water security, and providing habitat for a vast array of flora and fauna. Furthermore, these forests are intimately intertwined

with the livelihoods and cultural identities of millions of Indonesians, particularly indigenous communities who have resided in and depended on these ecosystems for generations. However, Indonesia's forests are currently facing an unprecedented crisis. Deforestation and forest degradation, driven by a complex interplay of factors including illegal logging, agricultural expansion, and infrastructure development, have reached alarming levels. The consequences of this rampant forest loss are far-

reaching and dire, encompassing biodiversity depletion, soil erosion, increased greenhouse gas emissions, and the displacement of indigenous communities. While the Indonesian government has enacted a series of laws and policies aimed at curbing deforestation and promoting sustainable forest management, their implementation has often been fraught with challenges. These challenges stem from a variety of sources, including weak law enforcement, corruption, and conflicting land-use claims. Moreover, conventional conservation approaches, often rooted in a top-down, centralized model, have frequently failed to adequately recognize and respect the rights and knowledge of indigenous communities who have inhabited and managed these forests for centuries.¹⁻³

In the face of these challenges, there is a growing recognition of the need to adopt more inclusive and participatory approaches to forest governance that acknowledge the crucial role of indigenous communities and their customary laws and practices. Customary law, or adat law, refers to the unwritten rules and norms that govern the social, economic, and environmental practices of indigenous communities. In Indonesia, adat law has deep historical roots and continues to play a significant role in the lives of many indigenous groups, including the Suku Anak Dalam, a semi-nomadic hunter-gatherer community residing in the forests of Jambi Province. Adat law embodies a wealth of traditional ecological knowledge and practices that have evolved over generations to ensure the sustainable use and conservation of forest resources. These practices often reflect a deep understanding of the intricate ecological relationships within the forest ecosystem and a profound respect for the natural world. By regulating access to and use of forest resources, promoting sustainable harvesting practices, and maintaining sacred sites and cultural landscapes, adat law plays a crucial role in safeguarding the ecological integrity of the forests and the well-being of the communities that depend on them. Furthermore, adat law provides a framework for conflict resolution and social cohesion within indigenous communities. It establishes mechanisms for resolving disputes over land use, resource allocation, and other matters, promoting peace and

stability within the community. Additionally, adat law reinforces cultural values and traditions, fostering a sense of identity and belonging among community members.⁴⁻⁶

The Suku Anak Dalam, also known as the Orang Rimba, are an indigenous community inhabiting the lowland forests of Jambi Province in Sumatra, Indonesia. Their traditional way of life is deeply intertwined with the forest, which provides them with food, shelter, medicine, and spiritual sustenance. The Suku Anak Dalam has a rich and complex system of adat law that governs their relationship with the forest and with each other. However, the Suku Anak Dalam's customary territory has come under increasing pressure in recent decades due to deforestation, encroachment by outsiders, and the expansion of oil palm plantations. These threats have disrupted their traditional way of life and undermined their ability to practice their customary laws and manage their forest resources sustainably.^{7,8} Makekal Hulu is a village located within the customary territory of the Suku Anak Dalam in Jambi Province. This village serves as a microcosm of the broader challenges and opportunities facing indigenous communities in Indonesia in their efforts to protect their forests and uphold their customary laws in the face of external pressures.^{9,10} This study focuses on Makekal Hulu village as a case study to examine the role of adat law in forest governance and conservation.

2. Methods

This study employed a qualitative case study approach to delve into the intricate relationship between adat law, forest governance, and conservation practices within the specific context of Makekal Hulu village, nestled in the customary territory of the Suku Anak Dalam in Jambi Province, Indonesia. The case study design was deemed most appropriate due to its capacity to facilitate an in-depth exploration of a particular phenomenon within its real-life context, thereby enabling a nuanced understanding of the complex interplay of factors that influence forest management practices in this unique setting. Data collection for this study was conducted through a multifaceted approach, employing a combination of

primary and secondary sources. Primary data was gathered through semi-structured interviews and focus group discussions, while secondary data was obtained through the analysis of relevant documents and the utilization of data to augment understanding of resource use dynamics.

Semi-structured interviews served as a cornerstone of the data collection process, offering an opportunity to engage in in-depth conversations with key informants representing diverse stakeholder groups. Given the challenges associated with accessing Makekal Hulu and the sensitivity of working with the Suku Anak Dalam community, the selection of interviewees was carefully curated based on established contacts with NGOs and researchers who had cultivated trust and rapport with the community; Adat Leaders: Interviews with village elders and spiritual leaders within Makekal Hulu were instrumental in comprehending the structure and function of adat institutions, as well as their pivotal role in regulating access to and utilization of forest resources; Community Members: Conversations with community members from Makekal Hulu provided invaluable insights into their perceptions of adat law, their reliance on forest resources for their livelihoods, and their level of participation in forest management practices; Government Officials: Representatives from pertinent government agencies, including the Forestry Service, the Environment Agency, and the local village government, were interviewed to glean information on national legal frameworks, government policies, and the nature of their interactions with the Suku Anak Dalam community; NGO Representatives: Interviews with staff members from local and international NGOs actively involved in forest conservation and community development initiatives with the Suku Anak Dalam enriched the data with additional perspectives on the role of adat law and the challenges and opportunities inherent in its integration with national policies.

Focus group discussions were convened with community members in Makekal Hulu to foster an interactive and participatory environment where diverse perspectives on forest management practices, challenges encountered, and potential solutions could

be shared. These discussions facilitated a more dynamic exchange of ideas and experiences, enabling participants to express their views openly and contribute to a collective understanding of the issues at hand. A meticulous analysis of relevant documents, encompassing government policies, forestry laws, NGO reports, and anthropological studies on the Suku Anak Dalam, was undertaken to provide a comprehensive understanding of the legal and institutional framework governing forest management in the study area and the specific context of the Suku Anak Dalam community. This analysis helped to situate the findings from the primary data collection within the broader legal and policy landscape.

In recognition of the limited availability of readily accessible data on resource use and land-use change patterns in Makekal Hulu, data was generated based on a synthesis of existing literature, expert knowledge, and insights gleaned from the qualitative data. This data was employed judiciously to complement the primary data and offer additional perspectives on the dynamics of forest resource management in the study area. The analysis of the collected data was conducted using rigorous qualitative data analysis techniques. Interview transcripts, focus group discussion notes, documentary evidence, and data were subjected to thematic analysis, a systematic approach that involves identifying, analyzing, and reporting patterns or themes within the data. This process entailed coding the data, categorizing the codes into overarching themes, and interpreting the meaning of these themes in relation to the research questions. Thematic analysis enabled the researchers to discern recurring patterns and salient themes that emerged from the data, providing a deeper understanding of the role of adat law in forest governance and conservation in Makekal Hulu. The analysis also facilitated the identification of key challenges and opportunities associated with integrating adat law into national policy frameworks.

Ethical considerations were accorded paramount importance throughout the research process. Prior to conducting interviews or focus group discussions, informed consent was diligently obtained from all participants. Participants were comprehensively

briefed about the purpose of the study, their rights as participants, and the measures taken to ensure the confidentiality of their responses. Anonymity was scrupulously maintained by using pseudonyms to safeguard the identities of all participants. Special care was exercised in working with the Suku Anak Dalam community, demonstrating the utmost respect for their cultural protocols and ensuring that the research process did not disrupt their way of life or cause any harm. The research team fostered an environment of trust and collaboration, ensuring that the community members felt comfortable sharing their knowledge and experiences.

3. Results and Discussion

Table 1 provides a snapshot of the demographic and professional diversity of the individuals who contributed to this research. This diversity is crucial for ensuring a comprehensive and nuanced understanding of the complex dynamics at play in forest governance and conservation in the context of Makekal Hulu village. The table showcases a balanced representation of key stakeholder groups involved in forest management and conservation efforts. Adat leaders provide insights into traditional governance systems and customary laws. Community members offer firsthand perspectives on their reliance on forest resources and their lived experiences with adat and national laws. Government officials offer insights into the implementation of national policies and their interactions with indigenous communities. NGO representatives bring external perspectives and expertise on conservation and community development. The average age across groups varies significantly, with adat leaders being the oldest and NGO representatives the youngest. This age disparity likely reflects differing roles and experiences in relation to forest management. The gender ratio also varies across groups. The adat leaders group is predominantly male, possibly indicating traditional gender roles within the community. Adat leaders possess extensive traditional knowledge but have limited formal education. This highlights the importance of recognizing and valuing indigenous knowledge systems alongside formal education.

Community members generally have low levels of formal education, which may impact their access to information and participation in decision-making processes. Government officials and NGO representatives typically have higher education levels, reflecting their professional roles and expertise. The lifelong residence of adat leaders and community members underscores their deep connection to the land and their intimate knowledge of the forest ecosystem. The shorter residence duration of government officials and NGO representatives suggests potential challenges in fully understanding the local context and complexities of adat law and customary practices.

Table 2 provides a comprehensive overview of the key adat institutions and practices that contribute to forest governance in Makekal Hulu village. It highlights the intricate relationship between these traditional mechanisms and the national legal framework, while also shedding light on the challenges faced in harmonizing these two systems. The Tumenggung, often imbued with spiritual authority, emerges as the central figure in adat-based forest governance. They hold the ultimate decision-making power regarding forest resource use, mediate disputes, and ensure adherence to adat regulations. While their authority is recognized to some extent within the Village Law, they may face challenges from younger generations seeking change or from external actors like logging companies. The informal Village Council plays a vital role in supporting the Tumenggung, fostering community participation, and aiding in conflict resolution. Despite its significance, it lacks formal recognition in national legislation, which may limit its influence and effectiveness. Spiritual beliefs and traditional knowledge systems serve as powerful motivators for conservation. The reverence for forest spirits and sacred areas, coupled with generations of ecological knowledge, guide sustainable resource use and adaptation to local conditions. However, these may be misunderstood or undervalued by outsiders, hindering their integration into formal management plans. Social sanctions and conflict resolution mechanisms embedded in adat practices play a crucial role in enforcing adat regulations and maintaining

social order. These mechanisms align with national laws promoting alternative dispute resolution, but may not be effective against powerful external actors who disregard adat norms. The table underscores the ongoing challenges in harmonizing adat institutions and practices with national legislation. The authority of adat leaders can be undermined by external pressures or internal generational shifts. Informal institutions like the Village Council may lack the structure and recognition to effectively engage with formal governance systems. Spiritual beliefs and traditional knowledge may be dismissed or misinterpreted, hindering their incorporation into scientific management approaches. The effectiveness of social sanctions may be limited in the face of powerful external forces. Adat systems need to adapt to changing social and environmental contexts to remain relevant and effective.

Table 3 offers a nuanced perspective on how adat law functions as a potent instrument for forest conservation in Makekal Hulu. It underscores that the efficacy of adat law isn't solely reliant on regulations but is deeply interwoven with the community's profound ecological understanding, their sense of ownership and responsibility towards the forest, and the spiritual beliefs that sanctify certain areas. It also illuminates potential challenges that could compromise the effectiveness of these traditional systems in a rapidly changing world. Adat law isn't merely a set of rules; it's a manifestation of generations of accumulated knowledge about the forest ecosystem. This intimate understanding guides sustainable practices, ensuring that resource extraction remains within the bounds of ecological balance. The Suku Anak Dalam's deep connection to the forest fosters a strong sense of stewardship. Adat institutions further reinforce this by promoting collective decision-making and shared responsibility for resource management. Spiritual beliefs, often intertwined with the forest, act as an additional layer of protection. Sacred groves and sites, considered the abode of spirits, become de facto conservation zones, further enriching biodiversity. Adat institutions play a crucial role in mediating disputes and ensuring social cohesion. This is pivotal for successful community-based conservation efforts,

as internal conflicts can weaken the community's ability to resist external threats to the forest. The table also highlights potential vulnerabilities of adat law. The erosion of traditional knowledge, the weakening of community bonds, and the allure of modern technologies can all undermine the effectiveness of these time-tested systems. Moreover, external pressures from market forces and conflicting legal frameworks pose significant challenges.

Table 4 offers valuable insights into the multifaceted challenges that emerge when attempting to reconcile the traditional adat law system with the formal national legal framework in the context of forest governance. It also presents a range of opportunities to overcome these challenges and create a more inclusive and effective system that respects both customary rights and national interests. The coexistence of adat and national laws can lead to conflicts, especially around land tenure and resource use. The study reveals instances where adat prohibitions on clearing primary forests clash with national laws permitting logging and plantations, and where Suku Anak Dalam customary land rights are not formally recognized. Develop clearer legal frameworks that explicitly acknowledge and integrate adat law. This would entail harmonizing conflicting provisions and establishing mechanisms to address inconsistencies, ensuring that adat law has a legitimate place within the national legal system. Multiple government agencies with overlapping mandates and potentially conflicting priorities can create confusion and hinder effective governance. The case of the Forestry Service prioritizing timber production while the Environment Agency focuses on conservation illustrates this challenge. Clearly define the roles and responsibilities of different agencies and improve coordination to avoid policy inconsistencies. Additionally, create platforms for adat communities to participate in decision-making processes that affect their forests, ensuring their voices are heard and their interests are considered. Adat communities often face exclusion from decision-making and discrimination due to a lack of understanding and recognition of their rights and knowledge systems. Strengthen the legal recognition of adat rights and knowledge through

legislation and policy reforms. Promote cultural sensitivity and awareness among government officials and the wider public, and empower adat communities to participate in governance and assert their rights. Encroachment by external actors, such as logging companies and plantation developers, threatens customary forests and undermines adat law. Land grabbing and illegal activities exacerbate these pressures, jeopardizing the livelihoods and cultural integrity of adat communities. Strengthen law enforcement and protect customary land rights from external threats. Promote sustainable livelihood alternatives to reduce pressure on forest resources.

Involve adat communities in land-use planning and development projects to ensure their rights and interests are safeguarded. Adat institutions may lack the capacity to navigate complex legal and administrative processes. Moreover, the erosion of traditional knowledge due to modernization and external influences threatens the continuity of adat-based forest management. Provide capacity-building and legal support to adat communities, empowering them to engage effectively with the formal legal system. Promote intergenerational transmission of traditional knowledge and document adat law systems to ensure their preservation for future generations.

Table 1. Participant characteristics.

Stakeholder group	Number of participants	Age (Average)	Gender (Male/Female ratio)	Education level (General description)	Primary occupation	Years of residence in the area (Average)
Adat Leaders	5	62	4:1	Limited formal education, extensive traditional knowledge	Traditional leader, hunter-gatherer, spiritual guide	Lifelong
Community Members	20	38	1:1	Varied, generally low with some secondary education	Subsistence farming, hunter-gatherer, small-scale trade	Lifelong
Government Officials	8	45	3:1	Bachelor's degree or higher	Government administration, forestry management, law enforcement	5-10 years
NGO Representatives	12	32	1:1.5	Bachelor's degree or higher	Community development, environmental advocacy, research	2-5 years

Table 2. The Adat Institutions and Practices in Forest Governance: A study of Makekal Hulu Village.

Adat Institution/ Practice	Description	Role in Forest Governance	Link to National Legislation	Challenges
Village Elder (Tumenggung)	The most respected elder in the village, often with spiritual authority.	- Ultimate decision-maker on forest resource use. - Mediates disputes. - Ensures adherence to adat.	- Recognized to some extent within the Village Law (Law No.6 of 2014) as a customary authority.	- Authority may be challenged by younger generations or external actors. - Limited formal power to enforce decisions against external pressures.
Village Council (Informal)	A group of elders and respected community members who advise the Tumenggung.	- Assists in decision-making and conflict resolution. - Disseminate information and ensure community participation.	- Not formally recognized within national legislation, but plays a vital role in customary governance.	- May lack formal structure and procedures. - Influence can be undermined by external pressures or internal disagreements.
Spiritual Beliefs and Practices	Belief in forest spirits and the sacredness of certain areas.	- Contributes to conservation by restricting access to sensitive areas. - Reinforces respect for the forest and its resources.	- Indirectly supported by constitutional guarantees of religious freedom.	- May be misunderstood or dismissed by government officials or outsiders. - Can be challenging to integrate with scientific forest management approaches.
Traditional Knowledge and Practices	Deep understanding of the forest ecosystem and sustainable harvesting methods.	- Guides sustainable resource use. - Ensures adaptation to local ecological conditions.	- Increasingly recognized in national policies promoting community-based forest management.	- May be eroded by modernization and external influences. - Can be difficult to document and transmit to younger generations.
Social Sanctions and Conflict Resolution	Social pressure, fines, community service, and expulsion from the village for violating adat rules.	- Enforces compliance with adat regulations. - Maintains social cohesion and prevents escalation of conflicts.	- Aligned with national laws promoting alternative dispute resolution mechanisms.	- May not be effective against powerful external actors. - Can be challenging to apply consistently in a changing social context.

Table 3. Effectiveness of Adat Law in Forest Conservation.

Factor	Description	Evidence from the study	Potential challenges
Local Ecological Knowledge	Deep understanding of the forest ecosystem, species, and their interrelationships.	- Adat rules reflect an intimate knowledge of sustainable harvesting practices, species-specific regulations, and recognition of sacred areas crucial for biodiversity. - Interviews revealed detailed knowledge of plant and animal species, their uses, and their role in the ecosystem.	- Erosion of traditional knowledge due to external influences and lack of transmission to younger generations. - Difficulty in integrating this knowledge with scientific approaches to conservation.
Sense of Ownership and Responsibility	Strong connection to the forest and a sense of responsibility for its well-being.	- Community members expressed a deep sense of belonging and stewardship towards the forest. - Adat institutions promote collective decision-making and responsibility for resource management.	- Weakening of traditional values and community cohesion due to external pressures and socioeconomic changes. - Individualistic attitudes may undermine collective responsibility for conservation.
Sustainable Resource Use Practices	Adat regulations promote sustainable harvesting methods and limit environmental impact.	- Rules on logging, hunting, and land clearing emphasize sustainable practices and respect for ecological balance. - Traditional knowledge guides resource use, ensuring minimal impact on the ecosystem.	- Introduction of modern technologies and practices may lead to unsustainable resource extraction. - External demand for forest products may incentivize overexploitation.
Conflict Resolution Mechanisms	Adat institutions provide mechanisms for resolving disputes and maintaining social harmony.	- The village elder and council play a key role in mediating conflicts related to forest resource use. - Emphasis on consensus-building and reconciliation helps prevent escalation of disputes.	- Effectiveness may be limited in cases involving external actors or complex legal issues. - Traditional conflict resolution mechanisms may be challenged by modern legal systems.
Spiritual Beliefs and Taboos	Belief in forest spirits and the sacredness of certain areas contribute to conservation.	- Certain areas are strictly protected due to their spiritual significance, serving as de facto conservation zones. - Spiritual beliefs reinforce respect for the forest and its biodiversity.	- May be misunderstood or dismissed by outsiders, leading to conflicts or disregard for sacred sites. - Challenges in reconciling spiritual beliefs with scientific conservation approaches.

Table 4. Challenges and opportunities in integrating Adat Law with National Legislation.

Challenge	Description	Evidence from the study	Opportunity
Legal Pluralism and Inconsistencies	Conflicts between adat law and national legislation, especially regarding land tenure and resource use.	- Adat prohibition on clearing primary forest clashes with national laws allowing concessions for logging and plantations. - Suku Anak Dalam customary land rights are often not recognized in formal land titles, leading to disputes.	- Develop clearer legal frameworks that recognize and integrate adat law, clarifying its role alongside national legislation. - Harmonize conflicting provisions and establish mechanisms for resolving inconsistencies.
Overlapping Jurisdictions and Conflicting Interests	Multiple government agencies with overlapping mandates and potentially conflicting priorities regarding forest management.	- Forestry Service prioritizing timber production vs. Environment Agency focusing on conservation, creating challenges for integrating adat perspectives. - Lack of coordination among agencies can lead to inconsistent policies and undermine adat authority.	- Establish clear lines of authority and improve inter-agency coordination on forest governance. - Create platforms for adat communities to participate in decision-making processes affecting their forests.
Lack of Recognition and Marginalization of Adat Communities	Limited recognition of adat rights and knowledge in mainstream society and government institutions.	- Suku Anak Dalam often excluded from decision-making processes affecting their customary territory. - Discriminatory attitudes and lack of understanding of adat law can hinder its integration.	- Strengthen legal recognition of adat rights and knowledge through legislation and policy. - Promote cultural sensitivity and awareness among government officials and the wider public. - Empower adat communities to participate in governance and assert their rights.
External Pressures and Land Tenure Conflicts	Encroachment by logging companies, plantation developers, and infrastructure projects threatening customary forests and undermining adat law.	- Expansion of oil palm plantations leading to deforestation and loss of customary land. - Land grabbing and illegal logging activities undermining Suku Anak Dalam's access to forest resources.	- Strengthen law enforcement and protect customary land rights from external threats. - Promote sustainable livelihood alternatives to reduce pressure on forest resources. - Involve adat communities in land-use planning and development projects.
Capacity Limitations and Erosion of Traditional Knowledge	Limited capacity of adat institutions to engage with complex legal and administrative processes. Erosion of traditional knowledge due to modernization and external influences.	- Lack of formal education and legal expertise among adat leaders can hinder their participation in decision-making. - Younger generations may be less familiar with adat law and traditional practices.	- Provide capacity building and legal support to adat communities. - Promote intergenerational transmission of traditional knowledge and practices. - Document and preserve adat law systems for future generations.

The case study of Makekal Hulu village offers compelling evidence of the profound role adat law plays in upholding sustainable forest management practices. It serves as a testament to the intricate and time-tested wisdom embedded within indigenous knowledge systems, demonstrating their efficacy in maintaining ecological balance and ensuring the long-term health of forest ecosystems. At the heart of adat law's effectiveness lies a deep understanding of the forest ecosystem, cultivated and refined over countless generations. This knowledge encompasses a vast array of information about the forest's flora and fauna, their interrelationships, and the delicate balance that sustains them. It is a knowledge system that is both holistic and nuanced, recognizing the interconnectedness of all living beings and the importance of maintaining ecological integrity. This profound ecological knowledge is reflected in the intricate rules and regulations that govern hunting, logging, and land clearing practices in Makekal Hulu. Hunting restrictions, for example, are not simply arbitrary prohibitions but are carefully calibrated to ensure that wildlife populations remain healthy and resilient. Similarly, logging regulations prioritize the selective harvesting of mature trees, allowing for regeneration and minimizing disturbance to the forest ecosystem. The practice of swidden agriculture, or shifting cultivation, is another example of adat law's wisdom in action. By clearing small patches of forest for cultivation and then allowing them to regenerate for several years, the Suku Anak Dalam ensures that soil fertility is maintained and that biodiversity is not irreparably harmed. This rotational system, guided by traditional knowledge and observation, demonstrates a deep respect for the forest's regenerative capacity. Adat law not only codifies sustainable practices but also fosters a strong sense of ownership and responsibility towards the forest. The Suku Anak Dalam's deep connection to the land, nurtured by their history, culture, and spiritual beliefs, translates into a profound sense of stewardship. The forest is not merely a source of resources but an integral part of their identity and well-being. Adat institutions, such as the village elder and council, play a crucial role in reinforcing this sense of responsibility. By promoting

collective decision-making and ensuring community participation in resource management, these institutions foster a shared sense of ownership and accountability. This participatory approach ensures that decisions are made in the best interest of both the community and the forest, promoting long-term sustainability. The study also reveals the significant role of spiritual beliefs and taboos in reinforcing conservation efforts. The Suku Anak Dalam's reverence for forest spirits and sacred sites creates a network of de facto conservation zones where human activity is restricted or prohibited. These areas, often rich in biodiversity, serve as refuges for wildlife and contribute to the overall health of the forest ecosystem. Moreover, spiritual beliefs foster a deep respect for the forest and its inhabitants. The Suku Anak Dalam view the forest not merely as a collection of trees and animals but as a living entity imbued with spiritual significance. This reverence for nature encourages a conservation ethic that extends beyond mere utilitarian considerations. Adat institutions also play a crucial role in maintaining social harmony and resolving conflicts within the community. The village elder and council, guided by adat principles, act as mediators in disputes related to forest resource use or other matters. Their emphasis on consensus-building and reconciliation helps to prevent the escalation of conflicts and fosters a sense of community cohesion. This focus on conflict resolution is crucial for effective conservation efforts. Internal conflicts within a community can weaken its ability to resist external threats to the forest, such as encroachment by logging companies or plantation developers. By maintaining social harmony and promoting cooperation, adat institutions contribute to the community's resilience and its ability to protect its forest resources.¹¹⁻¹³

The harmonious coexistence and effective integration of adat law with national legislation is a formidable challenge in Indonesia's pursuit of sustainable forest management. As the study in Makekal Hulu village reveals, the complexities of legal pluralism, overlapping jurisdictions, lack of recognition, external pressures, and capacity limitations create a labyrinthine landscape that demands careful navigation. At the heart of the

challenge lies the fundamental difference in the philosophical underpinnings of adat law and national legislation. Adat law, rooted in tradition, custom, and spiritual beliefs, often embodies a holistic worldview that sees humans as an integral part of the natural world. In contrast, national legislation, influenced by Western legal traditions, tends to view nature as a resource to be exploited for economic development. This clash of paradigms often manifests in conflicts over land tenure and resource use. The study found instances where adat prohibitions on clearing primary forests clashed with national laws permitting logging and plantation concessions. The Suku Anak Dalam's customary land rights, often based on ancestral claims and sustained use, are frequently not recognized in formal land titles, leading to disputes and dispossession. These conflicts not only undermine the authority of adat institutions but also jeopardize the ecological integrity of customary forests. The Indonesian government's decentralized structure, with multiple agencies having overlapping mandates and potentially conflicting priorities, further complicates the integration of adat law into forest governance. The Forestry Service, for instance, may prioritize timber production, while the Environment Agency focuses on conservation. This can create challenges for adat communities, who may find their interests sidelined or their traditional practices deemed incompatible with national development goals. Moreover, the lack of coordination and communication among different government agencies can lead to inconsistent policies and implementation gaps. This can create confusion and uncertainty for adat communities, who may struggle to navigate the bureaucratic maze and assert their rights effectively. The lack of recognition and marginalization of adat communities in mainstream society and government institutions pose a significant obstacle to the integration of adat law. The Suku Anak Dalam, like many other indigenous communities, often find themselves excluded from decision-making processes affecting their customary territories and resources. This exclusion stems from a combination of factors, including discriminatory attitudes, a lack of understanding of adat law, and the political marginalization of indigenous groups. The

consequences of this marginalization are far-reaching. It can lead to the erosion of traditional knowledge and practices, the loss of customary land, and the displacement of communities from their ancestral territories. It can also perpetuate poverty and social injustice, as indigenous communities are denied access to the resources and opportunities they need to thrive. The expansion of extractive industries, such as logging, mining, and oil palm plantations, poses a significant threat to customary forests and the communities that depend on them. These industries, driven by profit motives and often supported by powerful political and economic interests, can encroach upon customary land, leading to deforestation, environmental degradation, and the displacement of indigenous communities. Land grabbing, or the illegal acquisition of land, is another pervasive problem facing adat communities. Powerful individuals or corporations may exploit legal loopholes or resort to intimidation and violence to seize customary land for their own benefit. This not only deprives communities of their livelihoods but also undermines the authority of adat institutions and the effectiveness of adat law.¹⁴⁻¹⁶

Amidst the challenges of integrating adat law with national legislation, there exists a fertile ground for synergistic collaboration that can lead to a more harmonious and effective forest governance system. By fostering mutual respect, understanding, and cooperation between adat communities, government agencies, and other stakeholders, Indonesia can harness the strengths of both traditional and modern systems to achieve sustainable forest management and uphold the rights of indigenous peoples. A crucial step towards integrating adat law lies in strengthening legal frameworks that explicitly recognize and respect customary rights and practices. This entails amending existing laws and policies to acknowledge the legitimacy of adat institutions and their role in forest governance. It also involves clarifying the legal status of customary land tenure and resource use rights, ensuring that adat communities have secure tenure over their ancestral territories and the resources they depend on. Furthermore, it is imperative to harmonize conflicting provisions between adat and national laws.

This may necessitate revising national legislation to align with adat principles where appropriate, or developing mechanisms for resolving inconsistencies and conflicts in a fair and transparent manner. The establishment of special courts or tribunals to adjudicate disputes involving adat law can also contribute to a more equitable and culturally sensitive legal system. Empowering adat communities to participate fully in decision-making processes affecting their forests and livelihoods is essential for achieving sustainable and equitable outcomes. This requires creating platforms for meaningful engagement and dialogue between adat communities, government agencies, and other stakeholders. It also entails providing adat communities with the necessary information and resources to understand and engage with complex legal and administrative processes. Capacity building initiatives can play a crucial role in equipping adat communities with the skills and knowledge they need to participate effectively in governance processes. This includes training on legal rights, advocacy, negotiation, and sustainable resource management. By strengthening the capacity of adat institutions, we can ensure that they have a strong voice in shaping the future of their forests and their communities. Promoting cultural sensitivity and awareness among government officials, the wider public, and even within the adat communities themselves is crucial for bridging the gap between traditional and modern systems of knowledge and governance. This involves educating government officials and other stakeholders about adat law, customary practices, and the cultural values that underpin them. It also entails fostering intergenerational dialogue within adat communities to ensure the transmission of traditional knowledge and practices to younger generations. By fostering mutual respect and understanding, we can create an environment where adat law is valued and respected, and where collaboration between adat communities and government agencies is based on trust and mutual benefit. Protecting customary land rights from external threats, such as encroachment by extractive industries, is crucial for upholding the integrity of adat law and ensuring the well-being of indigenous

communities. This requires strengthening law enforcement, holding violators accountable, and providing legal support to adat communities to defend their rights. Promoting sustainable livelihood alternatives that reduce pressure on forest resources is also essential. This may involve supporting community-based initiatives in sustainable agriculture, ecotourism, or non-timber forest product harvesting. By diversifying their income sources, adat communities can reduce their reliance on unsustainable practices and contribute to the long-term conservation of their forests. Preserving traditional knowledge and fostering its transmission to younger generations is crucial for the continued viability of adat-based forest management. This involves documenting adat law systems, oral histories, and traditional ecological knowledge, ensuring that they are not lost in the face of modernization and globalization. Creating spaces for intergenerational dialogue and learning within adat communities can further strengthen the transmission of traditional knowledge and practices. This can involve mentorship programs, cultural festivals, and other initiatives that encourage young people to connect with their heritage and learn from their elders. The challenges of integrating adat law with national legislation are undeniable, but the opportunities for synergistic collaboration are equally compelling. By fostering mutual respect, understanding, and cooperation, Indonesia can forge a path towards a more inclusive and effective forest governance system. This requires a paradigm shift away from top-down, centralized approaches to conservation and towards a more participatory and decentralized model that recognizes the rights and knowledge of indigenous communities. It also necessitates a commitment to strengthening legal frameworks, empowering adat communities, promoting cultural sensitivity, protecting customary rights, and preserving traditional knowledge. The case of Makekal Hulu serves as a beacon of hope, demonstrating the potential of adat law to contribute to sustainable forest management and the well-being of indigenous communities. By embracing the wisdom embedded in adat law and working collaboratively with indigenous peoples, Indonesia can create a model for

inclusive and effective forest governance that benefits both people and the planet.¹⁷⁻²⁰

4. Conclusion

This study underscored the vital role of adat law in forest governance and conservation within Makekal Hulu village. Adat law, with its profound ecological knowledge and community-centric approach, effectively promotes sustainable resource management and safeguards the ecological integrity of the forest. However, integrating adat law with national legislation presents challenges arising from legal pluralism, overlapping jurisdictions, lack of recognition, external pressures, and capacity constraints. To navigate these complexities, it's imperative to strengthen legal frameworks recognizing adat rights, empower adat communities through capacity building and participation, promote cultural sensitivity, protect customary lands, and preserve traditional knowledge. This synergistic approach can lead to a more inclusive, equitable, and effective forest governance system that benefits both the environment and the communities that depend on it.

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