

THE EXISTENCE OF INDIGENOUS COMMUNITIES BASED ON THE PRINCIPLE OF DECENTRALIZATION

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Abstract

Decentralisation entails delegating authority from the central government to local governments to improve the effectiveness of public services and governance-related decision-making. Decentralisation grants regional governments the autonomy to formulate policies tailored to local community needs. In practice, the implementation of decentralisation involves not only the general public but also indigenous communities, whose existence is recognised under Article 18B, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This study focuses on indigenous communities' involvement in implementing decentralisation, specifically in policy formulation and regional development based on natural resource management. The study used a mixed-methods approach, using observation, interviews, and Focus Group Discussions (FGDs), supported by primary and secondary data. Our findings show that indigenous communities are frequently relegated to the status of policy objects rather than active participants, effectively denying them equal opportunities to engage in decision-making. However, field findings reveal that the role of indigenous communities in natural resource management is becoming increasingly visible and is contributing to regional development. Therefore, local governments must strengthen indigenous community participation in policy formulation to foster inclusive and sustainable development.

Keywords: Decentralization, Government, Regional Autonomy, Policy, Indigenous Peoples

Introduction

Decentralisation is understood as the dispersal of authority, which aims to establish delegated bodies with independent decision-making capacity. The principle of decentralisation within regional autonomy goes beyond mere administrative efficiency and effectiveness; rather, the granted autonomy is construed as a matter of constitutional law (*staatsrechtelijk*) rather than merely administrative law (*administratiefrechtelijk*). In the Indonesian constitutional framework, autonomy is embedded in the foundational principles of statehood and the institutional structure of state governance. Furthermore, autonomy is succinctly defined as the freedom and independence (*vrijheid* and *zelfstandigheid*) of lower-level government units to regulate and manage specific governmental affairs (Diane Prihastuti, 2022). Decentralisation serves as a strategy to democratise the political system and align the implementation of sustainable development—a key agenda in public administration practice. While centralisation concentrates power and decision-making at the national level, decentralisation devolves authority to subnational governments, enabling them to address issues pertinent to their localities. Granting authority to regional governments aims to distribute governmental tasks for more effective execution, as these governments possess a deep understanding of the local social, economic, and political landscape (M. Fernanda et al., 2023).

Kristian Widya Wicaksono (2012) explains that, at the level of government organisation, decentralisation arises from the interaction between higher-level government institutions and those at lower levels. This implies that local governments can conduct governance without intrusive interference from central government institutions. The autonomy to govern and independently manage local natural resources is often termed the *independence of localities*. Decentralisation is expected to foster political stability and effective public service delivery, reduce poverty, and create social justice and public welfare. Decentralisation promotes political stability by mitigating regional grievances over the central government's concentration of authority, especially when resource wealth is not fairly returned to local communities. Thus, decentralisation is expected to quell political unrest by revitalising local political institutions and processes.

Implementing decentralisation requires the government to formulate policies that preempt operational setbacks. While securing public support is critical to successful policy execution, economic planning must strike a delicate balance between the common good and divergent group interests. In practice, legislative approval mediates this balance; a plan achieves national status only upon parliamentary ratification. Consequently, parliamentary representatives are entrusted with genuinely articulating the broader public interest (Suharto, 2023)

Discourse on managing natural resources and regional potential within indigenous territories often raises serious issues. The State, through the government, must consistently protect and respect the rights of indigenous peoples, particularly regarding the management of natural resources located within their customary lands. This is a highly sensitive matter capable of triggering social conflict among indigenous communities. Indonesia is home to approximately 70 million indigenous people—roughly 30% of the total population of 278 million in 2023. These indigenous peoples comprise 2,371 communities spread across 31 provinces; to date, however, the sovereignty of about 43% of them remains unrecognised.

Conflicts involving indigenous communities in Indonesia occur frequently, often stemming from the perception that policies regarding resource management in their customary territories are implemented without the consent of customary leaders. This persists despite constitutional recognition under the 1945 Constitution; consequently, unresolved customary disputes continue to arise, frequently hindering the utilisation of natural resource potential. Hence, aligning perspectives between indigenous communities and the government on collaborative resource management is imperative to ensure public welfare.

Prior observations of customary law communities' political rights in protected forest areas inspired this research. Fieldwork revealed suboptimal natural resource management and utilisation. Moreover, indigenous communities have shown openness to modern developments and technology while strongly supporting government policies that affect their livelihoods. For instance, they welcome collaborative management with the government in customary territories, provided it does not violate customary laws, viewing such partnerships as a way to unlock regional potential and boost local standing. The government should leverage this openness to accelerate regional development through natural resource use in these territories.

Indigenous communities seek recognition of their rights to manage natural resources within their own territories. A case in point is the Paring Sumpit community in Muara Andeh Village, Muara Samu District, Paser Regency, East Kalimantan Province. Although officially recognised as an indigenous customary law community in 2019, they have yet to optimise their natural resources. Most community members rely on forest products and agriculture for subsistence, primarily consuming their own produce rather than purchasing food. Paring Sumpit is currently pursuing formal recognition of their customary forest. Under decentralisation, local governments are responsible for developing regional potential, including that of the Paring Sumpit community. The 2019 decision to locate the new national capital, Nusantara (IKN), in East Kalimantan is expected to trigger numerous business permits in surrounding areas. Consequently, many indigenous communities in East Kalimantan face growing threats to their customary territories. Strengthening their rights, particularly by enabling them to manage these natural resources, is crucial.



Figure 1. Facts on Indigenous Peoples and Customary Territories



Figure 2. Distribution of Indigenous Peoples

The new findings derived from this research can be outlined as follows:

1. Research on indigenous communities in natural resource and environmental management is extensive, yet global developments keep this issue relevant. Empowering these communities is vital for decentralisation and regional development.
2. Conflicts regarding natural resource management within indigenous territories occur frequently, often due to a lack of effective communication between local governments and indigenous communities.
3. Local governments often treat indigenous communities merely as policy objects, even in managing resources within their own territories. This persists despite these communities predating the state and preserving their ancestral lands to the present day.
4. Core problems stem from the absence of regulations to reconcile indigenous and governmental interests. This is critical because regional potential drives decentralisation-based development.
5. A framework for involving indigenous communities in customary-territory policy formulation is needed. The research team asserts that this framework will guide the government in issuing clearer resource management policies.
6. Providing space for indigenous communities to contribute broadly will help mitigate customary disputes and strengthen national unity.

The state of the art of this research is reflected in its strong relevance to contemporary issues in natural resource and environmental governance, particularly for human welfare and regional development. Nevertheless, such governance remains fraught with persistent challenges, including environmental degradation and recurring conflicts between local communities, particularly indigenous groups, and resource managers. These conflicts often arise because management frameworks directly affecting indigenous communities are imposed without prior mutual consent. This study addresses these issues within customary forest areas.

The research outputs will provide recommendations and a framework for involving indigenous communities in regional development and natural resource management policies within their territories. The research team's recommendations can also serve as a reference for local governments when formulating future natural resource management policies in customary areas.

Methods

1. Approach and Type of Research

The research team employed a mixed-methods approach that involves collecting and analysing both quantitative and qualitative data within a single study. Data collection may occur concurrently or sequentially, with data integration taking place at one or more stages of the research process (Creswell,

2010). This study employs mixed methods, which are expected to yield a more comprehensive analysis by triangulating quantitative and qualitative data.

2. Research Location and Object

• Research Location

The research was conducted in the IKN region of East Kalimantan, Cirendeu, Cimahi, Yogyakarta, and Blora.

• Object Penelitian

This research examines how indigenous communities participate in natural resource management under the principles of decentralisation and regional autonomy, particularly in policy-making processes for such management within customary territories.

3. Types and Sources of Data

Based on the research subject, this study uses two types of data: primary and secondary. Primary data consists of textual and non-textual information from primary sources, specifically the community and stakeholders, derived from interviews and field observations. Secondary data comes from reviewing documents or archives relevant to the research problems and objectives, including previous studies and scientific publications.

4. Data Collection Technique

Data collection techniques in this research include interviews, FGDs, observations, and secondary data collection.

5. Data Analysis

Data analysis in this study is descriptive-qualitative and uses unstructured data from the research process. Consequently, the qualitative data will be interpreted as a shared understanding between the researcher and the research subject. Data analysis will commence at the outset of the research. The analysis proceeds through several stages. It begins by classifying data based on time, location, names, and topics of discussion, according to the analytical requirements. The next stage involves validating data by cross-referencing information from different sources.

The analytical technique employed is empirical-juridical analysis. According to Waluyo (2002), this method examines the applicability of legal provisions and their actual implementation in society. This analysis is necessary to evaluate national regulations and their supporting frameworks, as well as their practical application in selected locations in relation to local wisdom. This study also interprets policies on local wisdom and national regulations to extract the meaning of the regulatory provisions stipulated in these policies. Regarding the selected case study for discussion, Rahardjo and Gudnanto (2011) explain that a case study is a method for understanding a subject in an integrative and comprehensive manner to gain deep insight and identify the problems faced. The purpose of selecting the case study approach is to describe and explain. The empirical-juridical analysis method, combined with the case study approach, serves as the framework for examining policies, national regulations, and their application in selected locations. Finally, the data are analysed based on the research formulation and objectives, focusing on core issues, to obtain new insights and a model for implementation.

6. Data Presentation

The research findings are systematically presented through data reduction, interpretation, and synthesis, based on interviews, observations, and documentation, to yield clear and structured conclusions.

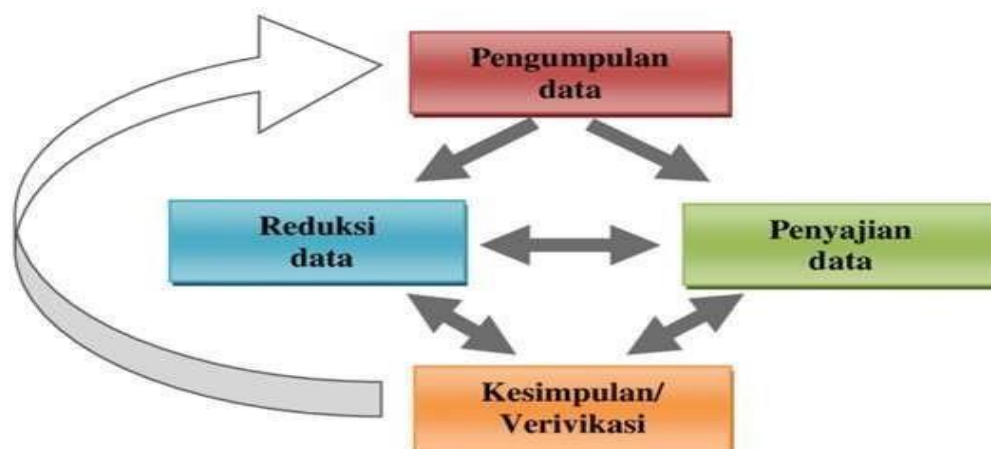


Figure 3. interactive model of analysis

Results and Discussions

Based on the results and data gathered during the research team's visits to areas inhabited by indigenous communities, it was found that information on the implementation of decentralisation in local government, particularly concerning natural resource management involving these communities, can be obtained through observation, interviews with informants, local government activity reports, and evaluations from various research and advocacy institutions that monitor the sustainability of resource management and indigenous participation in the process. The key field findings are outlined below:

1. Indigenous Community of Samin Blora, Provinsi Jawa Tengah

The Samin indigenous community is dispersed across several villages in Blora Regency, including Samin, Kedungtuban, Bulurejo, and Geneng. Their livelihoods depend largely on agriculture and forest use, while they continue to uphold traditional values and local wisdom. Geographically, the Blora region is dominated by lowlands and hills, with a tropical climate that supports farming. Modernisation and urbanisation have begun to influence the community's social structure, particularly among the younger generation, many of whom migrate for education and employment. Nevertheless, the Samin people strive to preserve their culture and maintain a harmonious relationship with nature. They face challenges relating to economic issues, legal recognition, and social change, and require local government support to protect their indigenous rights and preserve their culture.

2. Indigenous Community of Cirendeu, Provinsi Jawa Barat

The Cirendeu indigenous community is located in Leuwigajah Urban Village, South Cimahi District, Cimahi City, West Java. This community has lived there for generations since the 17th century, guided by a philosophy that emphasizes harmony between humans and nature. The Cirendeu people uphold a culture of cooperation (gotong royong), sustainable agriculture, and traditional rituals, alongside sustainable natural resource management. They utilise forest and agricultural produce wisely to ensure environmental preservation. Research shows that the process of securing legal recognition for the Cirendeu indigenous community is still ongoing. The Cimahi City Government has implemented various programs on community empowerment, cultural preservation, and food security to support the community's sustainability. However, challenges such as limited formal state recognition of their rights remain a primary issue.

3. Indigenous Community of Paser, Provinsi Kalimantan Timur

The Paser indigenous community inhabits the Paser Regency in East Kalimantan and maintains a close relationship with natural resource management, particularly regarding forests and agricultural land. A customary chief heads their social system, and decisions are made through customary deliberation. Natural resource management is based on local wisdom, including agroforestry systems, land rotation practices, and prohibitions against forest destruction. Research shows that the legal framework for the Paser indigenous community remains suboptimal given the lack of specific local regulations on the formal recognition of indigenous customary communities, including clear criteria for what constitutes an indigenous community and customary law. Therefore, the local government's support is essential to provide legal protection, preserve cultural sustainability, and safeguard their rights amid regional development.

Discussion

Involving indigenous communities in natural resource management policy development within their customary territories is crucial to achieve sustainable and equitable outcomes. These communities maintain a profound connection to the environment, as their social, cultural, and economic lives depend on the natural resources found in their ancestral lands. Consequently, management policies must consider the needs, cultural values, and local wisdom of indigenous communities to ensure implementation does not trigger social conflict or environmental degradation. Indigenous participation in planning, consultation, and decision-making represents a more democratic and inclusive form of decentralized governance.

Research shows that conflicts over natural resource management in indigenous territories often stem from poor communication between local governments and indigenous communities. In many instances, indigenous communities are treated as policy objects, despite constitutional recognition of their rights. This leads to issues including land disputes, resource exploitation, and declining public trust in government. Therefore, local governments need to establish a participatory natural resource management system that actively involves indigenous institutions at every stage of policy and regulatory formulation.

Research also shows that the position of indigenous communities is currently strengthening as they become more receptive to modern developments and collaborative management approaches. Fundamentally, indigenous communities are open to development and natural resource utilisation, provided that customary rights and traditional rules passed down through generations are respected. This is evident among the Paring Sumpit indigenous community in Paser Regency, who are being encouraged to develop

the economic potential of their customary lands, particularly following the impact of development. Nevertheless, strengthening legal protections and securing the recognition of customary rights remain critical to ensuring that indigenous communities do not lose their living spaces to development and investment expansion.

Furthermore, indigenous-led natural resource management has proven effective in maintaining environmental sustainability. A prime example is the Wonosadi Customary Forest in Gunungkidul, covering approximately 25 hectares, which remains preserved thanks to customary regulations prohibiting forest over-exploitation. The forest boasts rich biodiversity in flora and fauna, a result of collective stewardship by the indigenous community. Similar potential exists among the Samin people in Blora, who possess forest, agricultural, and livestock resources that can be developed sustainably. Consequently, there is a need for participatory, inclusive, and locally grounded natural resource management policies that enable regional potential to flourish without compromising indigenous rights or environmental sustainability.

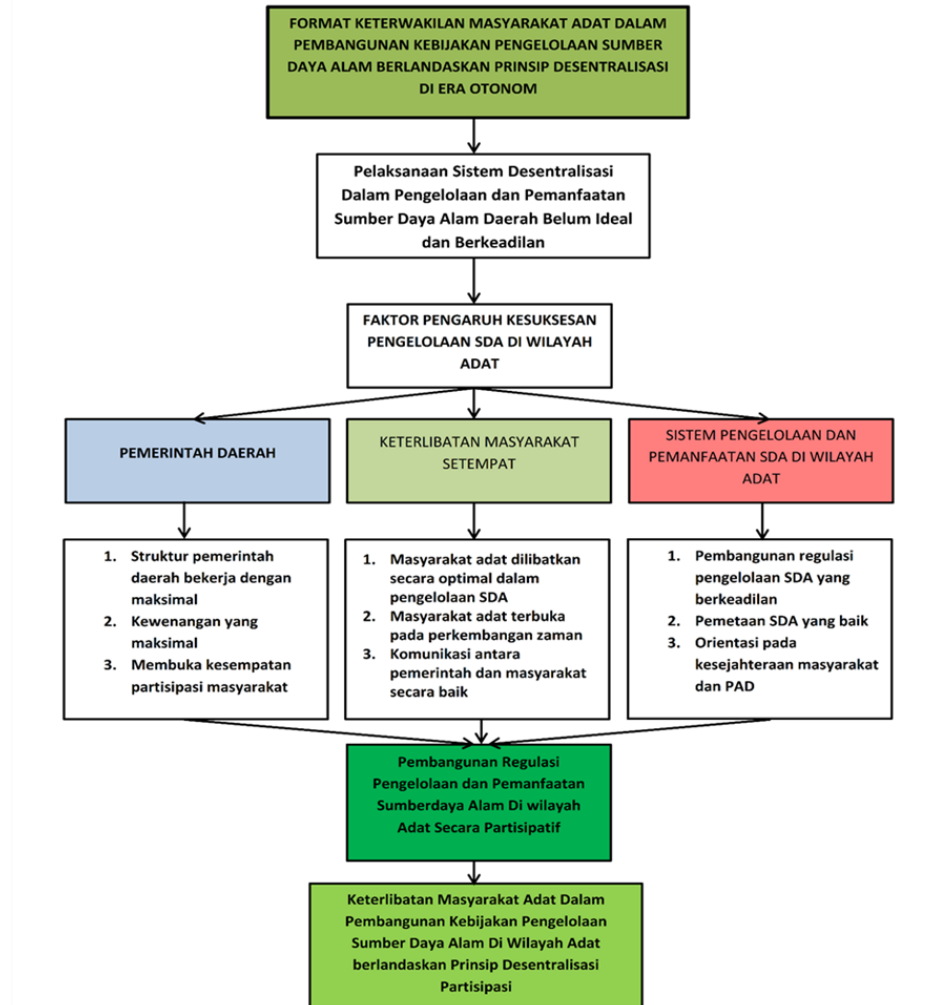


Figure 4. Research Results Framework Achievements

Conclusion and Recommendation

Research shows that indigenous representation in regional development and decentralised natural resource management policies significantly influences successful policy implementation locally. Engaging them in decision-making processes ensures that their needs, interests, and rights are equitably accommodated in development and natural resource management. Beyond improving the effectiveness of sustainable development policies, indigenous participation strengthens sustainable natural resource governance and safeguards indigenous rights. Therefore, the government and all stakeholders must continue to foster the active participation of indigenous communities in regional development and natural resource management processes.

Recommendation

- Establish a multi-stakeholder dialogue forum involving local government, Indigenous communities, and relevant stakeholders to foster mutual understanding on regional development and natural resource management, while providing a platform for Indigenous communities to articulate their aspirations.
- Ensure Indigenous representation in institutions or bodies responsible for regional development and natural resource management policies, so that their voices and interests are accommodated in all decision-making processes.
- Apply decentralisation principles in natural resource management through participatory decision-making involving local government and Indigenous communities, ensuring that the resulting policies more closely align with community needs.

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