

THE EXISTENCE OF INDIGENOUS PEOPLES UNDER THE PRINCIPLE OF DECENTRALIZATION

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Abstract

Decentralization is the delegation of authority from the central government to local governments to improve the effectiveness of public services and decision-making in governance. Through decentralization, regions have the autonomy to determine policies that are consistent with the needs of local communities. In practice, decentralization involves not only the general public but also Indigenous Peoples, whose existence is recognized under Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This study focuses on the involvement of Indigenous Peoples in the implementation of decentralization, particularly in policy-making and regional development based on natural resource management. The study employs a mixed-methods approach, with data collected through observation, interviews, and Focus Group Discussions (FGDs), supported by primary and secondary data. The findings indicate that Indigenous Peoples have often been positioned merely as objects of policy and have not yet been provided equal opportunities to participate in decision-making. However, field findings show that the role of Indigenous Peoples in natural resource management has begun to emerge and contributes to regional development. Therefore, local governments need to strengthen the active involvement of Indigenous Peoples in policy formulation to support more inclusive and sustainable development.

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

Introduction

Decentralization can be understood as the dispersion of authority, with the aim of establishing delegation that enables independent decision-making. The principle of decentralization underlying regional autonomy is not merely a mechanism for administering government efficiently and effectively; rather, the autonomy granted constitutes a constitutional arrangement (*staatsrechtelijk*), not simply an administrative arrangement (*administratiefrechtelijk*). Within Indonesia's constitutional order, autonomy is related to the foundations of the state and the organizational structure of government. More concisely, autonomy can be understood as the freedom and independence (*vrijheid and zelfstandigheid*) of lower-level governmental units to regulate and administer certain governmental affairs (Diane Prihastuti, 2022). Decentralization is a strategy for democratizing the political system and aligning the implementation of sustainable development, which has become an important agenda in public administration practice. In contrast to centralization, in which power and decision-making are concentrated in the central government, decentralization emphasizes the exercise of governmental authority at lower levels in determining matters that directly concern them. The delegation of authority to local governments is intended to distribute governmental responsibilities so that they can be carried out more effectively, because local governments have a better understanding of the social, economic, and political context of their respective regions (M. Fernanda et al., 2023).

Kristian Widya Wicaksono (2012) explains that, at the level of government organizations, decentralization is a consequence of interactions between governmental institutions at higher and lower levels. This can be interpreted to mean that local governments may administer government without extensive intervention from central government institutions. The discretion to administer government and independently manage regional natural resources is often referred to as the independence of localities. Decentralization is expected to promote political stability, improve the effectiveness of public services, reduce poverty, and create justice and public welfare. In terms of political stability, decentralization can reduce regional dissatisfaction with the central government's centralized system of power, particularly when the utilization of regional resources by the central government is not accompanied by an equitable distribution of welfare to local communities. Thus, decentralization is expected to mitigate political tensions by revitalizing political institutions and processes at the regional level.

In implementing decentralization, the government must establish appropriate development policies to avoid problems that may arise during implementation. Public support is one of the most important factors in the success of policy planning and implementation. Economic planning must also obtain broad public support and prioritize the public interest over group interests, while at the same time gaining the approval of all groups. In other words, a plan may be regarded as a national plan when its agenda has been approved by the legislature. Another issue is that representatives in parliament must genuinely represent the interests of the public (Suharto, 2023).

The discourse surrounding the management of natural resources and regional potential in Indigenous territories often gives rise to serious problems. Through the government, the state must consistently protect and respect the rights of Indigenous Peoples, particularly in managing natural resources located within customary territories. This is a highly sensitive issue that may trigger social conflict within Indigenous communities. Indonesia has approximately 70 million Indigenous people, or about 30% of its population of 278 million in 2023. Indigenous Peoples comprise 2,371 Indigenous communities spread across 31 provinces in Indonesia, and approximately 43% have not yet received recognition of their sovereignty.

Conflicts involving Indigenous Peoples frequently occur in Indonesia, and Indigenous communities often consider that policies concerning resource management in customary territories are formulated without the consent of customary authorities. Although the existence of Indigenous Peoples is recognized under Indonesia's 1945 Constitution, customary conflicts continue to occur without a clear resolution, affecting the utilization of the natural resource potential concerned. A shared understanding between Indigenous Peoples and the government is therefore needed regarding the joint management of natural resources so that such resources can contribute to public welfare.

The idea for this research topic emerged from the research team's previous observations in a study concerning the protection of the political rights of Indigenous Peoples in protected and conservation forest areas. Fieldwork identified several issues, including the fact that the management and utilization of natural resources had not been implemented effectively. It was also found that some Indigenous communities are now open to contemporary developments and technology and are supportive of government policies that directly concern their existence. For example, regarding the management of natural resources within customary territories, Indigenous communities may consider collaborative management by the government and Indigenous Peoples acceptable as long as it does not conflict with customary rules and can develop local potential and strengthen regional existence. The increasing openness of Indigenous Peoples to contemporary developments should be positively received by the government because it can support regional development through the utilization of natural resources in customary territories.

Indigenous Peoples continue to expect recognition of their rights to manage and utilize natural resources within their own territories. For example, the Paring Sumpit Indigenous community in Muara Andeh Village, Muara Samu District, Paser Regency, East Kalimantan Province, was recognized as an Indigenous legal community in 2019, but the management and utilization of its natural resources have not yet been optimized. Most community members depend on forest products and agriculture for their livelihoods. The Paring Sumpit Indigenous community is still in the process of obtaining recognition for its customary forest. Under the decentralization system, local governments are responsible for developing the potential within their regions, including that of the Paring Sumpit Indigenous community. Another issue arose when East Kalimantan was selected as the location of Indonesia's new capital, Nusantara (IKN), in 2019, which was expected to lead to the issuance of numerous business permits in areas surrounding IKN. Consequently, the living spaces of many Indigenous communities in East Kalimantan are increasingly threatened. Strengthening the existence of Indigenous Peoples, including through the management and utilization of resources in customary territories, is therefore necessary.



Figure 1. Facts on Indigenous Peoples and Customary Territories



Figure 2. Distribution of Indigenous Communities

Several novel contributions of this study can be outlined as follows:

1. Research on the position of Indigenous Peoples in natural resource and environmental management has been widely conducted; however, global developments related to this issue make it increasingly important to examine. Indigenous Peoples, as part of society, need to remain visible and be strengthened in order to support regional decentralization systems so that regional potential can develop.
2. Conflicts related to natural resource management in Indigenous territories occur frequently because of inadequate communication between local governments and Indigenous Peoples.
3. Local governments often position Indigenous Peoples merely as objects of policy, including policies concerning natural resource management in customary territories. Yet Indigenous entities existed prior to the present state structure, and Indigenous Peoples regard everything within customary territories as an inheritance from their ancestors that must be preserved.
4. Existing problems occur because there is not yet an appropriate regulatory framework capable of accommodating both the interests of Indigenous Peoples and those of local governments. In the

implementation of decentralization, regional potential is one of the dominant factors supporting regional development.

5. A format for involving Indigenous Peoples in policy development related to natural resource management in customary territories needs to be formulated. By developing such a format, the research team expects the study's output to assist the government in determining policies concerning natural resource management in customary territories.
6. Providing Indigenous Peoples with broad opportunities to contribute can help reduce customary disputes and strengthen national unity.

The state of the art of this study lies in its relevance to current developments and conditions concerning natural resource and environmental management in the pursuit of human welfare and regional development. On the other hand, natural resource and environmental management continues to involve unresolved problems. Common problems arising from the management and utilization of natural resources include environmental and natural resource degradation. Another recurring issue is conflict between local communities, including Indigenous Peoples, and natural resource managers. Such conflicts may occur because no common ground has been reached regarding natural resource management concepts that directly affect Indigenous Peoples, yet are nevertheless imposed. This study is expected to contribute to resolving several problems related to natural resource management in customary forest areas.

The research output will provide recommendations and a framework for the involvement of Indigenous Peoples in regional development and natural resource management policies within customary territories. The recommendations formulated by the research team may also serve as input, references, or guidance for local governments in developing future natural resource management policies in customary territories.

Methods

1. Research Approach and Type

The research team employed a mixed-methods approach, which involves the collection or analysis of quantitative and/or qualitative data within a single study. Data may be collected concurrently or sequentially, assigned different priorities, and integrated at one or more stages of the research process (Creswell, 2010). The use of mixed methods in this study was expected to provide a more comprehensive analysis through triangulation of the data obtained.

2. Research Location and Object

• Research Location

The research was conducted in the Nusantara Capital City (IKN) area of East Kalimantan, Cirendeu in Cimahi, Yogyakarta, and Blora.

• Research Object

The research focuses on the participation of Indigenous Peoples in natural resource management based on the principles of decentralization and regional autonomy, particularly in the policy-making process concerning natural resource management within customary territories.

3. Type and Sources of Data

Based on the research object, two types of data were used: primary and secondary data. Primary data consisted of textual and non-textual data obtained from primary sources, namely communities and stakeholders. The primary data sources were interviews and field observations. Secondary data were obtained from reviews of documents or archives relevant to the research problem and objectives. Secondary sources included previous studies and scientific publications.

4. Data Collection Techniques

The data collection techniques used in this study consisted of several methods: interviews, Focus Group Discussions (FGDs), observations, and secondary data collection.

5. Data Analysis

The data analysis in this study was qualitative descriptive analysis using unstructured research data. The qualitative data were interpreted as a shared understanding between the researchers and the research objects. Data analysis began from the initial stage of the study. The analysis was conducted through several stages, including classifying data by time, place, name, and topic according to analytical needs. The next stage involved validating the data by examining similarities in data and information obtained from different sources.

The empirical juridical analysis technique, according to Waluyo (2002), is a method that examines the application of legal provisions and what occurs in practice within society. This analysis was required to examine national regulations and supporting provisions, as well as their implementation in selected locations related to local wisdom. Interpretation of legal rules concerning local-wisdom policies and national regulations was also undertaken to distill the meaning of the regulations contained in those policies.

Rahardjo and Gudnanto (2011) explain that a case study is a method for understanding an object in an integrative and comprehensive manner in order to obtain an in-depth understanding and identify the problems encountered. The purpose of selecting the case-study approach was to describe and explain. The empirical juridical analysis method with a case-study approach was used to examine policies, national regulations, and their application in selected locations. Finally, the data were analyzed with reference to the research questions and objectives in order to address the research problems and identify novelty and a model to be applied.

6. Data Presentation

The research findings were presented systematically through data reduction, interpretation, and presentation based on interviews, observations, and documentation in order to produce clear and structured research conclusions.



Figure 3. Interactive Model of analysis

Results and Discussions

The findings and data obtained during the research team's visits to areas inhabited by Indigenous Peoples show that information concerning the implementation of decentralization by local governments in relation to natural resource management involving Indigenous Peoples was obtained through observations, interviews with informants, local government activity reports, and evaluation results from research and advocacy institutions monitoring the continuity of natural resource management and the participation of Indigenous Peoples in the process. Several field findings are presented below:

1. Samin Indigenous Community of Blora, Central Java Province

The Samin Indigenous community is spread across several villages in Blora Regency, including Samin, Kedungtuban, Bulurejo, and Geneng. The livelihoods of the Samin community largely depend on agriculture and forest utilization while maintaining customary values and local wisdom. Geographically, Blora is dominated by lowlands and hills with a tropical climate that supports agricultural activities. Modernization and urbanization have begun to influence the social structure of the Samin community, particularly among younger generations who migrate for education and employment. Nevertheless, the Samin community continues to preserve its culture and harmonious relationship with nature. The challenges it faces include economic conditions, legal recognition, and social change, making local government support necessary for the protection of customary rights and cultural preservation.

2. Cirendeuh Indigenous Community, West Java Province

The Cirendeuh Indigenous community is located in Leuwigajah Urban Village, South Cimahi District, Cimahi City, West Java. This community has lived there for generations since the seventeenth century and adheres to a philosophy of life that emphasizes harmony between humans and nature. The Cirendeuh community maintains a culture of mutual cooperation, sustainable agriculture, customary rituals, and environmentally friendly natural resource management. It uses forest and agricultural products wisely to preserve the environment. The findings indicate that legal recognition of the Cirendeuh Indigenous community is still in process. The Cimahi City Government has implemented various community empowerment, cultural preservation, and food-security programs to support the continuity

of the Cirendeu Indigenous community. However, limited formal state recognition of its rights remains a major challenge.

3. Paser Indigenous Community, East Kalimantan Province

The Paser Indigenous community inhabits Paser Regency, East Kalimantan, and has a close relationship with natural resource management, particularly forests and agricultural land. The community's social system is led by customary leaders, with decisions made through customary deliberation. Natural resources are managed according to local wisdom, including agroforestry systems, land rotation, and prohibitions against forest destruction. The study found that legal arrangements concerning the Paser Indigenous community remain suboptimal because no specific regional regulation has yet been enacted concerning the recognition of Indigenous legal communities and the criteria for determining Indigenous Peoples and customary law. Therefore, local government support is required to provide legal protection, maintain cultural sustainability, and ensure that Indigenous rights remain protected amid regional development.

Discussion

The involvement of Indigenous Peoples in developing natural resource management policies within customary territories is an important factor in creating sustainable and equitable management. Indigenous Peoples have a close relationship with the environment because their social, cultural, and economic lives depend on the natural resources within their customary territories. Natural resource management policies therefore need to consider the needs, cultural values, and local wisdom of Indigenous Peoples so that their implementation does not generate social conflict or environmental damage. The participation of Indigenous Peoples in planning, consultation, and decision-making represents a more democratic and inclusive implementation of decentralization.

The findings indicate that conflicts over natural resource management in customary territories still frequently occur because of inadequate communication between local governments and Indigenous Peoples. In many cases, Indigenous Peoples continue to be positioned as objects of policy even though their rights are constitutionally recognized. This condition gives rise to various problems, including land disputes, natural resource exploitation, and declining public trust in government. Local governments therefore need to establish participatory natural resource management systems by involving customary institutions at every stage of policy and regulatory formulation.

The study also found that the existence of Indigenous Peoples is beginning to strengthen as they become increasingly open to contemporary developments and more collaborative management patterns. Indigenous Peoples are fundamentally open to development and natural resource utilization as long as customary rights and traditional rules inherited across generations are respected. This can be seen in the Paring Sumpit Indigenous community in Paser Regency, which is being encouraged to develop the economic potential of its customary territory, particularly in response to ongoing development. Nevertheless, stronger legal protection and recognition of customary rights remain essential to ensure that Indigenous Peoples do not lose their living spaces as a result of development and investment expansion.

Furthermore, natural resource management based on Indigenous communities has also been shown to support environmental conservation. One example is the Wonosadi Customary Forest in Gunungkidul, covering approximately 25 hectares, which remains protected through customary rules prohibiting excessive forest exploitation. The forest has high flora and fauna diversity because it is collectively protected by the local community. Similar potential is found among the Samin community in Blora, whose forest, agricultural, and livestock resources can be developed sustainably. Therefore, participatory, inclusive, and local-wisdom-based natural resource management policies are needed so that regional potential can develop without neglecting Indigenous rights and environmental sustainability.

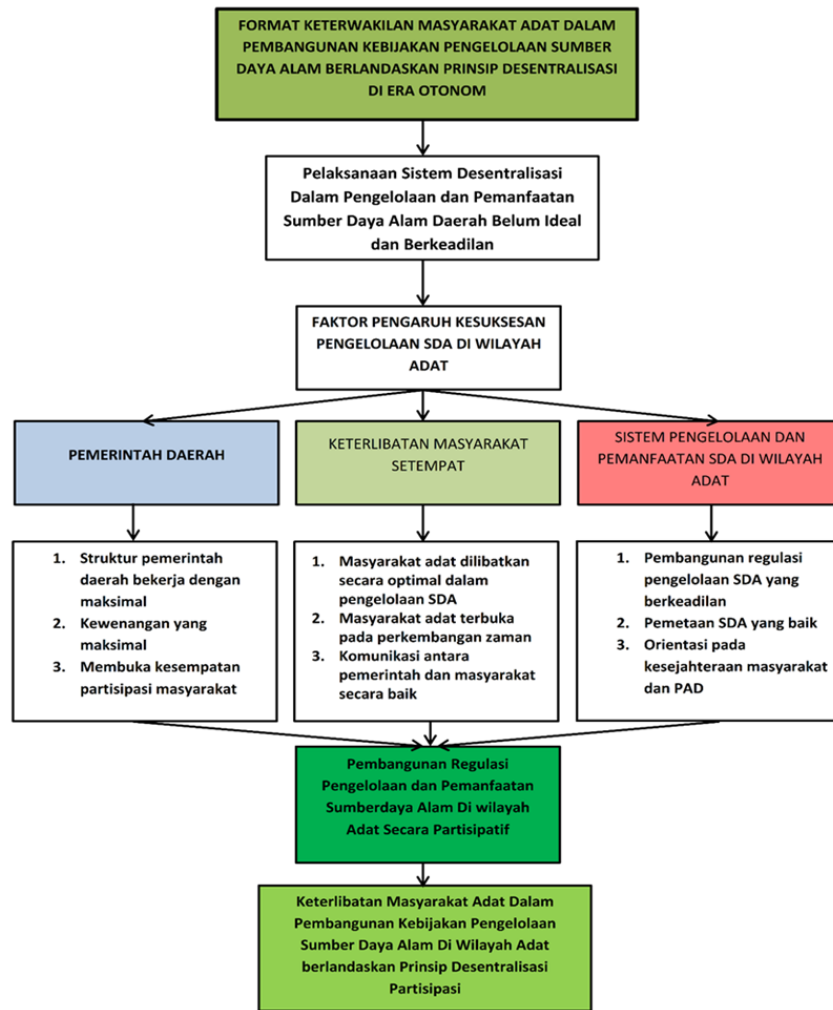


Figure 4. Research Findings Framework

Conclusion and Recommendation

The findings indicate that the representation of Indigenous Peoples in regional development and decentralization-based natural resource management policies has a significant influence on the successful implementation of policies at the regional level. Involving Indigenous Peoples in decision-making processes helps ensure that their needs, interests, and rights are fairly accommodated in development and natural resource management. In addition to improving the effectiveness of sustainable development policies, the involvement of Indigenous Peoples also strengthens sustainable natural resource governance and the protection of Indigenous rights. Therefore, the government and all stakeholders need to continue promoting the active participation of Indigenous Peoples in regional development and natural resource management processes.

Recommendation

- Establish dialogue forums among local governments, Indigenous Peoples, and relevant parties to create mutual understanding in regional development and natural resource management and to provide Indigenous Peoples with opportunities to express their aspirations.
- Ensure the representation of Indigenous Peoples in institutions or bodies responsible for regional development and natural resource management policies so that their voices and interests are accommodated in every decision-making process.
- Apply the principle of decentralization to natural resource management through participatory decision-making between local governments and Indigenous Peoples so that the resulting policies are more responsive to the needs of Indigenous Peoples

References

- Ahmad Sholikin. 2018. Otonomi Daerah dan Pengelolaan Minyak Bumi Di Kabupaten Bojonegoro. *Jurnal Ilmu Administrasi (JIA)* Volume XV Nomor 1. p. 35 – 50. DOI: <https://doi.org/10.31113/jia.v15i1.131>
- Ardika Nurfurqon. 2020. Politik Hukum Otonomi Daerah Studi Terhadap Desentralisasi Asimetris Di Indonesia. *Khazanah Hukum* Vol. 2No. 2: 73-81. DOI: 10.15575/kh.v2i2. 8504
- Budi Utomo. 2017. Penguatan Ekonomi Lokal Menuju Kemandirian Daerah (Studi Kasus Kota Palembang). *Jurnal Swarnabhumi* Vol. 2, No. 1, p. 45-50. DOI : <https://doi.org/10.31851/swarnabhumi.v2i1.1136>
- Diane Prihastuti. 2022. Tinjauan Yuridis Desentralisasi dan Otonomi Daerah dalam Proses Pemerintahan Dikaitkan Undang-Undang 23 Tahun 2014 tentang Pemerintah Daerah, *Jurnal Legeislasi Indonesia* Vol 19 No. 1 - Maret 2022: 29-41, DOI: <https://doi.org/10.54629/jli.v19i1.810>
- Fajrian Noor Anugrah. 2021. Kewenangan Tata Kelola Lingkungan Hidup Oleh Pemerintahan Daerah Dalam Prespektif Otonomi Daerah. *Jurnal WASAKA HUKUM* Vol. 9 No. 2, p. 204-222. <https://www.ojs.stihsa-bjm.ac.id/index.php/wasaka/article/view/43>
- Kardin M. Simanjuntak. 2015. Implementasi Kebijakan Desentralisasi Pemerintahan Di Indonesia. *Jurnal Bina Praja* Volume 7 Nomor 2. p. 111-130. DOI: <https://doi.org/10.21787/jbp.07.2015.111-130>.
- Kemas Abdul Somad. 2014. Desentralisasi Dalam Pengelolaan Hutan Di Wilayah Hukum Kabupaten Muara Jambi. *Legalitas Edisi Juni 2014* Volume VI Nomor 1. P. 94-116. DOI: <http://dx.doi.org/10.33087/legalitas.v6i1.127>
- Kristian Widya Wicaksono. 2012. Problematika dan Tantangan Desentralisasi Di IndonesiaDesentralization Problems And Challenges In Indonesia. *Jurnal Bina Praja* Volume 4Nomor 1. P. 21 – 28, DOI: <https://doi.org/10.21787/jbp.04.2012.21- 28>
- Komaratulloh, P., Susdiyanti, T., & Salampessy, M. L. (2020). MEKANISME AKSES MASYARAKAT ADAT DALAM PEMANFAATAN SUMBERDAYA ALAM (Studi Kasus di Kasepuhan Karang Desa Jagaraksa Kecamatan Muncang Kabupaten Lebak Provinsi Banten). *Jurnal Nusa Sylva*, 19(1), 30–34. <https://doi.org/10.31938/jns.v19i1.232>
- M. Fernanda, Aldri Frinaldi & Lince Magriasti. 2023. Desentralisasi Dan Otonomi Daerah Dalam Upaya Penyelenggaraan Pemerintahan Daerah Yang Baik. *Jurnal Ilmu Sosial dan Pendidikan (JISIP)* Vol. 7 No. 3 Juli 2023. P. 2409-2418. DOI: 10.58258/jisip.v7i1.5423/<http://ejournal.mandalanursa.org/index.php/JISIP/index>
- Ni Ketut Sari Adnyani, Ni Kadek Putus Asrini. 2023. Pengakuan Atas Kedudukan dan Keberadaan Masyarakat Hukum Adat Kajian Pengaturan Subak Dalam Perspektif Hukum Negara. *Jurnal Pendidikan Kewarganegaraan Undiksha* Vol. 11 No. 3 (September, 2023).p.74-82. <https://ejournal.undiksha.ac.id/index.php/JJPP>
- Risno Mina. 2016. Desentralisasi Perlindungan dan Pengelolaan Lingkungan Hidup Sebagai Alternatif Menyelesaikan Permasalahan Lingkungan Hidup. *ARENA HUKUM* Volume 9, Nomor 2, Agustus 2016, Halaman 149-165. DOI: <http://dx.doi.org/10.21776/ub.arenahukum.2016.00902.1>
- Said Abdullah. 2012. Kewenangan Pemerintah Daerah dalam Pengelolaan Sda pada Otonomi Daerah. *Jurnal Lex Specialist*, no. 16, Dec. 2012, pp. 35-47.
- Suharto. 2023. Desentralisasi dan Otonomi Daerah Dalam Proses Pemerintahan Dikaitkan Undang-Undang 23 Tahun 2014 Tentang Pemerintah Daerah. *Jurnal Hukum* Vol. 20 No. (2023). P. 312-325. <https://ejournal.penerbitjurnal.com/index.php/law/article/view/345>
- Semuel Risal, Soesila Zauhar, Sarwono, Hermawan. 2018. Pengelolaan Sumber Daya Alam di Era Desentralisasi. *Jurnal Ilmiah Manajemen Publik dan Kebijakan Sosial* Vol. 1 No. 2 Tahun 2018. P.122-130. Doi: <https://doi.org/10.25139/jmnegara.v1i2.792>
- Zayanti Mandasari. 2014. Politik Hukum Pengaturan Masyarakat Hukum Adat (Studi Putusan Mahkamah Konstitusi). *Jurnal Hukum IUS QUIA IUSTUM* NO. 2 VOL. 21 APRIL 2014: 227 – 250, DOI: 10.20885/iustum.vol21.iss2.art4

Authors' Bibliography

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