

Indigenous Peoples and Forest Governance in Indonesia: Reconciling Conservation Policies with Customary Land Rights

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Abstract

Forest conservation policies are essential for protecting biodiversity and addressing climate change, yet conservation measures may affect Indigenous communities whose livelihoods and cultural identities are closely connected to forest territories. In Indonesia, the expansion of protected areas and conservation programs raises questions concerning the compatibility of environmental objectives with customary land rights. This article examines the relationship between conservation policy and Indigenous rights in Indonesia. Using normative juridical and policy analysis, the study evaluates forestry regulation, conservation law, customary land rights, and community participation mechanisms. The article argues that conservation cannot be considered fully legitimate when Indigenous communities are excluded from decisions concerning territories they have historically managed. A rights-based conservation model should recognize customary tenure, ensure meaningful participation, protect traditional livelihoods, and establish mechanisms for resolving overlapping claims. The study proposes co-governance arrangements in which Indigenous communities participate directly in conservation planning, monitoring, and benefit-sharing. The article concludes that recognizing Indigenous rights can strengthen rather than undermine environmental protection by incorporating traditional ecological knowledge and community-based stewardship into conservation governance.

[Kebijakan konservasi hutan sangat penting untuk melindungi keanekaragaman hayati dan mengatasi perubahan iklim, namun langkah-langkah konservasi dapat memengaruhi masyarakat adat yang mata pencaharian dan identitas budayanya terkait erat dengan wilayah hutan. Di Indonesia, perluasan kawasan lindung dan program konservasi menimbulkan pertanyaan mengenai kesesuaian tujuan lingkungan dengan hak atas tanah adat. Artikel ini mengkaji hubungan antara kebijakan konservasi dan hak-hak masyarakat adat di Indonesia. Dengan menggunakan analisis yuridis dan kebijakan normatif, studi ini mengevaluasi regulasi kehutanan, hukum

konservasi, hak atas tanah adat, dan mekanisme partisipasi masyarakat. Artikel ini berpendapat bahwa konservasi tidak dapat dianggap sepenuhnya sah ketika masyarakat adat dikecualikan dari keputusan mengenai wilayah yang secara historis telah mereka kelola. Model konservasi berbasis hak harus mengakui kepemilikan adat, memastikan partisipasi yang bermakna, melindungi mata pencaharian tradisional, dan menetapkan mekanisme untuk menyelesaikan klaim yang tumpang tindih. Studi ini mengusulkan pengaturan tata kelola bersama di mana masyarakat adat berpartisipasi langsung dalam perencanaan konservasi, pemantauan, dan pembagian manfaat. Artikel ini menyimpulkan bahwa pengakuan hak-hak masyarakat adat dapat memperkuat, bukan melemahkan, perlindungan lingkungan dengan memasukkan pengetahuan ekologi tradisional dan pengelolaan berbasis komunitas ke dalam tata kelola konservasi.]

Keywords: Indigenous peoples, forest governance, customary land, conservation, human rights

Introduction

Indonesia's forests constitute an essential component of the country's ecological, economic, and social systems. Forests provide habitat for biodiversity, regulate water cycles, store carbon, support rural livelihoods, and constitute sources of food, medicine, materials, and cultural identity. At the same time, large areas of Indonesian forests overlap with territories historically occupied and managed by Indigenous peoples. For many Indigenous communities, forests are not simply natural resources but territorial spaces in which social institutions, customary law, cultural practices, spiritual beliefs, and intergenerational relationships are embedded. Forest governance therefore raises a fundamental question concerning how environmental objectives can be pursued without undermining the rights of communities whose identities and livelihoods depend upon those forests (Fahmi 2024). The relationship between conservation and Indigenous rights is consequently not merely a question of environmental administration but also one of constitutionalism, human rights, social justice, and legal pluralism.

The tension has historical roots in Indonesia's forest governance system. The state has traditionally exercised extensive authority over forest areas, while Indigenous communities have frequently relied on customary tenure systems that do not necessarily correspond to formal land certificates or state administrative boundaries. The resulting divergence between state law and customary law has created persistent uncertainty concerning ownership, management authority, and access to forest resources. The Constitutional Court's Decision No. 35/PUU-X/2012 represented a significant legal development by distinguishing customary forests from state forests and recognizing that customary forests should not automatically

be classified as part of the state's forest domain. Tobroni (2013) argues that the decision strengthened the constitutional position of Indigenous communities because it challenged the statutory assumption that customary forests could simply be incorporated into state forests. Yet subsequent implementation demonstrates that judicial recognition does not automatically translate into effective tenure security.

The implementation problem is particularly important because conservation policy can intensify the consequences of insecure customary tenure. When an area is designated as a national park, nature reserve, or other protected area, state authorities may impose restrictions on hunting, cultivation, harvesting, settlement, and access to natural resources. Such restrictions may be environmentally justified, but they can produce significant effects when imposed on communities that have historically depended upon the territory. Research from West Papua demonstrates that conservation initiatives framed around Indigenous empowerment may nevertheless alter traditional hunting practices and generate questions concerning environmental justice (Fatem et al. 2023). This illustrates that the legal designation of conservation areas does not by itself resolve the social consequences of conservation. A policy may be environmentally motivated while still producing unequal distributions of costs and benefits.

The problem is therefore not whether Indonesia should conserve forests. Strong forest protection is indispensable for biodiversity conservation and climate mitigation. The more difficult question is how conservation authority should be exercised and who should participate in defining legitimate conservation objectives. The conventional state-centered model tends to treat conservation as a technical exercise involving zoning, permits, scientific management plans, and enforcement. A rights-based approach instead asks whether the people affected by conservation decisions possess recognized rights, whether they have participated meaningfully in decision-making, whether their livelihoods are protected, and whether they have access to effective remedies. This distinction is central because conservation can become socially unsustainable when communities perceive environmental protection as a process of dispossession rather than collective stewardship.

This article argues that Indigenous customary rights and forest conservation should not be understood as inherently conflicting objectives. On the contrary, properly designed recognition of customary tenure can strengthen conservation by incorporating local institutions, traditional ecological knowledge, and community-based monitoring into forest governance. Evidence from the Baduy, Sirkang, Kajang, Kerinci, and other Indonesian communities demonstrates that customary institutions can regulate access to forests and support conservation practices. Asteria et al. (2021), for example, show that Baduy customary law provides a framework for sustainable forest management in which community participation and customary norms are directly connected to forest protection. The central issue is therefore institutional design: conservation policies must move from a model that

governs Indigenous communities toward a model that governs forests together with Indigenous communities.

This research employs a normative juridical approach combined with policy analysis and interdisciplinary literature review. The normative analysis examines the constitutional and statutory framework governing Indigenous peoples, forests, customary land, conservation areas, environmental protection, and community participation in Indonesia. Particular attention is given to Article 18B(2) and Article 28I(3) of the 1945 Constitution, Law No. 41 of 1999 concerning Forestry, Law No. 5 of 1960 concerning Basic Agrarian Regulations, Law No. 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems, Law No. 32 of 2009 concerning Environmental Protection and Management, and subsequent regulatory developments concerning customary forests and social forestry. The analysis also considers Constitutional Court Decision No. 35/PUU-X/2012 as a central jurisprudential reference for understanding the relationship between state forest authority and customary forest rights.

The policy analysis is complemented by peer-reviewed literature concerning Indigenous tenure, social forestry, community-based conservation, traditional ecological knowledge, forest governance, political ecology, and environmental justice. The literature is used not simply to describe existing policies but to identify institutional contradictions and assess whether conservation governance adequately incorporates Indigenous rights. The analysis proceeds from the assumption that environmental protection and human rights should be mutually reinforcing rather than treated as competing policy objectives. International principles concerning Indigenous participation, cultural rights, and environmental decision-making are used as interpretive benchmarks rather than as substitutes for Indonesian law. The study is primarily doctrinal and analytical and does not claim to provide a statistical assessment of all conservation areas in Indonesia.

Customary Land Rights and the Transformation of Indonesian Forest Governance

The legal history of Indonesian forests reveals a persistent tension between state authority and customary tenure. Indigenous communities have historically governed forests through customary institutions, territorial norms, collective rules, and systems of resource allocation. These arrangements often do not rely on individual land certificates because the community's relationship with territory is collective and intergenerational. The formal legal system, however, has traditionally privileged administrative recognition and documentary evidence. This creates a structural mismatch between customary claims and bureaucratic requirements. Fahmi (2024) demonstrates that Indigenous land rights in Indonesia cannot be fully understood through formal title because Indigenous claims frequently arise from communal recognition, historical occupation, and cultural relationships with territory. International cultural rights principles provide an

important interpretive framework because land can constitute a material foundation for cultural continuity.

The Constitutional Court's Decision No. 35/PUU-X/2012 was therefore a major legal intervention. Before the decision, the Forestry Law's classification of customary forests within state forests contributed to a legal structure in which Indigenous communities could possess customary relationships with forests without possessing corresponding legal authority. The Court's decision challenged that structure by distinguishing customary forests from state forests. Tobroni (2013) argues that the decision strengthened Indigenous rights because it recognized that customary forests should be associated with the rights of customary law communities rather than automatically incorporated into state forest control. Nugroho (2017) similarly examines the constitutional implications of customary forest management and emphasizes the relationship between Indigenous authority and the constitutional environmental framework.

Nevertheless, judicial recognition does not eliminate administrative barriers. Simarmata (2024) finds that recognition of customary forests has progressed but remains limited in relation to the broader potential area of customary forests. The continuing obstacles include complex regulations, delays in processing, and ambiguity concerning recognition standards. This demonstrates an important paradox in Indonesian forest governance: the legal system formally recognizes customary forests while simultaneously requiring Indigenous communities to navigate administrative procedures that may be difficult to access. Recognition therefore remains partly dependent upon the ability of communities to translate customary claims into state-recognizable legal categories.

This recognition gap has significant consequences for conservation. When customary tenure is uncertain, Indigenous communities may be treated as unauthorized occupants of forests even when they have historically managed those territories. Conservation authorities can then impose restrictions without adequately distinguishing between illegal resource exploitation and customary livelihood practices. The result can be a process in which conservation strengthens state control over territory while weakening community authority. Such an outcome is problematic from a human rights perspective because the legitimacy of environmental regulation depends partly on whether affected communities are recognized as rights-holders. Recognition should therefore be understood not as a procedural favor granted by the state but as a mechanism for translating pre-existing customary relationships into enforceable legal protection.

The relationship between customary law and state law is particularly visible in areas where customary tenure continues despite formal state classifications. Budiman et al. (2021), examining the Mutis forest in East Nusa Tenggara, demonstrate that customary land tenure can coexist with state regulatory systems within a protected forest context. The existence of customary tenure within a formally regulated conservation area challenges the assumption that state conservation and customary governance must occupy mutually exclusive legal

spaces. Instead, it suggests that legal pluralism may provide a more realistic framework for understanding forest governance. Where customary institutions have developed over generations, eliminating them may create governance gaps rather than environmental improvements.

The evidence from West Sumatra further demonstrates the importance of local recognition. Syofiarti (2023) identifies persistent tenure conflicts involving customary communities and government forest policies and argues that recognition of customary forests remains essential to resolving these conflicts. The significance of recognition extends beyond property rights because it establishes which institutions possess legitimate authority to make decisions concerning forest resources. Without recognition, conservation authorities may assume exclusive control over forest governance, while Indigenous communities remain legally vulnerable despite their historical relationships with the territory.

The legal problem is consequently one of fragmented governance. Indonesia's constitutional provisions, forestry legislation, agrarian law, conservation legislation, village governance, environmental regulation, and administrative policies do not always operate according to a coherent conception of customary authority. Research on the harmonization of Indigenous natural-resource rights has identified inconsistencies among legal regimes that can weaken communal rights and create overlapping regulatory claims (Indonesian State Law Review 2018). The persistence of fragmented regulation means that constitutional recognition can coexist with administrative practices that effectively limit Indigenous control over natural resources.

Conservation Policies, Indigenous Rights, and Environmental Justice

Conservation policies are commonly justified through the need to protect biodiversity, ecosystems, and ecological services. These objectives are legitimate and increasingly urgent in the context of deforestation and climate change. However, environmental legitimacy does not automatically establish social legitimacy. Conservation measures may restrict access to hunting grounds, agricultural areas, sacred forests, water resources, and other spaces essential to community life. Where such restrictions are imposed without meaningful participation, affected communities may experience conservation as displacement or dispossession. Environmental justice therefore requires attention not only to ecological outcomes but also to the distribution of conservation costs, the recognition of affected rights, and the participation of communities in determining environmental policy.

The experience of Indigenous communities in West Papua is particularly illustrative. Fatem et al. (2023) examine conservation policy in Tambrau and show how conservation initiatives associated with Indigenous empowerment can influence traditional hunting practices. Hunting is not simply an economic activity; it may form part of cultural identity, food systems, social relationships, and

knowledge transmission. Conservation restrictions that prohibit or substantially alter traditional hunting without providing culturally appropriate alternatives may therefore affect multiple dimensions of Indigenous well-being. This demonstrates why conservation assessment should incorporate cultural and livelihood impacts rather than relying exclusively on ecological indicators.

The same concern applies to protected-area governance more broadly. National parks and conservation areas are often established through state-centered zoning processes that define which activities are permissible. Such zoning may be scientifically rational but socially incomplete when local communities are not involved in defining boundaries or management objectives. The legal designation of an area as protected does not erase pre-existing social relationships with the territory. If Indigenous communities possess customary rights, conservation planning should address those rights explicitly rather than treating them as obstacles to environmental management. The legitimacy of conservation is strengthened when affected communities participate in establishing the rules that govern their territories.

Evidence from the Kajang community illustrates both the potential and limitations of formal recognition. Abdullah, Fisher, and Sahide (2024) examine the environmental governance consequences of Indigenous forest recognition in Kajang and caution against assuming that formal recognition automatically produces uniformly positive environmental and social outcomes. Recognition can create new forms of enclosure, marginalization, or uneven distribution of benefits and authority. This finding is analytically important because it prevents a simplistic assumption that Indigenous recognition is always equivalent to environmental justice. Recognition must be accompanied by institutional safeguards ensuring that benefits, authority, and decision-making power are distributed fairly within and beyond the community.

This evidence suggests that rights-based conservation should not romanticize Indigenous communities either. Indigenous institutions can contribute substantially to conservation, but they are not necessarily homogeneous or free from internal inequalities. Questions concerning gender, social status, age, leadership, and access to customary resources may influence who benefits from recognition. A rights-based approach therefore requires both recognition of collective Indigenous rights and attention to rights within Indigenous communities. Conservation governance should strengthen legitimate customary institutions while ensuring that vulnerable members of the community can participate and seek remedies where customary decisions produce discriminatory outcomes.

Traditional ecological knowledge provides another important dimension. Indigenous communities frequently possess detailed knowledge concerning species, seasonal cycles, forest regeneration, water sources, medicinal plants, and ecological relationships. Akhmar et al. (2022), studying the Cŷřřkang community, demonstrate how traditional ecological knowledge is connected to customary conservation practices and the protection of customary forests. Such knowledge is

not simply a collection of traditional beliefs; it can constitute an operational system for regulating resource use and maintaining ecological relationships. Conservation policies that disregard this knowledge may lose an important source of locally adapted environmental management.

Similar evidence can be found among the Tengger community. Susanto and Numata (2023) demonstrate that traditional ecological knowledge influences how Indigenous communities understand culturally significant plants and conservation practices within Bromo Tengger Semeru National Park. The research suggests that Indigenous ecological knowledge can coexist with formal conservation objectives, particularly where local knowledge is recognized rather than displaced by scientific management. This supports the argument that conservation governance should treat traditional knowledge as a potential component of environmental management rather than merely as cultural heritage.

The Baduy case provides another example of community-based conservation. Asteria et al. (2021) show that customary rules known as *pikukuh* guide community practices and support sustainable forest management. Importantly, conservation is integrated into broader cultural and social institutions rather than implemented as a separate environmental program. This institutional integration can provide a form of social enforcement that formal conservation agencies may struggle to reproduce. Rules are respected not merely because they are legally imposed but because they are embedded within community identity and intergenerational obligations. Such evidence strengthens the argument for incorporating customary institutions into formal conservation governance.

However, community-based conservation should not be treated as a substitute for state responsibility. Governments remain responsible for establishing environmental standards, protecting biodiversity, preventing illegal exploitation, and ensuring compliance with human rights obligations. The appropriate model is therefore not complete state withdrawal but institutional collaboration. Sirimorok and Rusdianto (2020) demonstrate that successful community-based conservation initiatives depend on particular triggering moments, institutional relationships, and catalytic elements. Community participation requires supportive political and institutional conditions; it does not emerge automatically merely because a policy is labeled community-based.

Social Forestry, Participation, and the Problem of Recognition

Social forestry represents one of Indonesia's most important attempts to restructure relationships between communities and forest resources. The policy provides several mechanisms for community participation, including village forests, community forests, community plantation forests, forestry partnerships, and customary forests. The expansion of social forestry reflects an important policy shift away from purely state-centered forest administration. Pambudi (2020) argues that social forestry has the potential to connect economic, ecological, and local-wisdom

objectives by allowing communities greater management access to surrounding forests. Nevertheless, the effectiveness of social forestry depends substantially on institutional design and local implementation.

The distinction between access and ownership remains critical. Some social forestry arrangements provide management rights or permits without transferring full customary ownership. This distinction can influence the security of community tenure because management access may remain dependent upon state authorization. Fisher et al. (2020) show that participatory approaches to customary forest recognition in Bulukumba can help communities and government actors negotiate boundaries and develop local regulatory frameworks. Participatory mapping and collaborative processes can therefore translate customary territorial claims into legally recognizable forms while reducing conflict over boundaries.

Yet participation must be meaningful rather than procedural. Inviting Indigenous representatives to meetings does not necessarily constitute participation if decisions have already been made or if community representatives lack the authority to negotiate on behalf of their communities. Meaningful participation requires early involvement, access to information, adequate time for deliberation, the ability to influence decisions, and mechanisms for responding to community objections. In conservation planning, participation should occur before boundaries, zoning arrangements, and restrictions become fixed. Otherwise, consultation may function primarily as a mechanism for legitimizing decisions rather than sharing decision-making power.

Recognition processes can also reproduce bureaucratic inequality. Simarmata (2024) identifies complex regulation, delays, and ambiguous standards as significant obstacles to customary forest recognition. These barriers are particularly consequential for communities with limited administrative resources. Recognition procedures may require legal documents, mapping, institutional verification, and local government action. Communities that possess strong customary institutions but limited financial or technical resources may consequently be disadvantaged. The state should therefore provide institutional and technical support rather than transferring the entire burden of legal recognition to Indigenous communities.

Research on Kerinci demonstrates the importance of intermediary organizations in addressing these institutional barriers. The study of customary forest recognition in Kerinci found that NGOs played important roles in helping communities obtain recognition and develop institutions for sustainable customary forest management (Siscawati et al. 2022). The experience indicates that recognition is not simply a bilateral relationship between communities and the state. Civil society organizations can provide legal assistance, mapping capacity, institutional support, and communication channels. However, reliance on NGOs should not become a justification for government inaction. Long-term recognition must eventually become embedded within public institutions.

The failure of collective action can also prevent recognition even where communities possess legitimate customary claims. Sembiring, Sundawati, and

Nugroho (2021), examining the Kenegerian Rumbio customary forest, demonstrate that collective action is influenced by knowledge, social capital, strategies, and symbolic power. This finding suggests that formal recognition depends not only on the legal framework but also on communities' organizational capacity to navigate political and bureaucratic processes. A rights-based system should reduce the extent to which communities must possess exceptional political or organizational resources merely to have rights recognized.

The problem becomes particularly serious when conservation designation precedes customary recognition. If an area is first designated as a protected forest or national park and only later does the state investigate customary claims, the institutional presumption may already favor state authority. Indigenous communities then appear to be requesting exceptions from an existing conservation regime rather than asserting rights that predate the designation. This sequence should be reversed wherever possible. Before major conservation decisions are finalized, authorities should identify existing customary territories, customary institutions, and livelihood patterns. Recognition should be integrated into conservation planning rather than treated as a subsequent administrative correction.

The same principle applies to benefit sharing. Conservation can generate economic and political benefits through tourism, carbon finance, biodiversity programs, ecosystem services, and external investment. If Indigenous communities bear restrictions on forest use while external actors receive most economic benefits, conservation may reproduce structural inequality. Benefit-sharing mechanisms should therefore be transparent, equitable, and linked to community participation. The value of Indigenous forest stewardship should not be recognized only rhetorically; communities should have a meaningful role in determining how conservation-related benefits are distributed.

Recent scholarship concerning customary forest social forestry further supports this approach. Muhammad and Adha (2025) argue that customary forests within social forestry can provide legal legitimacy for Indigenous communities to manage natural resources according to local wisdom and strengthen customary practices. This development demonstrates that social forestry can serve as a bridge between state law and customary governance when legal recognition provides actual management authority rather than merely symbolic acknowledgment.

Toward Co-Governance and Rights-Based Conservation

The preceding analysis suggests that the central reform required in Indonesian forest governance is a shift from state-centered conservation toward co-governance. Co-governance does not mean that the state abandons responsibility for environmental protection. Instead, it means that authority is shared among state agencies, Indigenous institutions, local governments, scientific organizations, and relevant civil society actors. Indigenous communities should participate in defining

conservation objectives, establishing management rules, monitoring ecological conditions, resolving conflicts, and distributing conservation benefits. Such arrangements are particularly appropriate where customary institutions already regulate forest access and resource use.

Co-governance should begin with legal recognition of customary territories. Without secure tenure, community participation can remain vulnerable because the state retains ultimate authority to redefine the territory. Recognition should therefore identify the community, its customary territory, its institutional structure, and the nature of its rights. The legal framework should also provide mechanisms for resolving overlapping claims involving state forests, conservation areas, plantations, mining concessions, and other land uses. Sari and Fu'adah's analysis of post-Decision No. 35 implementation demonstrates that local government action remains important because constitutional recognition requires administrative and regulatory implementation at the regional level.

The governance framework should also incorporate free, prior, and informed participation. While the concept of Free, Prior and Informed Consent is most clearly established in international Indigenous rights discourse, its underlying principles provide an important benchmark for Indonesian conservation policy. Decisions affecting customary territories should not be based solely on technical assessments conducted by government agencies. Communities should receive accessible information concerning conservation objectives, restrictions, expected impacts, and available alternatives. Nuryasinta and Cholidah (2025) argue that the absence of explicit and coherent national regulation concerning FPIC creates legal uncertainty for customary forest management and can weaken Indigenous protection.

Participation should extend beyond the initial designation of conservation areas. Indigenous representatives should be involved in ongoing monitoring, evaluation, and revision of management plans. Conservation governance is dynamic because ecological conditions, economic pressures, and community needs change over time. A co-governance model therefore requires institutional forums capable of reviewing conservation outcomes and adjusting management rules. Such forums should not merely be advisory. Where Indigenous communities possess recognized customary rights, their institutions should have defined decision-making authority over matters directly affecting their territories.

Traditional ecological knowledge should also be institutionalized within conservation planning. This does not mean replacing scientific methods with customary knowledge. Rather, ecological governance should recognize that different knowledge systems can complement one another. Scientific monitoring may provide information about biodiversity trends, carbon stocks, and ecosystem conditions, while Indigenous knowledge may provide detailed understanding of seasonal patterns, species behavior, landscape history, and customary restrictions. Combining these knowledge systems can produce conservation strategies that are both scientifically informed and locally legitimate.

The integration of traditional knowledge must nevertheless respect intellectual and cultural rights. Indigenous knowledge should not be extracted from communities without recognition, consent, or appropriate benefit sharing. Researchers and conservation agencies should avoid treating traditional ecological knowledge as a freely available resource. Where knowledge contributes to commercial or scientific outcomes, communities should have mechanisms for recognition and benefit sharing. This is particularly important because the commodification of Indigenous knowledge can reproduce the same unequal relationships that have historically characterized natural-resource governance.

Co-governance also requires accessible grievance mechanisms. Conservation restrictions can generate disputes over boundaries, access, livelihood practices, enforcement, and benefit sharing. Indigenous communities should be able to challenge decisions through administrative review, mediation, judicial mechanisms, or independent complaint institutions. Remedies should be available not only after serious rights violations occur but also during the planning process when communities believe that their participation has been inadequate. Effective remedies are essential because participation without accountability can become symbolic.

Enforcement must similarly be rights-compatible. Conservation law should distinguish between commercial exploitation and customary livelihood practices. A community member collecting forest products according to customary rules should not automatically be treated in the same way as a commercial actor engaged in illegal logging or wildlife trafficking. The failure to distinguish these forms of activity can produce criminalization and undermine community trust. Conservation enforcement should therefore incorporate customary law and local livelihood information when determining whether conduct violates conservation rules.

Co-governance can also improve conservation effectiveness. Community members are often present within forests on a daily basis and may therefore detect illegal activities, ecological changes, or external incursions more quickly than centralized government agencies. Where communities possess legitimate authority and incentives to protect forests, they can become important partners in monitoring and enforcement. However, community monitoring should be supported with training, resources, and legal protection. Indigenous communities should not be expected to assume enforcement responsibilities without institutional support, especially where they confront powerful commercial interests.

The rights-based model should finally be incorporated into national climate and biodiversity policy. Forest conservation increasingly functions as a climate strategy because forests store carbon and can contribute to emissions reduction. Yet climate-oriented conservation should not reproduce historical patterns in which Indigenous communities bear restrictions while external actors control financial benefits. Abdullah, Fisher, and Sahide (2024) demonstrate that formal Indigenous recognition can have uneven outcomes even when framed as a climate solution. The lesson is that climate and conservation policies must evaluate not only carbon

and biodiversity outcomes but also tenure security, participation, livelihood effects, and social distribution.

The broader objective should therefore be to redefine Indigenous communities from “objects” of conservation into rights-bearing environmental governance partners. This conceptual transformation has practical implications for law, policy, budgeting, institutional design, and monitoring. Conservation agencies should measure success not solely through hectares protected, species populations, or deforestation rates, but also through indicators of tenure security, participation, livelihood protection, cultural continuity, and equitable benefit distribution. Such indicators would make it possible to assess whether conservation policies are simultaneously achieving environmental and human rights objectives.

Discussion

The principal argument emerging from the analysis is that the apparent conflict between conservation and Indigenous rights is often produced by institutional arrangements rather than by an inherent incompatibility between the two objectives. Indigenous communities depend on forests, but dependency does not necessarily mean unsustainable exploitation. Numerous studies demonstrate that customary institutions can regulate access to forest resources and support conservation. The Baduy and Sirkang examples show how customary rules and ecological knowledge can generate conservation practices embedded in social institutions. The important policy question is therefore not whether Indigenous communities should be permitted to use forests, but under what institutional conditions forest use can remain ecologically sustainable and socially legitimate.

At the same time, the analysis cautions against assuming that all customary practices are automatically sustainable. Environmental pressures, commercialization, demographic change, market incentives, and political transformation can alter customary systems. Conservation policy should therefore combine respect for customary governance with ecological monitoring and adaptive management. Indigenous participation should not be treated as an exemption from environmental standards. Instead, it should become part of a broader system in which communities, government agencies, and scientific institutions jointly evaluate ecological outcomes. This approach avoids two extremes: a state-centered model that marginalizes Indigenous authority and an uncritical romanticization of Indigenous practices.

The most significant obstacle remains the implementation gap between legal recognition and effective rights. The Constitutional Court's decision established an important normative foundation, but recognition remains administratively complex. Simarmata (2024) demonstrates that legal and bureaucratic obstacles continue to limit customary forest recognition. This gap reveals a broader problem within Indonesian environmental governance: progressive legal principles can produce limited outcomes when implementing institutions retain centralized assumptions

about land and forest authority. Legal reform must therefore be accompanied by administrative simplification, institutional coordination, local government capacity, and accessible legal assistance.

The second major issue is the meaning of participation. Participation should not be reduced to consultation meetings or representation through selected community leaders. In a rights-based framework, affected communities should be able to influence decisions that directly affect their territories. This includes conservation boundaries, management zones, livelihood restrictions, monitoring systems, and benefit-sharing arrangements. Participatory mapping, as demonstrated in the Bulukumba case, can be particularly useful because it allows customary territorial knowledge to become part of formal planning. Yet participatory mapping must be accompanied by legal recognition; otherwise, maps may document community claims without changing the distribution of legal authority.

The third issue concerns the relationship between conservation and cultural rights. Forests can be cultural spaces, sacred landscapes, hunting grounds, burial areas, and sources of traditional knowledge. Restrictions that affect these functions may interfere with cultural continuity even when they improve certain ecological indicators. Fahmi's (2024) analysis of international cultural rights in the Indonesian context demonstrates why land should be understood not merely as an economic asset but also as a foundation of Indigenous cultural identity. Conservation policies should therefore include cultural impact assessments when proposed restrictions affect places of spiritual or cultural significance.

The fourth issue concerns the distribution of conservation benefits. Environmental policies can generate substantial benefits beyond local communities, including carbon credits, tourism revenue, biodiversity finance, and national ecological services. If Indigenous communities receive few of these benefits while bearing restrictions on customary resource use, conservation can become socially inequitable. A rights-based model should therefore link recognized rights with meaningful benefit-sharing arrangements. Benefit sharing should be transparent, based on negotiated agreements, and monitored to ensure that resources reach the community rather than being captured by local elites or external intermediaries.

The fifth issue concerns institutional pluralism. Indonesian forest governance already contains multiple legal and institutional systems: state forestry law, conservation law, agrarian law, village institutions, customary law, and social forestry regulations. Attempting to eliminate this pluralism in favor of a single state-centered system may be unrealistic and counterproductive. Instead, governance should develop mechanisms for coordination between systems. Customary institutions can regulate internal community affairs, while state institutions establish broader environmental standards and human rights protections. The challenge is to determine how these systems interact when their rules conflict. This requires clear legal hierarchy, negotiated institutional arrangements, and accessible dispute resolution.

The sixth issue is the potential of social forestry to function as a transitional governance mechanism. Social forestry can provide communities with recognized management rights while enabling the state to retain responsibility for broader ecological objectives. However, its effectiveness depends on whether communities possess sufficient authority and security. The literature demonstrates that social forestry outcomes vary significantly according to local context, institutional capacity, economic conditions, and community organization. The policy should therefore avoid a standardized model and instead allow different forms of community governance to develop according to local ecological and social conditions.

Finally, conservation governance should be evaluated through an environmental justice framework. Environmental justice requires attention to recognition, participation, distribution, and remedy. Recognition means acknowledging Indigenous peoples as rights-holders and legitimate governance actors. Participation means enabling them to influence environmental decisions. Distribution requires equitable allocation of conservation costs and benefits. Remedy ensures that communities can challenge decisions and obtain effective redress. When these elements are incorporated into conservation governance, environmental protection becomes more than a technical policy objective; it becomes part of a broader framework of sustainable and rights-compatible development.

Conclusion

Indonesia's forest conservation objectives and the protection of Indigenous peoples' customary land rights should not be treated as inherently competing interests. Forest ecosystems can be protected while Indigenous communities retain meaningful rights and authority over customary territories. The principal challenge lies in transforming the institutional structure of forest governance from a predominantly state-centered model toward one that recognizes legal pluralism, customary institutions, traditional ecological knowledge, and community participation. Constitutional recognition and Constitutional Court Decision No. 35/PUU-X/2012 provide important foundations, but continuing administrative barriers demonstrate that formal recognition must be followed by effective implementation, secure tenure, and accessible remedies.

A rights-based conservation framework should place Indigenous communities at the center of decisions affecting customary forests. Recognition should precede or accompany conservation designation, while participation should extend from planning through monitoring and evaluation. Conservation policies should incorporate traditional ecological knowledge, protect culturally significant areas, distinguish customary livelihoods from commercial environmental crimes, and establish transparent benefit-sharing arrangements. Co-governance offers a practical institutional model because it allows the state to retain responsibility for

biodiversity and environmental standards while recognizing Indigenous communities as legitimate holders of territorial rights and environmental knowledge.

Ultimately, effective forest conservation depends not only on legal prohibitions or state enforcement but also on social legitimacy and institutional cooperation. Indigenous communities that possess secure tenure, recognized authority, meaningful participation, and equitable benefits have stronger incentives and greater capacity to protect forests. Indonesia can therefore strengthen both environmental protection and human rights by treating Indigenous peoples not as obstacles to conservation but as partners in ecological governance. Reconciling customary land rights with conservation is not merely a matter of accommodating Indigenous interests within existing policy; it requires redefining forest governance so that ecological sustainability, cultural continuity, and human rights become mutually reinforcing objectives.

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