

ADAT NATIONAL PARK AS LEGAL POLITICS OF LIVING SPACE OF ANAK DALAM TRIBE

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Abstract

The Anak Dalam Tribe in Bukit Dua Belas National Park faces significant challenges due to conflicting paradigms between state control over national parks and customary land rights which sacrifice the interest of Anak Dalam Tribe. This study underscores the urgent need for a shift in the conservation legal paradigm to safeguard the tribe's living space. Employing a non-doctrinal research method, it examines law as a social reality within the tribe's habitat. The findings advocate for a new conservation model termed "Adat National Park." This model integrates traditional, environmentally friendly practices in collaboration with the National Park Authority. Such an approach aims to harmonize state conservation efforts with indigenous land rights, ensuring the tribe's active participation in management and the preservation of their cultural and ecological heritage. By adopting this model, it is possible to create a balanced and sustainable conservation strategy that respects both state interests and the rights as well as traditions of the Anak Dalam Tribe.

Keywords: *Living Space; Anak Dalam Tribe; Bukit Duabelas; Legal Policy; Adat National Park*

1. Introduction

The existence of human life is heavily reliant on living space. Living space provides a variety of necessities for humans, which are essential conditions for sustaining life. The living space provides water, air, sunlight, and various other natural resources that are fundamental human needs. Without water and air, human life would be impossible. Living space is a *conditio sine qua non* for humanity. Life cannot be sustained without living space.¹ Human beings, nature, and their living space are inseparable entities in sustaining life on this planet. The dependency of human life on nature and its living space is so significant because humans cannot survive without the support of their living environment.²

Regarding the close relationship between the ontological perspective (substance and accident) of customary law of the Anak Dalam Tribe and the forest environment of Bukit Duabelas as its living space, the quality of this relationship emerges because the Anak Dalam Tribe understands tradition, engages in reflection, enjoys self-contemplation, and does not easily

¹ Munadjat Danusaputro and St, *Hukum Lingkungan Buku II: Nasional*, vol. 2 (Bandung: Binacipta, 1981).

² Stine Krøijer, "Performing Contested Lands: Conservation and the Conflictive Enactments of Indigenous Territoriality in Lowland Ecuador," *Bulletin of Latin American Research* 43, no. 2 (2024): 120, <https://doi.org/10.1111/blar.13524>.

surrender to circumstances. The forest of Bukit Duabelas is understood by the Anak Dalam Tribe akin to a human by treating it as a friend to address life's challenges.

Based on the research on the *Sejarah Melayu*, the Anak Dalam Tribe has been living in the forests of Bukit Duabelas, Jambi Province, for hundreds of years.³ The Anak Dalam Tribe's perspective on the universe fundamentally aligns with a paradigm that signifies all elements of the ecosystem bound together as a unified system influencing one another. This paradigm has been articulated by Fritjof Capra as a systemic perspective, wherein nature should no longer be perceived as a machine comprising diverse objects but as an inseparable and dynamic whole, with its parts intricately interconnected and comprehensible only as components of the entire cosmic process.⁴ Therefore, as expressed by Capra, nature is acknowledged to possess spiritual and religious dimensions. With this understanding, it is recognized that the *adat* community's appreciation of nature is regarded as a harmonious balance.

So, here it is that the restorative justice perspective is informed by concepts such as harm reparation, social restoration, community harmony, and problem solving.⁵ In maintaining the balance and harmony of these relationships, the Anak Dalam Tribe, through their *adat law*, enforces norms to preserve their *adat* forest. The preservation and adaptation of traditional knowledge and practices, a decentralized autonomous governance system demonstrates that the local communities not only can be part of ecosystems with unique biodiversity, but also represent the main actors for an active conservation of biodiversity. Agroforestry systems based on traditional forest-related knowledge can therefore be an effective alternative to biodiversity and ecosystem service conservation based on strict nature protection where humans are perceived as a negative factor.⁶

However, unfortunately, since 1970, the destruction of the forests around Bukit Duabelas has commenced through various programs, including forest conversion into oil palm plantations, logging concessions (HPH), transmigration, and industrial timber plantations (HTI).⁷ All these areas were once the living space and livelihood source for the Anak Dalam Tribe in Bukit

³ Ahmad Dahlan, *Sejarah Melayu* (Jakarta: Kepustakaan Populer Gramedia, 2015).

⁴ Fritjof Capra, *The Turning Point: Science, Society, and the Rising Culture* (California: Bantam Books, 1983).

⁵ Rob White, "Indigenous Communities, Environmental Protection and Restorative Justice," *Australian Indigenous Law Review* 18, no. 2 (2014): 43, <https://doi.org/10.2307/26423289>.

⁶ Hernandez Marentes et al., "Traditional Forest-Related Knowledge and Agrobiodiversity Preservation: The Case Of The Chagras In The Indigenous Reserve Of Monochoa (Colombia)," *Journal Biodiversity and Conservation* 10 (2022): 2243, <https://doi.org/10.1007/s10531-021-02263-y>.

⁷ Fuad Muchlis et al., "Sejarah Marginalisasi Orang Rimba Bukit Dua Belas Di Era Orde Baru," *Paramita - Historical Studies Journal* 26, no. 2 (2016): 218, <https://doi.org/10.15294/paramita.v26i2.4972>.

Duabelas. In subsequent developments, the Anak Dalam Tribe became the target of various government programs, especially in efforts to transform them into settled inhabitants. This contradicts their accustomed way of life, characterized by mobility (referred to as *melangun* in the Anak Dalam language) in the forest.⁸ The government programs were fundamentally influenced by the doctrine of the legal positivism paradigm, rooted in the Cartesian and Newtonian perspectives, which face nature as lifeless, devoid of emotions, and only understandable through reason. Nature is viewed as a mathematically formulaic and quantifiable entity.⁹ Through the Cartesian and Newtonian doctrines, the Anak Dalam Tribe and the Bukit Duabelas forest were not approached with a full sense of touch, emotion, and hearing. This way of thinking has diminished aesthetic, ethical, spiritual, qualitative, and inherent values. Anak Dalam Tribe and their Bukit Duabelas forest are reduced to static objects within this framework.

While the establishment of Protected Areas reduces deforestation and provides adequate ecosystem service values, particularly in the tropical forest, literature has also shown how monitoring Protected Areas management effectiveness is the key to conservation efforts and biodiversity protection. In terms of assessment of these Protected Areas, various methods have been utilized to evaluate their significance.¹⁰ Observing the increasing pressure on the living space of the Anak Dalam Tribe in Bukit Duabelas, the Governor of Jambi Province, based on Decree No. 552.51/1973/1984, designated the Bukit Duabelas area as a region with hydrological functions. This designation was due to its role as a rainwater catchment area and the headwaters of several tributaries of the Batanghari River. Additionally, it acknowledged the area as the living space of the Anak Dalam Tribe. Subsequently, the Governor proposed to the Minister of Forestry and Plantation that the 29,485 hectares Bukit Duabelas area be designated as a biosphere reserve.

The government officially declared the Bukit Duabelas forest area as a National Park through the Minister of Forestry and Plantation Decree No. 258/Kpts-II/2000 on August 23, 2000, covering an area of 60,500 hectares. Recognition of the living space of the Anak Dalam Tribe in Bukit Duabelas is evident in the legal considerations outlined in letter b of the Minister of Forestry and Plantation Decree No. 258/Kpts-II/2000, which states in the northern part of the Nature Reserve

⁸ Riwanto Tirtosudarmo, "Identitas Dan Marjinalisasi: Orang Kubu, Orang Rimba, Suku Anak Dalam," *Jurnal Kritis* XXXI, no. 1 (2022): 74.

⁹ Sonny Keraf, *Filsafat Lingkungan Hidup: Alam Sebagai Sebuah Sistem Kehidupan Bersama Fritjof Capra* (Yogyakarta: Kanisius, 2014).

¹⁰ Jeffrey Chiwiukem Chiaka et al., "Land Cover Changes and Management Effectiveness of Protected Areas in Tropical Coastal Area of Sub-Saharan Africa," *Environmental and Sustainability Indicators* 22 (2024): 2, <https://doi.org/10.1016/j.indic.2024.100340>.

and Nature Conservation Area (Biosphere Reserve) of Bukit Duabelas, is the habitat of the forest people (Anak Dalam Tribe) (underlined by the author). The acknowledgment of the existence of the Anak Dalam Tribe in the northern part of Bukit Duabelas is accompanied by the understanding that its management must consider their right to a living space. The participation of the Anak Dalam Tribe in the preservation of Bukit Duabelas is crucial, given the surrounding spatial conditions. However, in its subsequent development, even though the forest in Bukit Duabelas has been designated as a conservation area, the rate of destruction continues, causing the national park area to shrink into 55,049 hectares from its original size of 60,500 hectares in 2000. This reduction is a consequence of the conversion of the forest into residential areas and plantations. Additionally, the continued pressure on the living space of Anak Dalam Tribe in the forest of Bukit Duabelas National Park not only presents an ecological crisis but also, on a broader scale, a cultural crisis.

Furthermore, what is equally problematic is the provision in Article 30 of Law No. 5 of 1990 concerning Conservation of Natural Resources and Ecosystems do not explicitly address the presence of *adat* communities within the National Park area. It is recognized that the term “national park” can be and has been used broadly, thus rendering its meaning somewhat ambiguous. Our definition of “national park” conforms to the International Union for the Conservation of Nature (IUCN) definition, which considers a park to be any area where “the highest competent authority of the nation having jurisdiction over it” is vested with the responsibility to protect that area and allow visitors to enter “for inspirational, educational, cultural and recreational purposes at a level which will maintain the area in natural or near natural state.”¹¹ This difference in perspectives has led to conflicts in the management practices of Bukit Duabelas National Park. Considering the reality of the living space of the Anak Dalam Tribe in Bukit Duabelas National Park, it is essential to introduce a new way of thinking. This raises the question of how legal conservation policies can be reformed to ensure the rights to their living space?

This paper is different from Haliyani and Bart¹² as well as Putra¹³ article because both of those article only focus on implication of national park stipulation for indigenous people. In contrast, this article not only discuss about the implication but bring a new idea namely adat

¹¹ Robert Poirier and David Ostergren, “Evicting People from Nature: Indigenous Land Rights and National Parks in Australia, Russia, and the United States,” *Natural Resources Journal* 42, no. 2 (2002): 332.

¹² Halia Asriyani and Bart Verheijen, “Protecting the Mbau Komodo in Riung, Flores: Local Adat, National Conservation and Ecotourism Developments,” *Forest and Society* 4, no. 1 (2020): 20–34, <https://doi.org/10.24259/fs.v4i1.7465>.

¹³ Arif Putra Pratama, “Transformation and Marginalization of Indigenous Communities: The Ata Modo Tribe’s Experience Amidst the Hegemony of Komodo National Park Tourism Development,” *Indonesian Journal of Socio-Legal Studies* 3, no. 2 (2024): 1–15, <https://doi.org/10.54828/ijsls.2024v3n2.1>.

national park as legal politic. In addition, this article is also different from Depari¹⁴ as well as Syafi'I¹⁵ article which only focus on importance of indigenous people value and principle in forest management without discussing about the protection of that community right over the forest especially in national park.

2. Method

This is an interdisciplinary research. Law is positioned as the core of the research, not merely confined to textual analysis but also examined in conjunction with cultural elements (systems of thought, systems of knowledge) and power relations. In its examination, the author investigates “law as it is in (human) actions”, starting from the perspective that law is a manifestation of symbolic meanings of social actors as seen in their interactions. Grounded in symbolic interactionism and employing a social/non-doctrinal method with an interactional/micro approach through qualitative analysis.¹⁶ Thus, this study examines the alignment of law as norm with law as a social reality, or the harmony between text and context. Its focus is on state law and customary law in relation to the protection of the rights to habitat of the Anak Dalam Tribe in Bukit Duabelas.

3. Results and Discussion

The adoption of conservation ideas originating from the western proves to be challenging in Indonesia. One often overlooked aspect in accommodating conservation policies is traditional conservation. Traditional communities, along with their values and social systems that have existed for centuries or even millennia, possess a wealth of cultural wisdom related to nature. This wisdom has become an integral part of their culture, inseparable from their daily lives. The unique relationships that Indigenous people have with their environments mean that changes to these relations have implications for self-determination and sovereignty, resource use and economic security, health and recreation, culture and spiritually. Therefore, it is essential that negotiations over responses to global climate change account for those unique relationships and anticipate outcomes for Indigenous peoples based on that understanding.¹⁷ In relation to this, Sonny Keraf

¹⁴ Catharina Depari, “Assessing Indigenous Forest Management in Mount Merapi National Park Based on Ostrom’s Design Principles,” *Forest and Society* 7, no. 2 (2023): 380–411, <https://doi.org/10.24259/fs.v7i2.25039>.

¹⁵ Muhammad Syafi'I et al., “Indigenous Knowledge of Petalangan in Conserving Tesso Nilo National Park, Riau, Indonesia,” *IOP Conference Series: Earth and Environmental Science* 97, no. 1 (2017), <https://doi.org/10.1088/1755-1315/97/1/012027>.

¹⁶ Soetandyo Wignjosoebroto, *Hukum: Konsep Dan Metode* (Malang: Setara Press, 2013).

¹⁷ Mac Donald, *Declaration of Indigenous Peoples on Climate Change, Australian Indigenous Law Reporter*, vol. 7, 2015.

states that between humans and their surrounding environment, both living and nonliving, there is a close interconnection within a system that cannot be separated from each other, influencing each other.¹⁸ Thus the legacy of the indigenous communities consists in raising social awareness about the role of the environment to maintain life, which only is possible through the respect of mother nature.¹⁹

The approach needed for the protection of the right to the living space of *adat* communities, including the Anak Dalam Tribe and their *adat* land and forests in Bukit Duabelas National Park, is one that combines the spirit of nationalism with its *adat* legal character. Based on this approach, respecting the right to the living space of the Anak Dalam Tribe in Bukit Duabelas National Park should be seen as having a philosophical dimension, where the relationship between the Anak Dalam Tribe and the Bukit Duabelas forest represents a truth of value. It has an ideological dimension as a manifestation of self-confidence, beliefs, and life aspirations as part of the Indonesian nation. Additionally, it should also be considered from a political dimension that involves governance and authority over the social position and role of the Anak Dalam Tribe with the existence of the Bukit Duabelas forest. With such a perspective, the government ideally should consider that the Bukit Duabelas forest is the source of life for the Anak Dalam Tribe, it is their identity, and it represents acknowledgment of their existence. However, in reality, there has been a significant betrayal towards the Anak Dalam Tribe, where spatial planning in the Bukit Duabelas area has been predominantly oriented towards investment interests, both foreign and national corporate interests, using a legal positivism paradigm related to state control over agrarian issues.

Interestingly, the effects are quite similar in both private and state-led control over the forests in that they exclude certain local people (peasants and shifting cultivators) and their practices from or at least reduce community control over the forests.²⁰ As expressed by Capra, nature is recognized to have a spiritual and religious dimension. With this understanding, we are invited to comprehend and experience nature as perceived and lived by *adat* communities with their traditional wisdom. For these communities, nature is seen as a fundamental unity with human life. Therefore, preserving nature means preserving life and, at the same time, preserving human life itself. Conversely, damaging nature equates to harming life and, consequently, harming one's own

¹⁸ Keraf, *Filsafat Lingkungan Hidup: Alam Sebagai Sebuah Sistem Kehidupan Bersama Fritjof Capra*.

¹⁹ Marentes et al., "Traditional Forest-Related Knowledge and Agrobiodiversity Preservation: The Case Of The Chagras In The Indigenous Reserve Of Monochoa (Colombia)."

²⁰ Melanie Pichler, Martin Schmid, and Simone Gingrich, "Mechanisms to Exclude Local People from Forests: Shifting Power Relations in Forest Transitions," *Ambio Journal* 51, no. 4 (2022): 857, <https://doi.org/10.1007/s13280-021-01613-y>.

existence. There are taboos and various traditional ceremonies that must be performed to maintain a harmonious relationship with this living nature. In this context, attitudes and behaviors towards nature are considered moral attitudes and behaviors, maintaining a moral order with nature that is filled with various moral commandments and prohibitions.

In the daily lives of the Anak Dalam Tribe, the management of Bukit Duabelas is primarily aimed at meeting their daily needs. Therefore, the utilization of the forest resources in Bukit Duabelas is limited to necessities. There is no exploitation of nature in terms of economic production in Bukit Duabelas. Instead, the preservation of a harmonious relationship with the environment in Bukit Duabelas is the principle prioritized by the Anak Dalam Tribe, even though its practical application involves elements that may seem irrational, through traditional verses or the establishment of taboos in certain areas. In the long term, these practices are intended to preserve the existence of natural resources in Bukit Duabelas and protect the Anak Dalam Tribe from natural disasters and other damages. The establishment of these taboos is also influenced by the community's way of life, which is closely intertwined with the natural environment of Bukit Duabelas and regards it as something sacred or divine. Considering that the foundations of Indigenous and local knowledge systems are being compromised and disrupted in many places, there is greater need than everbefore to support Indigenous Peoples and local communities in mobilizing their knowledge basis to adapt to ongoing impacts and contribute to global mitigation efforts.²¹

In the daily perspective of the Anak Dalam Tribe, the nature of Bukit Duabelas is not meant to be dominated but rather, the Anak Dalam Tribe consider themselves a part of the natural system of the Bukit Duabelas forest, both as biological and cultural entities. According to their viewpoint, humans are inseparable entities from the Bukit Duabelas environment. Therefore, any deviation from the proper functioning of this supra-individual natural system results in an imbalance in the relationship between humans and nature. At its deepest essence, the Anak Dalam Tribe perceives the Bukit Duabelas forest as a heritage (*pesako*) as evidenced by the steadfastness of the Anak Dalam Tribe.²²

Van Vollenhoven concluded that several values found in the customs of the Nusantara communities could be used as a solid legal foundation for communal living. These values include

²¹ Victoria Reyes-García et al., "Indigenous Peoples and Local Communities Report Ongoing and Widespread Climate Change Impacts on Local Social-Ecological Systems," *Communications Earth and Environment* 1 (2024): 6, <https://doi.org/10.1038/s43247-023-01164-y>.

²² Tenggana Besemen, "Interview with Traditional Structure Elder of Suku Anak Dalam in Kedundung Muda Area of Bukit Duabelas National Park, Jambi," 2018.

prioritizing community interests over individual interests, establishing a close connection between humans and the land, embracing a transcendental religious thought that encompasses everything, and fostering a familial atmosphere that always seeks to resolve all disputes through deliberation, peace, and mutual understanding.²³ The original values have now been displaced by capitalist ways of thinking, accompanied by dominant practices of natural exploitation under modern labels, such as development and even conservation itself. Meanwhile, the challenges of conservation in the future are expected to become even more formidable. The application of conservation science and expertise towards concrete practices will face numerous difficulties. The 1864 publication of George Perkins Marsh's famous essay, "Man and Nature", had a enormous influence on the idea of setting aside land for wilderness preservation for all three countries. In the United States, however, economic forces dominated as national parks were closely connected to the political economy of tourism. Yellowstone, established in 1872, was the national park and was heavily promoted by the railroad industry, which had just completed linking the continent by rail.²⁴

Initially, the concept of nature conservation in Indonesia for several decades was heavily influenced by European conservation ideas and thinking, which were based on the logic of preservation in efforts to conserve nature. According to Article 1 number 14 of Law No. 5 of 1990 concerning the Conservation of Biological Resources and Ecosystems, it is stipulated that a National Park is a conservation area with original ecosystems, managed with a zoning system utilized for the purposes of research, science, education, supporting cultivation, tourism, and recreation. Meanwhile, the term "Conservation Area" is defined as an area with specific characteristics, both on land and in waters, that serves the function of protecting life support systems, preserving the diversity of plant and animal species, as well as sustainably utilizing biological resources and ecosystems (Article 1 number 13 of Law No. 5 of 1990).

Referring to the criteria and definition of a national park, it can be understood that the purpose of designating an area as a national park is to preserve ecosystems that have not been physically altered by human activities and occupation. In addition to being untouched, these ecosystems also possess scientific and aesthetic value, making it necessary to protect them. The protection, as mentioned, is carried out strictly through a zoning system, where only specific areas can be accessed, and only for limited purposes related to science and tourism. From this, it can be

²³ Suryanto Puspwardojo, *Strategi Kebudayaan: Suatu Pendekatan Filosofis* (Jakarta: Gramedia & Lembaga Pengkajian Strategi dan Pembangunan, 1989).

²⁴ Poirier and Ostergren, "Evicting People from Nature: Indigenous Land Rights and National Parks in Australia, Russia, and the United States."

concluded that the conservation area management paradigm in the concept of a national park is more inclined towards a conservationist paradigm²⁵, which prioritizes the preservation of ecosystems and vital natural resources.

If the concept of a national park is related to what is stipulated in Article 33 paragraph (3) of the 1945 Constitution, the idea contained in “state control rights” is “to achieve the greatest prosperity of the people”. In connection with this, Moh. Mahfud MD stated that the state control rights are interpreted as a path for responsive actions by the government, because through these rights, the government can take actions that are favorable to the interests of the community.²⁶ Thus, according to Maria SW Sumardjono, the state's authority to address community interests is limited by constitution and human right. In line with Maria SW Sumardjono's opinion, Bagir Manan interprets Article 33 paragraph (3) of the 1945 Constitution with two principles contained in it, namely the principle of “state control” and the principle of “used for the greatest prosperity of the people.” These two aspects of the principle cannot be separated from each other because they are a systemic unity.²⁷ “State control” is an instrument, while “used for the greatest prosperity of the people” is the objective.²⁸ Therefore, from this opinion, it can be concluded that the emergence of the phrase “used for the greatest prosperity of the people” is a logical consequence of the existence of the term “controlled by the state.” The authority to control agrarian resources owned by the state is only for the purpose of realizing the greatest prosperity of the people for the achievement of the social welfare of the Indonesian society, which is the state's goal. If not for the purpose of realizing the welfare of the people, the state does not have the authority to control agrarian resources that belong to the Indonesian people based on the people's rights stated in Article 1 of UUPA. This is what was meant earlier when posing the question, “Isn't the fulfillment of the interests of *adat* legal communities part of the effort to fulfill national interests?”, or more precisely, after the state controls the Bukit Duabelas forest, which is the living space of the Anak Dalam Tribe, is it indeed intended for the welfare of the Anak Dalam Tribe themselves? Meanwhile, based on the results of field research conducted by the author with the Anak Dalam Tribe in Bukit Duabelas National Park, there is a traditional verse of the Anak Dalam Tribe emphasizing the *adat* legal paradigm in

²⁵ Dede Setiadi, *Pengantar Ilmu Lingkungan* (Bogor: IPB Press, 2015).

²⁶ M D Mahfud and Moh, *Politik Hukum Di Indonesia* (Jakarta: PT RajaGrafindo Persada, 2012).

²⁷ Maria S W Sumardjono, *Kewenangan Negara Untuk Mengatur Dalam Konsep Penguasaan Tanah Oleh Negara* (Yogyakarta: Universitas Gajah Mada, 1998).

²⁸ Ida Nurlinda, *Prinsip-Prinsip Pembaruan Agraria* (Jakarta: PT RajaGrafindo Persada, 2009).

viewing the Bukit Duabelas forest.²⁹ In essence, the Anak Dalam Tribe live and settle in the forest by utilizing all available resources there. The *adat* rules related to the living environment and way of life of the Anak Dalam Tribe serve as a fundamental guide for the *adat* heirs to distinguish it from the lives of outsiders in general. From the chronological description of the elevation of *nomus* to *norms* within the Anak Dalam Tribe community in their relationship with the Bukit Duabelas as their living space as described above, this dynamics aligns with Satjipto Rahardjo's view, stating that law is a result of human construction, whether it be social, political, or cultural construction.³⁰

The indigenous wisdom of the Anak Dalam Tribe, referred to as their value system, is conducive to ecological behavior, aimed at avoiding disasters or calamities that could threaten their lives. Therefore, the Anak Dalam Tribe feels obliged to maintain their relationship with Bukit Duabelas. This includes utilizing it wisely and responsibly. Similarly, the belief of the Anak Dalam Tribe in Bukit Duabelas considers their customary law as *pesako*, which must be preserved to ensure happiness for future generations. In terms of its utility, the customary law of the Anak Dalam Tribe, with its various traditional wisdom, has been able to sustainably preserve their forest. However, in practice, nature conservation in Indonesia has often failed to ensure the continuity of the wisdom of *adat* communities that has been embedded and is a tradition for hundreds of years.³¹ Therefore, it is now time to initiate the reconstruction of conservation ideas through a re-examination, synthesis, and revitalization of the original traditional wisdom values of the Indonesian nation in the form of "Adat National Park".

Therefore, a form of "transformation" method is needed. The "transformation" method, according to Soetandyo Wignjosoebroto, is the management of the environment that remains in the hands of autonomous local communities based on the following institutions and their traditional technologies, rather than opting for "transplantation" which is "environmental management taken over by central national power based on more modern and advanced institutions and technologies".³² In practice, the "transformation" method in the conception of a new conservation area, an Adat National Park can be implemented through a partnership model between the representatives of National Park Management Office and the *adat* communities within the national park area. For example, if it were designated as the Adat National Park Bukit

²⁹ Besemen, "Interview with Traditional Structure Elder of Suku Anak Dalam in Kedundung Muda Area of Bukit Duabelas National Park, Jambi."

³⁰ Satjipto Rahardjo, *Sisi-Sisi Lain Dari Hukum Di Indonesia* (Jakarta: Penerbit Buku Kompas, 2003).

³¹ Daru Indriyo Wiratno, Ahmad Syarifudin, and Ani Kartikasari, "Berkaca Di Cermin Retak: Refleksi Konservasi Dan Implikasi Bagi Pengelolaan Taman Nasional," *Cakrawala Pendidikan XXIII*, no. 2 (2004): 165.

³² Wignjosoebroto, *Hukum: Konsep Dan Metode*.

Duabelas, the responsibility for managing the area would be entrusted to Bukit Duabelas National Park Management Office, working together with the *adat* structures of the Anak Dalam Tribe, following the *adat* legal mechanisms they have traditionally applied.

Through such a mechanism, it would be considered quite effective because the government would not need to allocate a significant budget for the management, including monitoring, and other related activities concerning the Adat National Park area. On the other hand, the position of the Anak Dalam Tribe would be strengthened with the protection provided by Balai Taman Nasional regarding their *adat* forest (Bukit Duabelas).

The initial step is aligning the perception that the paradigm of Adat National Park Bukit Duabelas is a manifestation of conservation based on *adat* legal resources, covering aspects of biophysical, economic, and socio-cultural dimensions of the *adat* community. This conservation paradigm should be pursued through various policy instruments oriented towards fair profit-sharing and fair distribution of rights and responsibilities in the management of the area and conservation products between the *adat* community or isolated *adat* communities of the Anak Dalam Tribe and Balai Taman Nasional.

After aligning the paradigms, a mapping is then conducted on the stakeholders. In classification, stakeholders interested in a partnership for managing the Adat National Park can be categorized into two groups: primary and secondary stakeholders. Generally, matters that need to be discussed in establishing this partnership include: determination of the area and boundaries; Definition of the functions and use of the forest areas; identification of related legal subjects; Specification of the authorities and responsibilities of each stakeholder; specification of special rights and benefits obtained by the Anak Dalam Tribe in the Adat National Park Bukit Duabelas area; building agreements regarding the planning, protection, management, conflict resolution and procedures for implementing decisions related of the Adat National Park Bukit Duabelas; and specification of specific roles in monitoring, evaluation, and reviewing the partnership agreement of the Adat National Park Bukit Duabelas.

Indeed, what must be truly understood is that in the conservation strategy of the Adat National Park, efforts should be directed towards a process-oriented approach rather than a top-down approach, prioritizing dialogue and aligning visions and perceptions, all of which require support from various disciplines, including legal studies. In the context of the collaborative management of the Adat National Park Bukit Duabelas area, management can be positioned between two extremes, namely under the supervision of the Anak Dalam Tribe residing in the

Bukit Duabelas area and Balai Taman Nasional (Ministry of Environment and Forestry). The portion range between active consultation and the transfer of authority and responsibility can be identified in the following Figure 3.

From Chart 1, the arrows from left to right indicate a range of collaboration stages in the protection and management of the Adat National Park Bukit Duabelas area. In this context, expectations from stakeholders will emerge for active participation through various contributions, commitments, and respective accountabilities. In the initial chart (far left), there is an active consultation mechanism without interference from other stakeholders. The subsequent stage involves seeking initial approvals, negotiating by involving stakeholders in decision-making, and reaching more specific agreements.

The management of conservation areas involving *adat* communities is better tailored to the practices and traditions of land and forest management that they have understood. In relation to the management of conservation areas, if it is possible to establish the status of a new conservation area like Adat National Park Bukit Duabelas, it can be achieved by integrating the goals of environmental conservation and ecosystem preservation while still respecting the right to a living space for the Anak Dalam Tribe. This includes their rights to culture and *adat law*. Considering the current reality where the living space for the Anak Dalam Tribe is increasingly limited, the most important thing to ensure their survival in the future is through the transfer of management of the Bukit Duabelas forest area with the status of a Adat National Park through environmentally friendly traditional practices and collaboration with Balai Taman Nasional (Ministry of Environment and Forestry).

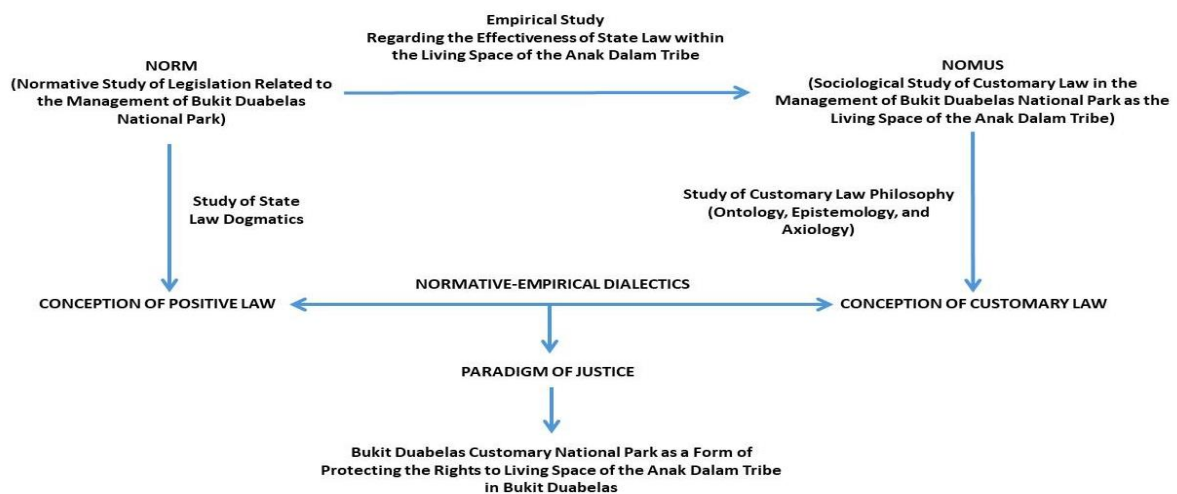


Figure 1.
Non-Doctrinal Research Method on the Protection of the Right to Living Space of the Anak Dalam Tribe in Bukit Duabelas

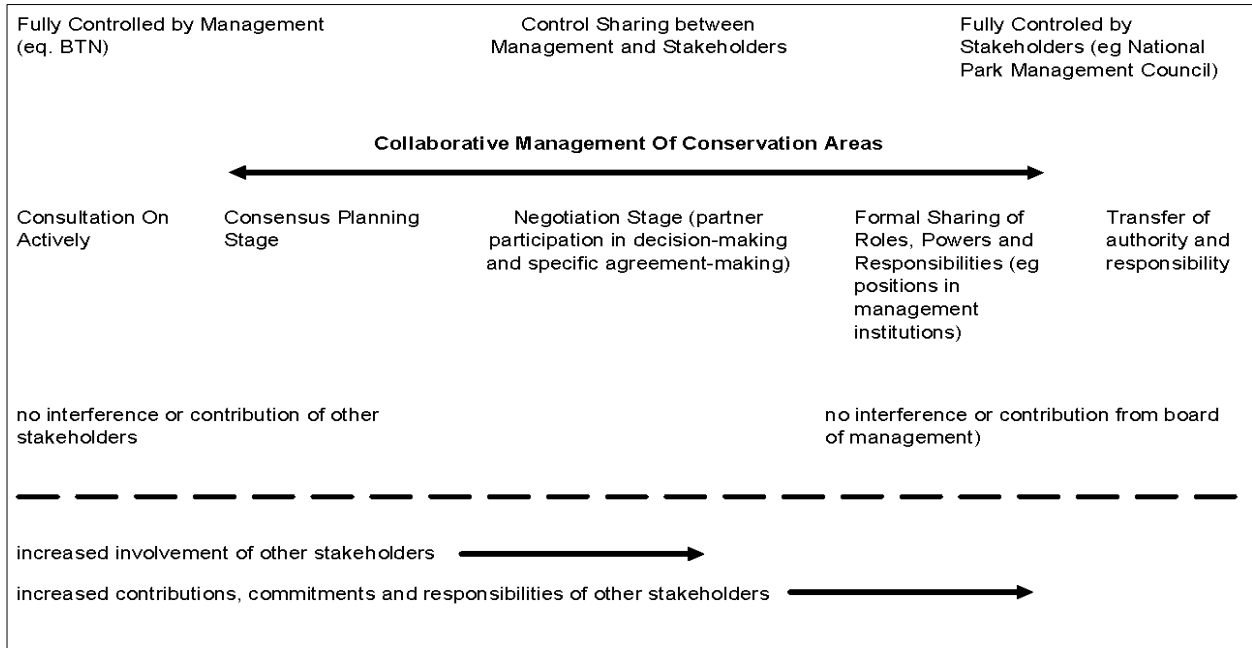


Figure 2.
Shifting the Paradigm of the Relationship Between the Anak Dalam Tribe and the Bukit Duabelas Forest from *Nomus* to *Norm*

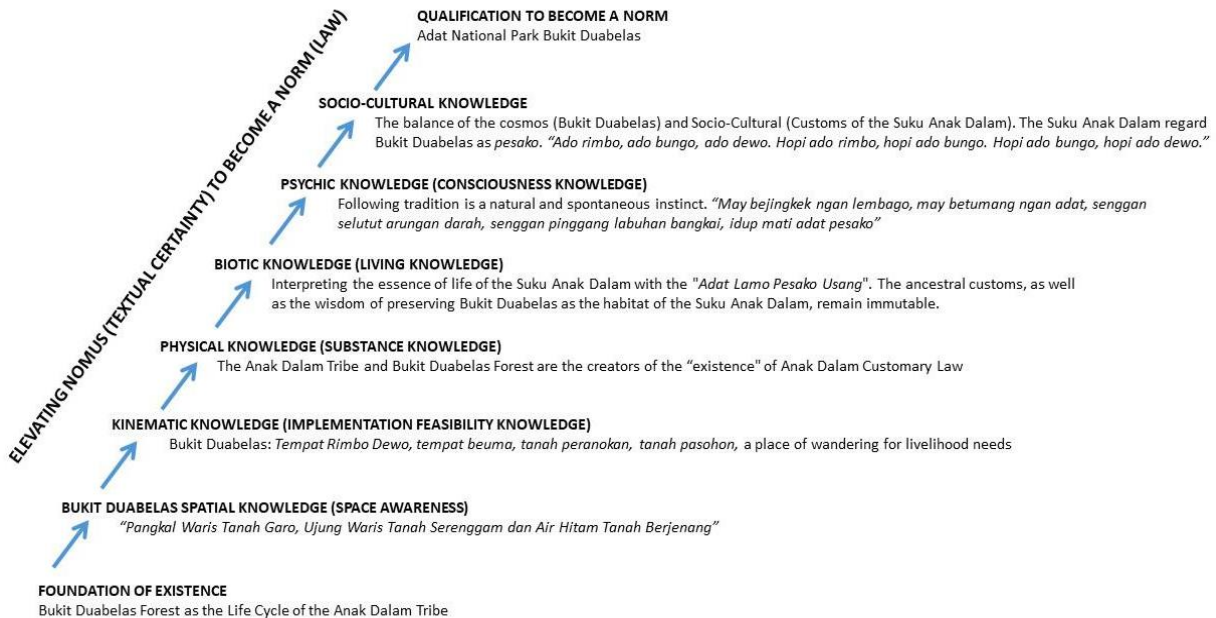


Figure 3.
Partnership Plan for the Management of Adat National Park as New Conservation Areas

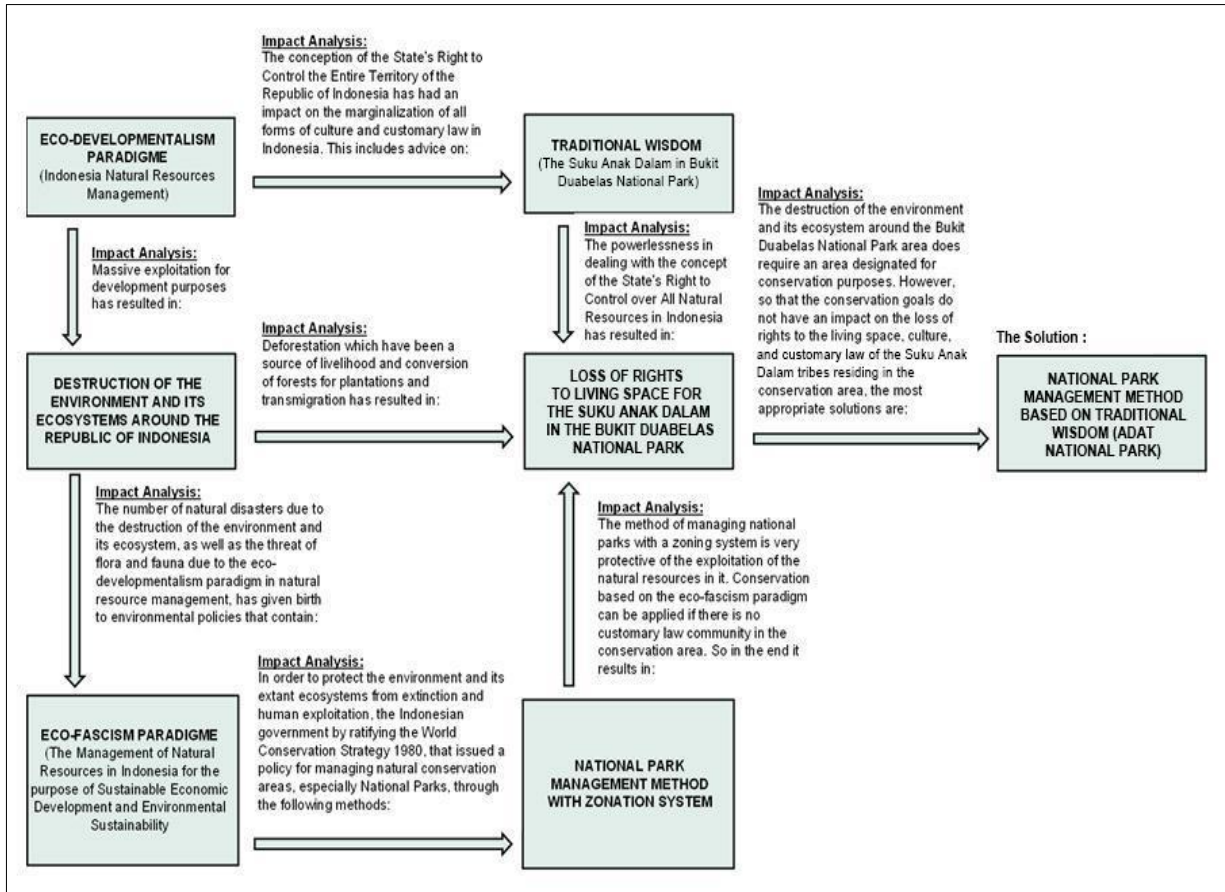


Figure 4.

Adat National Park as Legal Politics in Protecting the Right of Habitat for the Anak Dalam Tribe in Bukit Duabelas, Jambi Province

4. Conclusion

The existence of unclear legal relationships between the Anak Dalam Tribe and Bukit Duabelas, where the Anak Dalam Tribe cannot possess communal rights to their habitat in the Bukit Duabelas forest due to its status as a national park, necessitates a reformulation of Indonesia's conservation law dogma. In this regard, particularly with respect to Law No. 5 of 1990 concerning the Conservation of Natural Resources and Ecosystems, there is a need for a legal breakthrough. This breakthrough involves the establishment of a new conservation area that can dialectically reconcile state law with *adat law*. This study can recommend a concept for managing Bukit Duabelas with a new conservation status called Adat National Park. This should be organized through environmentally friendly traditional practices and a partnership model between the Anak Dalam Tribe in Bukit Duabelas and Balai Taman Nasional (Ministry of Environment and Forestry).

References

- Asriyani, Halia, and Bart Verheijen. "Protecting the Mbau Komodo in Riung, Flores: Local Adat, National Conservation and Ecotourism Developments." *Forest and Society* 4, no. 1 (2020): 20–34. <https://doi.org/10.24259/fs.v4i1.7465>.
- Besemen, Tengganai. "Interview with Traditional Structure Elder of Suku Anak Dalam in Kedundung Muda Area of Bukit Duabelas National Park, Jambi," 2018.
- Capra, Fritjof. *The Turning Point: Science, Society, and the Rising Culture*. California: Bantam Books, 1983.
- Chiaka, Jeffrey Chiuikem, Gengyuan Liu, Hui Li, Wen Zhang, Mingwan Wu, Zhaoman Huo, and Francesco Gonella. "Land Cover Changes and Management Effectiveness of Protected Areas in Tropical Coastal Area of Sub-Saharan Africa." *Environmental and Sustainability Indicators* 22 (2024): 2. <https://doi.org/10.1016/j.indic.2024.100340>.
- Dahlan, Ahmad. *Sejarah Melayu*. Jakarta: Kepustakaan Populer Gramedia, 2015.
- Danusaputro, Munadjat, and St. *Hukum Lingkungan Buku II: Nasional*. Vol. 2. Bandung: Binacipta, 1981.
- Depari, Catharina. "Assessing Indigenous Forest Management in Mount Merapi National Park Based on Ostrom's Design Principles." *Forest and Society* 7, no. 2 (2023): 380–411. <https://doi.org/10.24259/fs.v7i2.25039>.
- Donald, Mac. *Declaration of Indigenous Peoples on Climate Change. Australian Indigenous Law Reporter*. Vol. 7, 2015.
- Keraf, Sonny. *Filsafat Lingkungan Hidup: Alam Sebagai Sebuah Sistem Kehidupan Bersama Fritjof Capra*. Yogyakarta: Kanisius, 2014.
- Krøijer, Stine. "Performing Contested Lands: Conservation and the Conflictive Enactments of Indigenous Territoriality in Lowland Ecuador." *Bulletin of Latin American Research* 43, no. 2 (2024): 120. <https://doi.org/10.1111/blar.13524>.
- Mahfud, M D, and Moh. *Politik Hukum Di Indonesia*. Jakarta: PT RajaGrafindo Persada, 2012.
- Marentes, Hernandez, Maria Alejandra, Martina Venturi, Silvia Scaramuzzi, Marco Focacci, and Antonio Santoro. "Traditional Forest-Related Knowledge and Agrobiodiversity Preservation: The Case Of The Chagras In The Indigenous Reserve Of Monochoa (Colombia)." *Journal Biodiversity and Conservation* 10 (2022): 2243. <https://doi.org/10.1007/s10531-021-02263-y>.
- Muchlis, Fuad, Djuara P Lubis, Rilus A Kinseng, and Aulia Tasman. "Sejarah Marginalisasi Orang

- Rimba Bukit Dua Belas Di Era Orde Baru.” *Paramita - Historical Studies Journal* 26, no. 2 (2016): 218. <https://doi.org/10.15294/paramita.v26i2.4972>.
- Nurlinda, Ida. *Prinsip-Prinsip Pembaruan Agraria*. Jakarta: PT RajaGrafindo Persada, 2009.
- Pichler, Melanie, Martin Schmid, and Simone Gingrich. “Mechanisms to Exclude Local People from Forests: Shifting Power Relations in Forest Transitions.” *Ambio Journal* 51, no. 4 (2022): 857. <https://doi.org/10.1007/s13280-021-01613-y>.
- Poirier, Robert, and David Ostergren. “Evicting People from Nature: Indigenous Land Rights and National Parks in Australia, Russia, and the United States.” *Natural Resources Journal* 42, no. 2 (2002): 332.
- Pratama, Arif Putra. “Transformation and Marginalization of Indigenous Communities: The Ata Modo Tribe’s Experience Amidst the Hegemony of Komodo National Park Tourism Development.” *Indonesian Journal of Socio-Legal Studies* 3, no. 2 (2024): 1–15. <https://doi.org/10.54828/ijsls.2024v3n2.1>.
- Puspowardojo, Suryanto. *Strategi Kebudayaan: Suatu Pendekatan Filosofis*. Jakarta: Gramedia & Lembaga Pengkajian Strategi dan Pembangunan, 1989.
- Rahardjo, Satjipto. *Sisi-Sisi Lain Dari Hukum Di Indonesia*. Jakarta: Penerbit Buku Kompas, 2003.
- Reyes-García, Victoria, David García-del-Amo, Santiago Álvarez-Fernández, Petra Benyei, Laura Calvet-Mir, André B Junqueira, and Vanesse Labeyrie. “Indigenous Peoples and Local Communities Report Ongoing and Widespread Climate Change Impacts on Local Social-Ecological Systems.” *Communications Earth and Environment* 1 (2024): 6. <https://doi.org/10.1038/s43247-023-01164-y>.
- Setiadi, Dede. *Pengantar Ilmu Lingkungan*. Bogor: IPB Press, 2015.
- Sumardjono, Maria S W. *Kewenangan Negara Untuk Mengatur Dalam Konsep Penguasaan Tanah Oleh Negara*. Yogyakarta: Universitas Gajah Mada, 1998.
- Syafi’I, Muhammad, A. Auzar, S. Sukendi, and L. N. Firdaus. “Indigenous Knowledge of Petalangan in Conserving Tesso Nilo National Park, Riau, Indonesia.” *IOP Conference Series: Earth and Environmental Science* 97, no. 1 (2017). <https://doi.org/10.1088/1755-1315/97/1/012027>.
- Tirtosudarmo, Riwanto. “Identitas Dan Marjinalisasi: Orang Kubu, Orang Rimba, Suku Anak Dalam.” *Jurnal Kritis XXXI*, no. 1 (2022): 74.
- White, Rob. “Indigenous Communities, Environmental Protection and Restorative Justice.”

- Australian Indigenous Law Review* 18, no. 2 (2014): 43. <https://doi.org/10.2307/26423289>.
- Wignjosoebroto, Soetandyo. *Hukum: Konsep Dan Metode*. Malang: Setara Press, 2013.
- Wiratno, Daru Indriyo, Ahmad Syarifudin, and Ani Kartikasari. "Berkaca Di Cermin Retak: Refleksi Konservasi Dan Implikasi Bagi Pengelolaan Taman Nasional." *Cakrawala Pendidikan* XXIII, no. 2 (2004): 165.