

*Research Article***From Recognition to Investment: Sustaining the Monibi Indigenous Community**Caecilia Johanna Julietta Waha^{1*}, Gautam Kumar Jha²¹Faculty of Law, Universitas Sam Ratulangi²School of languages, Literature & Culture Studies, Jawaharlal Nehru University

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ABSTRACT

The safeguarding of Economic, Social, and Cultural Rights (ESCR) for Indonesia's indigenous populations is essential but precarious, as exemplified by the Monibi people. Although recognized nationally as Intangible Cultural Heritage since 2016, the Monibi possess no regional legal status, resulting in a regulatory void. In the absence of prompt legal action, this extended uncertainty jeopardizes the physical and cultural existence of the community. This engenders significant tensions where customary territories intersect with National Park areas, limiting traditional access to vital resources. This research utilizes a socio-legal methodology to investigate the conflict between statutory conservation mandates and the socioeconomic conditions of the Monibi. The report advocates for a paradigm change towards a sustainable investment model as the principal means of rights enforcement. The findings indicate that a customized investment framework is critically required to address the impasse between governmental entities and traditional land users. This research presents an innovative legislative framework that employs equitable investment strategies to harmonize conservation objectives with the safeguarding of indigenous ESCR.

Keywords: Customary Land; ESCR; Indigenous People.

A. INTRODUCTION

Indigenous populations represent a demographic that upholds traditional values across various dimensions of their existence and are categorized as a vulnerable group (Hidayana & Swaradesy, 2021); (Thai, 2018). The term Indigenous peoples encompasses a constellation of customs that have become intrinsic to the social fabric of communities, thereby constituting what is referred to as the social culture of the locality (Caturiasari, Mulyani, & Mahdarani, 2021). Indonesia is one of the most culturally diverse nation-states in the global Southeast Asia with about 250 indigenous communities, speaking

nearly 600 languages thus having diverse cultural practices (Islam, 2015). Globally, Indigenous peoples maintain a profound and enduring connection to their ancestral lands, frequently defined by self-identification as Indigenous, lineage tracing back to pre-conquest inhabitants of the territory, a collective historical narrative, shared linguistic and cultural traits governed by customary laws, communal land ownership, exclusion from political decision-making processes, and claims for recognition of collective rights and sovereignty that are often disregarded by prevailing state entities (Miah & Roy, 2020). Communal land tenure confers legal rights upon

communities through customary land tenure frameworks that were originally instituted for colonial purposes. Research indicates that Indigenous peoples and local communities exercise collective stewardship over a significant portion of the world's land, estimated at approximately 64%, yet only about 18% of such land possesses formal acknowledgment (Sauls, Galeana, & Lawry, 2022); (Sakmaf et al., 2025).

Customary land rights are crucial for facilitating conservation efforts, mitigating deforestation, and preserving biodiversity in indigenous regions (Villhauer, 2023). Indigenous peoples possess a profound comprehension of sustainable land management practices rooted in their traditional knowledge and cultural customs; recognizing their rights to customary land can enhance conservation initiatives (Nurse-Bray et al., 2022). In addition to supporting the economic livelihoods of indigenous populations, these tenure arrangements have significant consequences for maintaining communal resilience and social cohesion (Hudson, Rosenbloom, & Cole, 2019).

The components of indigenous cultures encompass various characteristics, including the application of mathematical principles in the architecture of traditional dwellings. The Bugis Makassar indigenous population employs triangular designs in the roofs of their traditional dwellings, symbolizing the hierarchical social order within the society (Laukum et al., 2024). Traditional houses serve as a significant component of indigenous communities,

exemplified as the Karampuang Traditional Village in Sinjai Regency, where these structures symbolize the togetherness among generations connected by shared lineage (Amirullah & Ridwan, 2021). The Majelis Musyawarah Bundokanduang, within the Minangkabau leadership tradition, serves as a crucial component of the indigenous community, overseeing customary policies and being accountable for the education of future generations of indigenous individuals (Afdhal, 2023).

The safeguarding of indigenous populations is a significant concern, exemplified by the situation in Kupang District, where the absence of protection not only results in their non-recognition by the state but also renders their existence and resources, including customary land, susceptible to diverse interests from both internal and external entities (Nubatonis et al., 2023). An incisive examination of the safeguarding of indigenous populations presents alternative legal frameworks that emphasize historical contexts and origins in the identification and classification of indigenous communities (Wibisana, Udjan, & Solfian, 2024). Disputes frequently emerge within indigenous communities around land acquisition and licensing, as exemplified in Boven Digoel (Denneisha & Sudirman, 2022).

The safeguarding of indigenous populations in this context emphasizes the protection of Economic, Social, and Cultural Human Rights (ESCR); nevertheless, Indonesia

currently lacks explicit regulations pertaining to the protection of ESCR, particularly for indigenous communities. At now, there is a need for a rule that may promote the sustainability of indigenous peoples' livelihoods without infringing upon their rights as customary communities (Adiyatma, Silviana, & Thanni, 2025). Because there aren't any rules, a lot of people are using customary territory for illegal purposes, which can cause the indigenous community to lose its identity.

The present situation of contemporary Indigenous protection in Indonesia indicates that the principal difficulty is not the lack of constitutional rights, but rather a significant implementation gap between high-level acknowledgment and practical enforcement. Article 18B(2) of the 1945 Indonesian Constitution nominally acknowledges Indigenous communities; nevertheless, recent scholarship indicates that this acknowledgment is functionally ineffective due to an enduring legislative void. Arisandi and Pareke contend that the protracted postponement in ratifying the Indigenous Peoples Bill (RUU Masyarakat Adat) has engendered a legal limbo in which Indigenous rights are constitutionally recognized yet administratively unenforceable. In the absence of this particular organic law, local administrations are devoid of the necessary technical delegation to issue recognition decrees, rendering communities incapable of safeguarding their boundaries against external intrusions (Arisandi & Pareke, 2024). Kartiko identifies that even when restrictions are there, they frequently conflict with sustainable development goals,

thereby rendering Indigenous economic efforts illegal under state forestry laws (Kartiko et al., 2024).

The most recent scholarly investigation substantiates the conclusion that this normative disjunction is systematically exploited by the state's predominance in land governance, particularly through the mechanism known as The Right to Control the State (Diantoro, 2025). Pramesti and Prayoga conduct a rigorous examination of the Rempang Eco-City case, demonstrating how National Strategic Projects (PSN) are employed to supersede Indigenous claims. Their analysis indicates that due to the infrequent formal registration of customary lands, the state designates them as public assets. This designation permits the government to utilize repressive measures to appropriate land under the pretext of development without securing Free, Prior, and Informed Consent (FPIC) (Pramesti & Prayoga, 2025). Nuryasinta et al. (2025) corroborate this assertion, asserting that the legal administrative requirements imposed by the National Land Agency (BPN) are inherently incompatible with hereditary customary tenures, resulting in the systematic marginalization of Indigenous peoples from formal land titling. Accordingly, leading legal examinations indicate that this legislative void engenders a crisis of representation within the judiciary. Jinoto (2026) identifies a significant procedural deficiency: due to the lack of recognition of many Indigenous groups as formal legal entities, they are devoid of the *persona standi in iudicio* (legal standing)

necessary to advocate for themselves in civil court. This predicament compels communities to depend on NGOs or class-action representatives, which frequently diminishes the potency of their specific customary arguments (Jinoto, 2026). The dominant consensus in contemporary literature states that without specific legislation designed to address this imbalance, the rights of indigenous peoples will remain merely a constitutional ornament, visible in text but not applied in practice.

Furthermore, these intersecting issues exemplify a broader systemic failure. Zein argues that Indigenous vulnerability is often created by delays in the state enacting regional legal frameworks (Zein et al., 2025). This conclusion is aligned with that of Fikri, who attributes conflicts between state-designated forests and Indigenous communities to a failure in fundamental policy development (Fikri, 2024). However, while current research extensively diagnoses these systemic failures, there remains a critical gap in localised, actionable solutions. Although the Constitution guarantees rights, the absence of a specific regional regulation leaves communities such as the Monibi vulnerable to the operational mechanisms of extractive industries.

Regarding formal recognition, Monibi customs were officially designated intangible cultural heritage by the Ministry of Education and Culture in 2016 (Decree No. 244/P/2016), which is classified under the category of traditional knowledge (Wijaya, Kusnadi, & Hadi, 2024). While this recognition is congruent with recent

investigations by Roisah concerning the significance of safeguarding Traditional Cultural Expressions (TCEs) within the digital era (Roisah et al., 2025), and aligns with existing scholarship on the conservation of intangible elements such as Bugis structural concepts (Laukum et al., 2024), the current legal discourse underscores a significant contradiction. Cultural recognition becomes functionally irrelevant if the territorial living space of the community is obliterated, inevitably precipitating the deterioration of their fundamental identity.

As of 2026, the continued absence of regional regulations recognizing the Monibi as formal legal subjects directly endangers their physical and cultural existence. As conveyed by Robinson, the legal protection of Economic, Social, and Cultural Rights (ESCR) is not merely a theoretical human rights obligation, but a structural necessity for maintaining the viability of Indigenous customs (Robinson et al., 2021). Addressing these distinct gaps in the current legal framework, this study responds directly to this regulatory failure. Rather than relying solely on intangible cultural decrees, this article introduces a novel alternative investment model designed to practically reconcile state economic interests with fundamental Indigenous territorial rights.

The urgency of regional regulation of the Monibi indigenous community can be seen from the community's work as miners where the land they work on is directly adjacent to the national park area (forest) which should be utilized by the Monibi indigenous community. This issue mirrors

the findings of Permadi on land acquisition. They demonstrate that normative legal protections for indigenous land are routinely bypassed by fast-track investment policies. Consequently, relying solely on normative state recognition is insufficient, necessitating the alternative economic models proposed in this research (Permadi, Dunga, & Arshad, 2025). By ignoring this fact, it is tantamount to letting the indigenous identity of Monibi slowly fades away to this day.

In short, despite the extensive literature on indigenous rights in Indonesia, a critical gap remains in understanding the phenomenon of asymmetrical recognition, there is limited research on communities like the Monibi who possess cultural legitimacy (Intangible Heritage status) but lack agrarian legality. Furthermore, current scholarship predominantly offers normative legal solutions (*i.e.*, urging regulatory reform). This study argues that in cases of bureaucratic paralysis, where regulation has stalled, purely legalistic solutions are insufficient. This research fills this gap by shifting the focus from political recognition to economic survival, proposing a novel investment model as an alternative instrument for indigenous protection which set of rules adheres to the community customs.

B. RESEARCH METHODS

This research employs a socio-legal framework, examining the interconnectedness of legal, economic, social, and cultural issues. Socio-legal research is distinguished by its

multidisciplinary approach, integrating insights from sociology, anthropology, political science, and economics to examine legal phenomena within their social context (Prakasa et al., 2022). It facilitates a more profound comprehension of the interplay between law and the influences of societal institutions and cultural practices. This approach is particularly pertinent as it not only examines the doctrine of law but also endeavors to evaluate the consequences and practical realities associated with legal frameworks in society (Noor, 2023); (Wiwoho, Firdaus, & Hidayat, 2023).

In this research, examining economic, social, and cultural factors is crucial for comprehending the functioning of law beyond mere normative textual analysis. The study examines the influence of economic imperatives, particularly investment interests as posited in this research, on the transformation of legal regulations and behaviors, emphasizing the dynamic relationship between law and market reality. Moreover, it critically assesses how social factors, including community norms, influence the social efficacy and acceptance of legal measures, thus necessitating a thorough evaluation of how legal frameworks must evolve in response to societal changes. Additionally, cultural contexts are instrumental in shaping the legal landscape, as cultural interpretations can either uphold or contest existing legal norms (Anders, 2015); (Bens & Veters, 2018).

Utilizing a socio-legal methodology thereby enhances the analysis by facilitating a

comprehensive understanding of the practical application of laws, extending beyond their theoretical foundations. By amalgamating these varied dimensions, the research aspires to yield insights into the law's function in confronting modern challenges, especially those emerging from the interrelationship of economic, social, and cultural factors (Creutzfeldt, Kubal, & Pirie, 2016). This methodology emphasizes the importance of socio-legal research in investigating empirical inquiries regarding law and its societal repercussions, affirming its position as an essential framework for comprehending intricate legal dynamics in the contemporary landscape (Baldwin & Davis, 2005).

C. RESULTS AND DISCUSSION

1. Monibi Indigenous Community

According to the Lolayan sub-district head, the village of Mengkang (the last Monibi customary holder) was part of the community that moved from the Hulu Ongkag Tanoyan village (Pedukuan). Led by Laki Naneng and several other leaders, they cleared the wilderness around the headwaters of a river filled with tanoyan trees, so the area was named Hulu Ongkag Tanoyan. After settling down, they elected Laki Heti as their leader and began cultivating the land in mutual cooperation for settlements and plantations, mainly growing coffee, coconuts and cloves. Although the majority embraced Islam, they still practiced traditional rituals. During the Japanese colonial period, they experienced forced labor and confiscation of agricultural products. When they

finally heard the news of Indonesia's independence, the people of Pedukuan Hulu Ongkag Tanoyan also raised the Red and White flag in Kotamobagu, although there was a dispute with the Indonesian army.

This indigenous territory possesses an abundance of natural resources, encompassing agricultural potential and gold extraction activities. Since 1989, the local populace has engaged in traditional mining practices. Nevertheless, the incursion of mining corporations, including PT Arafura Mandiri Semangat (AMS) and PT Zongching Mineral, has precipitated conflict as the community harbored concerns regarding the detrimental effects of resource exploitation on both the environment and their means of subsistence. In 2013, the Tanoyan community mobilized collectively and successfully ousted PT AMS through organized demonstrations. In addition to the aforementioned entities, PT J. Resources Bolaang Mongondow has also commenced operations in the region, conducting material sampling in anticipation of exploration activities. Most recently, PT BBS (Berkat Bersama Sulut) has entered the area as of January 2021.

Monibi's customary territory is situated within the Bogani Nani Wartabone National Park, which engenders conflict attributable to ambiguous delineations between communal land and the national park boundaries. The community persistently advocates for their customary rights through participatory mapping initiatives and legal recourse, seeking acknowledgment from

governmental authorities. The community-operated Perintis Village Unit Cooperative additionally contributes to resource management efforts, despite facing persistent challenges posed by mining enterprises. To this day, the Hulu Ongkag Tanoyan Bersatu indigenous community continues to vigorously advocate for the defense of their customary rights and the preservation of their ancestral territory.

The Monibi indigenous people divide 4 living spaces in regards with land utilization which are Kayuon (wilderness/forests), rice fields, Goba' (Garden/Field), Lipu' (Settlements). Kayuon (Forest) is a protected forest area because it has sacred places such as Samial (sacred graveyard) and Mount Idup (place of spirits). In addition, the forest also contains important springs such as Mata Air Lonaya, Rape and Linontu. Although Kayuon is protected, indigenous communities can still make limited use of it. The forest holds a variety of timber plants, including cempaka, nantu, cinnamon, adow, banga, dauk, bayui and otam. Besides timber plants, there are also non-timber forest products such as sago, rattan, resin, reed tui and reed taraki. Kayuon is also home to a variety of animals, such as pigs, monkeys, snakes, partridges, anoa, deer, kalo birds, maleo, bantula, cockatoos, kuroit, kawag, tarakuku, bongolo, tansibik, salimburung, forest storks and dodoyongit. In terms of land cover, there are two main locations of Kayuon. At Mount Potolo, Kayuon is dominated by cinnamon plants, while at Mount Linggaga, the land cover consists of various types of mixed wood plants. Within the

Kayuon area there is also ipotolo, which is a reserve production forest. Ipotolo can be managed by the community as plantation land, thus providing additional economic benefits to indigenous communities without damaging the integrity and ecological functions of the forest.

Rice fields are cultivated areas used to grow rice and other annual crops such as corn, soybeans, peanuts, shallots, cayenne pepper, vegetables, spices and watermelons. Local communities manage and utilize the produce from this area. Apart from planting, rice fields are also used to raise livestock such as cows, goats, chickens, ducks, as well as for freshwater fish farming such as tilapia, goldfish, and catfish. Goba' is an area of garden or cultivated land that serves to grow annual crops, the results of which can be harvested. Plants that grow in Goba' include coconut, cacao, cloves, nutmeg, durian, mangosteen, langsat, papaya, banana, candlenut, matoa, mango and jackfruit. Goba' is also used by the community as a place to raise livestock. Rice fields and Goba' are individually owned by families. Property rights to rice fields and Goba' can be inherited or purchased in accordance with applicable regulations with the approval of adat institutions.

Lipu' is an area where people live in which there are also yards that are used for various purposes, such as farming and other activities that support daily life. In the Lipu' area there are various public facilities that are very important for community life. These facilities include schools for education, mosques for worship activities, sports

fields for physical activity and recreation, markets as trading centers, cemeteries for final resting places, village halls as government and administrative centers, and historical monuments that mark the importance of local history. Each family owns land in the Lipu' area, but there is also individually owned land acquired through a purchase process. In some cases, individuals can purchase the title to land in the Lipu' area by paying a sum of money as compensation for the transfer of title. In addition to private and family-owned land, there is also grant land in the Lipu' area. This grant land was originally plantation land that was then donated by the owner when the village or kampong was formed. This land is used for various public purposes such as cemeteries, public facilities, and also for settlements. Residents who occupy this grant land only have the right to use and may not sell it because this land is intended for the public interest and sustainability of the community. Grant land is also very important for people who do not have a place to live, because this land gives them a place to build a house. In addition to housing, land grants are also utilized for the construction of schools and places of worship, thus making a significant contribution to social and educational development in the village. Thus, Lipu' is not just a residential area, but also a center of social, economic and religious activities integral to the life of the local community.

In terms of economy, the livelihood of the indigenous people of Monibi, Mengkang village, relies on mining products and swimming pool

tourism built by utilizing the flow of the big river. Mining in this area plays an important role as the main source of income, with various types of minerals extracted from the bowels of the earth. Swimming pool tourism that utilizes the flow of the big river is not only a place of recreation for local residents but also attracts tourists from outside the area, contributing additionally to the local economy through tourism. This tourism is supported by the beauty of the surrounding nature and adequate infrastructure, thus increasing the attractiveness for visitors.

Most of Monibi's native population also depend on agriculture, trade, and civil service jobs. Food crops and horticulture are both parts of agriculture. Rice, corn, vegetables, and fruits are some of the most common crops. Farmers still employ ancient ways that have been passed down through the years, but others have started using new methods to get more done. People trade in local markets, where they sell food, crafts, and other goods.

There are also civil servants in this neighborhood, which helps the economy by providing a consistent salary that supports families. The adat institution and the Sangadi (village leader) are in charge of the Monibi community's social life. The adat institution is an important part of everyday life in the community. It controls many parts of social life, such as how public and private problems are solved. The adat institution is in charge of settling disagreements amongst inhabitants, keeping the peace, and passing down the traditions of the forefathers.

Even when it comes to selling land, which is a private affair, customary organizations have the power to accept or deny the sale in order to protect customary land and make sure it doesn't change hands to outsiders without due thought.

The cultural condition of the Monibi indigenous people has been recognized as Indonesia's intangible cultural heritage since 2016, a recognition that shows how rich their cultural heritage is. Their culture encompasses a variety of traditions, ceremonies, arts, and local wisdom that have been maintained and preserved for centuries. This recognition not only makes the Monibi indigenous people proud but also motivates them to continue preserving and developing their culture. With a diverse range of livelihoods, strong social structures, and a rich cultural heritage, the Monibi indigenous people of Mengkang village demonstrate how tradition and modernity can go hand in hand, creating a balance between economic progress and cultural preservation. Support from the government and community awareness of the importance of preserving this heritage are key to their future sustainability.

2. Adat Sustainability and Customary Land Utilization: Reconceiving Sustainable Development

a. Customary Land Rights and the Concept of Benefit Sharing

Customary land rights are the rights that are recognized, managed, and controlled jointly by the community through the leadership system in a customary institution (Sukirno, Mahfud, &

Malik, 2025). Hidayat argues that the land into which the community was born is understood as being situated and located within a geography that is sacred and spiritual in nature, because it is connected to the Divine in an eternal relationship (Hidayat, 2022). Similar to Hidayat, Ardhianto claims that another critical point raised concerns the increase of burdens in the conceptualization of *adat* as a bundle of rights and duties. This addition of responsibilities, in turn, entails three interrelated aspects that are crucial for the understanding of *adat*; these are, history, law, and land (Ardhianto, 2022).

Before going too far with the land rights, we ought to realize that there's a clash between socio-anthropological reality and the proposed regulation model including the guideline towards acknowledgement and protection of the Indigenous people or as mentioned in Peraturan Menteri dalam Negeri Nomor 52 Tahun 2014 as *masyarakat hukum adat*. Consequently, it is imperative to rectify the prevailing legal logic through legislative reforms that prioritize the recognition of the objects of rights (Hildebrandt, 2011) (specifically, customary territories), where the mechanisms for regulating subjects are made more diverse to align with the nature of the rights being recognized, considering the pluralistic nature of indigenous communities (Shohibuddin, Luthfi, & Utami, 2019).

Customary law communities, such as the Kebatinan Muara Sakal indigenous community, hold customary rights to their land and protect these rights from the control of private parties or

individuals who try to control the customary land (Harianto, 2021). The concept of benefit sharing can be integrated with customary land rights in a way that allows indigenous peoples to retain control over their customary lands while deriving economic benefits from the utilization of these lands.

The Complete Systematic Land Registration (PTSL) program in Indonesia which regulated in Peraturan Menteri Agraria dan Tata Ruang Nomor 6 Tahun 2018 requires the government to conduct land registration throughout the Republic of Indonesia and confirms the obligation for rights holders to register (Haikal, Dewi, & Hidayat, 2023). In the context of customary land rights, a formal land registration can help secure indigenous people's customary rights and strengthen their position in taking benefit from the customary land. Thus, the integration between customary land rights and the concept of revenue sharing can be strengthened through a registration process that ensures clarity of the land ownership. Another factor that needs to be emphasize is the involvement of indigenous peoples in the management of their customary land which can be a strong foundation for implementing the profit-sharing principle.

Legal certainty related to proof of ownership of land rights is very important in accordance with customary land rights (Wily, 2018). Land certificates can be an instrument that ensures clarity of land ownership (Wahid et al., 2023), especially by indigenous peoples. Through the issuance of certificates that acknowledge the

customary rights of indigenous populations to their ancestral territories, the principle of revenue sharing can be implemented in a more organized and transparent fashion. Furthermore, land certification serves as a mechanism to safeguard the customary rights of indigenous peoples against illegitimate claims, while also ensuring that the advantages derived from land utilization are equitably distributed in alignment with the tenets of revenue sharing. In relation to the inheritance of land rights, it is crucial to examine the mechanisms by which customary land rights may be conveyed through the inheritance process (Ndruru, 2021). It is essential to distinguish all other rights from customary rights due to the inheritance mechanism also needs to be categorized (Zuka, 2019), especially in the integration of land rights linked with income sharing, which will guarantee that the benefit of the land will apply to the following generation. The notion of benefit sharing from generation to generation can continue from generation to generation if it is ascertained that the method of inheriting customary rights is equitable and transparent for all to see

The socialization of the Customary property Ownership Law for communities that adhere to customary law, such as the one that was carried out in Klabilim Village, is an essential stage in the process of ensuring that indigenous proprietors are able to legally register their property rights (Lestaluhu et al., 2023). It is helpful to have a better understanding of the process of registering and protecting customary rights in order to

enhance the connection between customary land rights and the idea of income sharing. When this relationship is strengthened, it will be easier to share money. The acquisition of a more in-depth grasp of the process is one way to reach this goal. The concept of revenue sharing can be applied more effectively by offering indigenous peoples opportunities for socialization and legal education. This approach would lead to improved benefits for these communities. Offering legal guidance regarding the importance of land registration and certification can provide legal security for landowners, especially within indigenous groups. Legal counsel can empower indigenous individuals to safeguard their customary land rights and ensure the fair and transparent execution of revenue sharing (Supratman et al., 2023). The assurance of land ownership is crucial for indigenous communities as it directly influences their capacity to sustain themselves, protect biodiversity, and maintain their cultural identity and heritage. The combination of customary land rights and revenue sharing allows indigenous peoples to uphold their traditional rights while simultaneously reaping equitable economic rewards from land use (Firnaherera & Lazuardi, 2022).

In Kuimasi Village, situated in the Fatuleu Subdistrict of Kupang Regency, indigenous peoples demonstrate their ongoing acknowledgment and collective ownership of customary land rights through the socialization of these rights. Socialization can act as an initial strategy to improve indigenous peoples'

comprehension of the importance of safeguarding their traditional rights while engaging in sustainable land use. This can be realized by merging traditional land rights with the implementation of revenue sharing (Nubatonis et al., 2023).

b. Investment Model Implementation on the Customary Land Utilization: Challenges and Prospects

In developing investment models on customary land, it is important to consider various aspects such as water resource management, customary law, community engagement, land registration challenges, and customary land ownership dynamics. Water resources management plays an important role in sustainable land use. Models that utilize groundwater simulation, remote sensing, and Geographic Information Systems (GIS) are essential for understanding groundwater dynamics, optimizing water use, and planning in arid and semi-arid regions. These models assist in the decision-making process related to the management of water resources in indigenous lands (Aditya, 2023).

Customary laws impact on dispute resolution procedures is unavoidable, one of which is when resolving disputes over customary land (Asaaga, 2021); (Mequanent, 2016). The effectiveness of dispute resolution procedures over customary land is increased when customary law is recognized and applied on the national legal framework. In order to achieve such things, Indigenous people need to be involved in

discussions and decisions about letting outsiders use communal lands (Labibah, Hanasah, & Yalhan, 2024); (Stella, 2023). Challenges in land registration, especially in areas where customary leaders have authority, can impede systematic land registration processes. Recognizing customary leadership in land registration procedures is essential to address the challenges faced by land offices in completing comprehensive land registration, especially in customary areas (Biitir, Nara, & Ameyaw, 2017). Dissemination of laws on customary land tenure is essential to address emerging issues related to land tenure in indigenous communities. With population development and growth, issues surrounding customary land ownership require proactive measures such as legal awareness campaigns to ensure that customary land rights are protected and respected. Registration of customary land, as is the case with the Toraja community, highlights the importance of recognizing and respecting customary land management systems (Adinegoro, 2023); (Eviatasari, Syafirah, & Saleh, 2024); (Lestaluhu et al., 2023).

In the concept of investment in indigenous lands, understanding the legal and economic framework is critical. Laws regulating land use and investment activities should be aligned with economic principles while taking into account the social functions of the land (Silviana et al., 2021). Matching economic interests with social welfare is important for sustainable investment practices on customary lands. The dynamics of customary law

application, as seen in the case of the Ngaju Dayak in resolving land disputes, underscores the challenges posed by modernization and government oversight (Aprita, 2022); (Suryanto, 2024).

Long time ago in the colonial era, customary lands governed by traditional practices often suffered external influence that resulted to sale of these lands on long term leases. This "trust" model meant at benefiting customary land owners but also involved commodification and capitalism into the management of customary land (Scobie, Finau, & Hallenbeck, 2024).

One of the most important issues when it comes to designing investment models for indigenous people's territories is the performance of indigenous businesses within such jurisdictions. It has been found that indigenous enterprises within indigenous territories generate economic surpluses that are diversified enough to support self-determination and economic independence among indigenous peoples (Vunibola, Steven, & Scobie, 2022). By supporting and promoting indigenous entrepreneurship on indigenous lands, investment models can be designed to empower local communities, create sustainable livelihoods, and preserve indigenous knowledge and practices. In addition, legal protection of indigenous peoples' customary lands against the threat of land commercialization is critical to ensure that investments in indigenous lands are made in a fair and equitable manner.

Normalizing the legal protection of indigenous peoples' rights to customary land can provide a framework for resolving land disputes and conflicts that may arise with large investors (The et al., 2022). These legal protections are critical in upholding customary land rights and ensuring that the benefits of investments in customary lands accrue to the indigenous peoples themselves.

Customary law packs a punch in backing eco-friendly methods and safeguarding nature's variety when it comes to forest care and climate action (Zen et al., 2020); (Kusters et al., 2022); (Ardiyanto, Saraswati, & Soponyono, 2022). Giving props to customary law's role in keeping forests healthy can beef up the case for putting money into lands owned by tradition (Asteria et al., 2021); (Sutanti, Pujiyono, & Rochaeti, 2025). Investment plans can boost green practices while honoring the cultural weight of land for native folks by weaving in old-school ways and nature smarts. The push to give native peoples their due and amp up their forest rights shines a light on the need to map out and shield customary land claims (Wibawa, Samekto, & Gelgel, 2019). Customary land is not just dirt or forest – it is packed with rights that native peoples need to keep their culture alive and kicking (Tambunan, 2023). An investment setup that tips its hat to these traditional rights can spark team-ups between money folks and native peoples. This leads to wins all around putting community good vibes and nature protection front and center.

Linking the ideas of corporate social responsibility and customary law offers a strong base for indigenous rights and long-term growth. Customary law emphasizes the protection of indigenous lands and traditional environmental knowledge, whereas corporate social responsibility (CSR) promotes ethical corporate behavior and meaningful engagement with local communities (Sheehy et al., 2023; Lutfiyani & Santoso, 2025). When two things come together, firms have to obey rules like free, prior, and informed consent (FPIC) when they make investment deals in indigenous communities that respect the environment and the culture. Private businesses and indigenous people can work together to achieve goals of sustainable development, fair land conditions, and the health of the community by trying to balance traditional land tenure arrangements with good business practices. This collaboration will help create long-lasting bonds and lower the chance of conflict.

The implementation of CSR practices aimed at indigenous communities constitutes a pivotal aspect of ethical business conduct, particularly within sectors such as extractive industries that frequently engage with indigenous populations. CSR compels corporations to formulate policies and practices that reflect their commitment to local communities, which includes securing FPIC from indigenous groups prior to the commencement of projects (Katz, 2022). However, the engagement of organizations with indigenous peoples through CSR frameworks may engender unintended repercussions, thus

raising apprehensions regarding the efficacy and ramifications of such initiatives. The resolution of disputes with indigenous communities in sectors like energy and extraction typically necessitates the employment of CSR strategies, including dialogue consultations, collaborative partnerships, and community-beneficial agreements, thereby highlighting the critical importance of proactive engagement and cooperation (Maher & Loncopán, 2024); (Putri, Naili, & Natalis, 2025).

In the context of reframing CSR during global crises like the COVID-19 pandemic, concepts such as *Buen Vivir* (living well) from the indigenous perspective might offer significant insights. *Buen Vivir* embodies a comprehensive perspective on well-being that emphasizes the importance of environmental harmony and community advancement, providing a novel framework for corporations to reevaluate their corporate social responsibility activities for indigenous populations (Husted, 2021). Despite the fact that corporate partnerships with extractive industries can create economic development opportunities for indigenous peoples, there are also concerns regarding equality of benefits, especially in addressing issues such as poverty and ensuring inclusive growth for all the community members (Marsella, 2021). In Nigeria, initiatives that focus on capacity building to raise awareness about CSR among stakeholders, such as oil companies, are vital to encourage sustainable community development and ensure effective implementation and monitoring of CSR

practices (Hanachor, Nwabueze, & Oyebamiji, 2021).

For instance, efforts to create channels in Australia for indigenous people to seek corporate leadership positions have led to a greater acknowledgement of indigenous leadership in business circles. A shift towards more socially inclusive and diverse organisational structures has led to studies into transformational leadership approaches, with the aim of promoting reconciliation and empowering indigenous individuals to attain leadership roles in Australian corporations (Weerasinghe, Chapple & Williamson, 2023). In locales such as Alaska and Canada, indigenous entrepreneurship within indigenous communities, exemplified by Alaska Native Corporations, significantly contributes to socioeconomic advancement. A comprehensive understanding of the success determinants and socio-economic advantages of Native entrepreneurial initiatives can inform the development of corporate social responsibility (CSR) strategies that are congruent with the cultural values and aspirations of Native populations (Jhamb et al., 2021).

The relationships between corporations and indigenous shareholders are also influenced by legal and cultural aspects of indigenous corporate personhood. For instance, in Māori communities, the development of the corporate entity is intertwined with the traditional values of stewardship and intergenerational wealth preservation. This highlights the importance of corporate social responsibility (CSR) practices

that respect and align with the norms and aspirations of indigenous cultural communities (Gordon, 2023). Nevertheless, the interplay between debt financing, social responsibility, and economic prosperity underscores the critical necessity of integrating CSR into fundamental business strategies. Corporations that emphasize employee well-being in their corporate social responsibility initiatives typically demonstrate heightened risk aversion, thereby influencing the perceptions and attitudes of stakeholders regarding corporate financial decisions (Dou, 2022). It is important to bear in mind that CSR towards indigenous peoples requires an understanding of the cultural, social and economic dynamics to ensure that business practices align with the values and needs of indigenous communities. By integrating indigenous perspectives, promoting inclusive leadership, and fostering sustainable development through CSR initiatives, companies can establish meaningful partnerships with indigenous stakeholders, contribute to positive social impact, uphold ethical standards, and promote long-term sustainability.

D. CONCLUSION

Investment models that utilize customary lands will yield better outcomes for protecting the cultural integrity of indigenous peoples, strengthening community rights, and enhancing sustainable development results. This incorporates several key elements that should be packaged into a single program, including

sustainable water resource management, customary law, livelihoods, village land disputes, new legal frameworks, and reconciliation systems. Overall, protecting and promoting customary heritage while integrating local cultural values in the land management process is a fundamental prerequisite for effective land use and the realization of gender equality, environmental protection, sound community participation, and poverty eradication. This investment is likely to be more embraced by and appealing to the indigenous people in the local context who are affected by it. This connection, when linked to promoting entrepreneurship within the community, has become increasingly relevant. It is essential for investments based on local knowledge to drive growth in both the local and international markets in which they operate. Furthermore, it is crucial to safeguard indigenous rights concerning investments by establishing cultural heritage protection bodies or photo credit campaigns.

Traditional techniques are often effective and culturally relevant to local environmental conditions. When integrated with contemporary technology, these age-old methods can create robust and sustainable management practices that consider all aspects to adequately reflect and enforce sustainable investment opportunities, ultimately benefiting the well-being of indigenous peoples. It further promotes the triple bottom line of people, planet, and profit by fostering green businesses. Investments aligned with this philosophy are more likely to be embraced and

supported by indigenous communities, resulting in scenarios advantageous to both parties, free from competition, hierarchy, or ontological boundaries. Overall, sustainable investment in indigenous lands is not merely about achieving the highest eco-efficient profitability; it also necessitates respecting the rights and traditions of indigenous peoples, ensuring their effective participation and consultation in decision-making processes regarding the social and economic activities that will impact their territory, as well as maintaining the “territorial balance.” Furthermore, these investments can attain not only economic goals but also cultural and environmental interests, providing a preservation endowment that ensures Native title holders receive long-term value for their stewardship of the land.

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