

Legal and Problematic Protection of Social Movements to The Tau Taa Wana Indigenous People

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ABSTRACT

Social movements of the legal community of Tau Taa Wana Custom is a struggle to release threats and structural shackles and want recognition of customary (communal) rights that they deserve. This study aims to analyze and explain the factors that led to the birth of the Tau Taa Wana indigenous peoples' social movements. The research design is descriptive qualitative with a case study approach. Research informants as many as 5 people selected purposively. Data collected through observation, in-depth interviews and literature study. the results showed that the social movement of the Tau Taa Wana indigenous people was driven by three determinants namely, the threat of capitalist expansion through an expansion of oil palm plantations, the threat of loss of communal natural resources due to oil palm expansion, the creation of solidarity in maintaining customary rights and local wisdom. It was concluded that Tau Taa Wana customary law community social movements are caused by policy imbalances, weak state protection functions and the lack of state recognition of the existence of Tau Taa Wana indigenous peoples.

Keywords: Social Movements; Indigenous People; Tau Taa Wana.

Date of Submission: July 24, 2020

Date of Publication: October 29, 2020

DOI: <http://dx.doi.org/10.33096/substantivejustice.v3i2.77>

INTRODUCTION

Social movements are a history of human civilization from time to time. In Indonesia, social movements are a social reality that can be found today, especially in social groups that demand the realization of justice and social welfare in democratic life. It has been realized that the journey of democracy in this nation has been littered with various abuses of power to the denial and defamation of human rights which are often experienced by groups of people who do not have political power and means of control.

Communities without power and control lately even in the future have the opportunity to create a social phenomenon through the actions of social movements to find the true meaning of civilization (intrinsic), especially social movements of indigenous



people/communities. Although social movements in the country are not dominated by indigenous and tribal peoples,¹ these movements increasingly exist when indigenous and tribal peoples experience structural threats and tension. Social movements can arise driven by four determinants, namely: (1) the occurrence of social alienation; (2) the occurrence of individual anomalies; (3) weak and paralyzed social control mechanisms; and (4) the occurrence of stress and turbulence of social values. Therefore, social movements can occur in any community, including indigenous people.²

The protagonist in the Indonesian indigenous movement is the Alliance of Indigenous Peoples of the Archipelago (Aliansi Masyarakat Adat Nusantara, henceforth AMAN). AMAN was established in 1999 in Jakarta as an umbrella network organization for Indonesia's indigenous adat communities. Although the word 'adat' has many meanings in Indonesian, it is generally used to refer to custom, traditions or local norms and morals.³ In recent years, the organization has grown extensively to become an important political player in the domain of rural and environmental justice activism.⁴ Advocates of indigenous rights hold that there are 50-70 million indigenous people in Indonesia, accounting for roughly 20 to 30 percent of the country's population.⁵ As of 2017, AMAN has 2.304 member communities, reportedly comprising 17 million people.⁶ AMAN defines adat communities as communities who live on land that has been passed

¹ The English term "indigenous" comes from the Latin "*indigenae*" which is used to distinguish between people who are born in a certain place and those who come from other places (*advenae*). In political discourse and the human rights movement, indigenous people are commonly referred to as indigenous peoples. They are called indigenous because the roots of their lives have become an inseparable unity with the land and the area in which they inhabit. They are also called peoples in the sense that they are a unique community with their existence and identity that is continuously hereditary, connecting them with communities, tribes, or nations from their history. In M. Hatta Roma Tampubolon, Givu as Criminal Sanctions *Tau Taa Wana* Indigenous People and its Relevance to The National Criminal Justice Reform, (Dissertation, PDIH, Brawijaya University, Malang, 2014). Tampubolon, M., & Roma, H. (2014). Givu as Criminal Sanctions *Tau Taa Wana* Indigenous People and its Relevance to The National Criminal Justice Reform. *JL Pol'y & Globalization*, 23, 39.

² Situmorang, A. W. (2013). *Gerakan sosial: teori dan Praktik*. Yogyakarta: Pustaka Pelajar., p. 40-41.

³ Buana, A. P. (2018). Hakikat dan Eksistensi Peradilan Adat di Sulawesi Selatan. *Journal of Indonesian Adat Law (JIAL)*, 2(1), 113-137. p. 114

⁴ Avonius, L. (2009). Indonesian Adat Communities: Promises and Challenges of. *The politics of the periphery in Indonesia: social and geographical perspectives*, 219. p. 232

⁵ Safitri, M. (2016). Dividing the Land: Legal Gaps in the Recognition of Customary Land in Indonesian Forest Areas. *Kasarinlan: Philippine Journal of Third World Studies*, 30(2, 1), 31-48.

⁶ Profile Indigenous Peoples Alliance of the Archipelago (AMAN) : Indigenous Peoples Alliance of the Archipelago (AMAN) is an independent social organization with the vision to realize a just and prosperous life for all indigenous peoples in Indonesia. SAFE worked at the local, national, and international levels to represent and advocate for Indigenous issues. We are composed of 2,373 indigenous communities in Indonesia, amounting to approximately 17 million individual members. We occupy our traditional region for generations. Indigenous Peoples have sovereignty over land and natural resources, social and cultural life that is governed by customary law and traditional institutions that sustain their lives as indigenous communities. SAFE was formed in 1999 in accordance with the decision of the Congress of the indigenous peoples of the first (KMAN I). On March 17, 1999, more than 400 leaders in the archipelago of Indigenous Peoples gathered at the Hotel Indonesia, Jakarta. KMAN I discuss and find solutions to address the threat to the very existence of Indigenous Peoples, including the violation of human rights, customary land grabbing, abuse of culture, and policies that discriminate against Indigenous Peoples. This meeting is to consolidate Indigenous movement for the first time. It was then that SAFE was established to implement and decisions of the Congress and as a vehicle used by indigenous peoples to uphold customary rights and position itself as a major component in the life of the nation. Since then, Congress of Indigenous People has been held three times, namely in 2003 in Tanjung, North Lombok, West Nusa Tenggara; in 2007 in Pontianak, West Kalimantan; and in 2012 in Tobelo, North Maluku. Indigenous People's Congress next scheduled in 2017., (<http://www.aman.or.id/profile-kami/>), accessed September, 01, 2019.

down from generation to generation. They have a territory and natural wealth. Their social and cultural life is governed by customary law and customary institutions that have continuously sustained them as a community.⁷

This paper is a sociological exploration of a *Tau Taa Wana*⁸ indigenous people social movement in North Morowali District, Central Sulawesi, as a reflection of social reality on the lame state's steps in carrying out democracy as well as in the effort to achieve a sovereign, just and prosperous social life as life (democracy) ideal. In the history of civilization, the life of the *Tau Taa Wana* indigenous people in the history of the struggle to defend communal rights from threats and shackles of structure and struggle to gain state recognition for the existence and unity of their customary forest territories. Based on the provisions of Article 18B paragraph (2) of the 1945 Republic of Indonesia State Constitution, the state's recognition of the existence of customary law and its traditional rights, if it contains 4 conditions for the existence of customary law, namely:⁹ *first*, as long as it is still alive, in the sense that indigenous peoples are still able to maintain their existence and are not undermined by the effects of globalization, and family members remain bound in strong kinship ties, *secondly*, in accordance with the development of society, in the sense that the traditional provisions do not conflict with Indonesian society, *third*, the traditional provision is a traditional practice which has been hereditary for generations and, *fourth*, it is regulated later in the law.

Previous research found that the struggle of the *Tau Taa Wana* indigenous community in maintaining and recognizing communal rights began when Morowali Local Regulation Number 13 of 2012 concerning Recognition and Protection of the *Wana* Tribal Customary Law Community could not be applied consistently by the local government, until finally, a new autonomous region was split, namely North Morowali with the consequence of the indigenous *Tau Taa Wana* administrative region being settled in the North Morowali District. However, the struggle was then pursued through proposing the determination of the customary territorial boundaries of the North Morowali Regional

⁷ Fay, C., Denduangrudee, H. M. S., McCarthy, J. F., & Robinson, K. (2016). Emerging options for the recognition and protection of indigenous community rights in Indonesia. *Land and Development in Indonesia: Searching for the people's sovereignty*, 91-112. p. 101

⁸ Communities that live in a particular geographical area whose unity as a community is influenced primarily by its history, its mode of production, its value and legal systems, and its social and political systems. See Emil Ola Kleden, *Indigenous People and the Dream of Recognition, A Reflection*, in Bosko, R. E. (2006). *Rights of Indigenous Peoples in the Context of Natural Resource Management*. Jakarta: Elsam Publisher. p. 193. In also Tampubolon, *Op.Cit.*, 132. See also, Tampubolon, M., & Roma, H. (2014). Givu as Criminal Sanctions Tau Taa Wana Indigenous People and its Relevance to The National Criminal Justice Reform. *JL Pol'y & Globalization*, 23, 39. <https://iiste.org/Journals/index.php/JLPG/article/view/11613/11956> (accessed September 01, 2019).

⁹ Butarbutar, E. N. (2019). Perlindungan Hukum terhadap Prinsip Dalihan Natolu sebagai Hak Konstitusional Masyarakat Adat Batak Toba. *Jurnal Konstitusi*, 16(3), 488-509. p.499

Government in 2013 and then gained recognition at the end of 2016.¹⁰ Likewise, the struggle of the indigenous people of *Tau Taa Wana* in Tojo Una-Una District to gain recognition and protection¹¹ still faces obstacles because of rejection from the Central Sulawesi Provincial government without rational reasons.¹²

In addition, capitalist expansion through the expansion of Oil Palm in North Morowali which has entered the *Tau Taa Wana* customary forest area is a serious threat to them. This problem is accompanied by the emergence of other problems both the seizure of customary forest management rights to the threat of environmental damage in the form of deforestation by the capitalists (capitalism). The presence of capitalism is an anomaly in human civilization, because all relations will be replaced by economic relations.¹³ The misery experienced by the community (small) is caused by the closure and conversion of land for capitalist interests and benefits carried out in any way. Struggles over land are often framed in terms of ethnicity and indigenous identity. Local people may legitimize their counter-claims in various ways – in terms of the human rights obligations of the state,¹⁴ citizenship rights,¹⁵ or through invocation of religious norms and values.¹⁶ A particularly common strategy, however, is the deployment of indigeneity. In a general sense, the term refers to self-identified, culturally distinct and politically non-

¹⁰ SILO, Towards Recognition of Customary Forest of Wana Posangke (Silo Magazine ed. 69, The Red and White Foundation Palu, September-Oktober 2016). <https://www.ymp.or.id/silo-69-menuju-pengakuan-hutan-adat-wana-posangke/>, (accessed September 27, 2019).

¹¹ In the national context, the recognition of the existence of indigenous peoples, especially juridical recognition is inseparable from the existing political dynamics, both in the context of national politics, culture and development politics in general. Therefore, some laws and regulations that are issued sometimes show unclear recognition, or even to the extent of denial of the existence of indigenous and tribal peoples. For example, regarding the term used, before the term "Indigenous and tribal peoples" was socialized in Indonesia in 1993 by a group of people who called themselves the Indigenous Peoples Rights Advocacy Network (JAPHAMA) consisting of indigenous leaders, academics and NGO activists. In Tana Toraja, various terms would have been known to identify groups of people who are considered to have different systems from the community in general (modern society) such as minority tribes, indigenous tribes, indigenous people, native people, even the term which shows the impression of distortion and bias of various interests and ideologies also surfacing such as mountain people or forest people. Therefore, at the meeting, it was agreed that the appropriate term for translating "indigenous peoples: in the context of Indonesia is 'Indigenous peoples', meaning that when we talk about the rights of indigenous and tribal peoples in Indonesia, the reference is the rights of indigenous people which applies universally. In Tampubolon, M., & Roma, H. (2015). Dynamics of Legal Recognition in Indigenous Peoples under Law of Forestry Construction. *JL Pol'y & Globalization*, 44, 147.

¹² Andika Dhika, Masyarakat Adat Tau Taa Wana Menanti Perda Perlindungan, Mongabay, Situs Berita Lingkungan, <https://www.mongabay.co.id/2016/06/26/masyarakat-adat-tau-taa-wana-menanti-perda-perlindungan/> (accessed September 27, 2019).

¹³ Polanyi, K. (2003). *Transformasi Besar: Asal-usul politik dan ekonomi zaman sekarang*. Pustaka Pelajar. p.76.

¹⁴ Alagappa, M. (2004). *Civil society and political change in Asia: expanding and contracting democratic space*. Stanford University Press. p. 66

¹⁵ Johnson, C., & Forsyth, T. (2002). In the eyes of the state: Negotiating a "rights-based approach" to forest conservation in Thailand. *World development*, 30(9), 1591-1605. p. 1601

¹⁶ Schmink, M. (1982). Land Conflicts in Amazonia in Economic and Ecological Processes in Society and Culture. *American Ethnologist. A Journal of American Anthropological Association Durham, N. C.*, 9(2), 341-357. p. 345

<https://anthrosource.onlinelibrary.wiley.com/doi/abs/10.1525/ae.1982.9.2.02a00080>, (<https://rdcu.be/b1Nk9>) (accessed September 27, 2019)

See also Tyson, A. D. (2010). *Decentralization and adat revivalism in Indonesia: The politics of becoming indigenous*. Routledge.

dominant communities with longstanding ties to a bounded territory.¹⁷ Indigeneity has become a key term in local as well as international debates on land rights. It is often invoked to defend the rights of marginalized groups that have become the victims of state laws and policies on land and natural resource allocation.¹⁸

Such capitalist-oriented,¹⁹ economic-capitalist expansion is very contrary to the social values held by the *Tau Taa Wana* people that land and forests are not limited to material aspects but have a fundamental meaning that cannot be compared with the material. This situation then led to the birth of a social movement of the *Tau Taa Wana* indigenous people until now. More than that, it must be recognized that the recognition and protection of indigenous peoples were not under the ideals of the nation in providing true "independence" to its people.

This social movement carried out by indigenous and tribal peoples is proof that the state has not fully recognized the existence of indigenous and tribal peoples, especially in their customary law areas. Thus it was concluded that the social movement of the *Tau Taa Wana* indigenous people was an effort to release threats and structural shackles as well as the recognition of customary rights (communal) that they deservedly had. However, the object of study is not on the form of social movements but on the factors that encourage the social movements of the indigenous people of *Tau Taa Wana*. This paper is very urgent in understanding and explaining the social movements of the indigenous people of *Tau Taa Wana* who try to release structural shackles and obtain rights custom. For this reason, the general objective of this study is to explain and analyze the factors that have led to the formation of the *Tau Taa Wana* traditional law community social movement. The research data obtained through interviews were processed qualitatively and produced descriptive data that were processed through analysis steps using the Miles and Huberman model consisting of three series of analysis processes, namely, data reduction, displaying data from reduction results, and drawing

¹⁷ Although indigeneity as a legal concept has become grounded in international law, it remains a highly contested and challenged term with many meanings and interpretations. See for instance the work of Kuper (2003); Barnard (2006); Fay and James (2008). Saugestad, S. (2001). *The inconvenient indigenous: remote area development in Botswana, donor assistance and the first people of the Kalahari*. Nordic Africa Institute.. See also Li, T. (2007). Adat in Central Sulawesi: Contemporary Deployments." dalam *The Revival of Tradition in Indonesian Politics: The Deployment of Adat from Colonialism to Indigenism*, Jamie S. Davidson and David Henley (ed.). Hal. 337-370.

¹⁸ Holder, C. L., & Corntassel, J. J. (2002). Indigenous peoples and multicultural citizenship: Bridging collective and individual rights. *Human Rights Quarterly*, 24(1), 126-151. (http://web.uvic.ca/~clholder/pdfs/hrq_24_1.pdf). See also van der Muur, W. (2018). Forest conflicts and the informal nature of realizing indigenous land rights in Indonesia. *Citizenship studies*, 22(2), 160-174. p. 164 (<https://www.tandfonline.com/doi/full/10.1080/13621025.2018.14454.95>)

¹⁹ *Expansion is expansion, namely 1 activity to enlarge/expand a business that is marked by the creation of new markets, expansion of facilities, recruitment of employees, and others; 2 increased economic activity and business growth. The economic and political system in which a country's trade and the industry are controlled by private owners for profit, not by the government. In other words, in the capitalist system, the government only acts as a supervisor.* McGuigan, J. (2012). *Raymond Williams on culture and society. Key Words: A Journal of Cultural Materialism*, (10), 40-54. p. 42

conclusions to strengthen data (Bungin, 2012). The data validity was carried out through source triangulation.

RESEARCH METHODS

The research used is juridical empirical research with a socio-legal approach that focuses on social and legal phenomena in the community in the indigenous people of Tau Taa Wana Posangke in North Morowali Regency, Central Sulawesi Province. The research design is descriptive-analytic, which is a research method that aims to collect data from facts and describe them thoroughly and research according to the problems to be solved using a case study approach.²⁰ The research informants were 5 people consisting of traditional institutions, community leaders, youth leaders. The informants were determined by purposive sampling based on the consideration of age, occupation, social status as well as the informant's knowledge and experience regarding the object of study being investigated. Data collection was carried out qualitatively by relying on key instruments, namely researchers.²¹ Apart from researchers, another instrument in the form of an interview guide was also used as a guide (framework) for collecting interview data. Technically, research data is collected through participatory observation methods, in-depth interviews, and literature studies as an effort to deepen the factors being studied. The research data obtained through interviews were processed qualitatively and produced descriptive data that were processed through analysis steps using the Miles and Huberman model consisting of three series of analysis processes, namely, data reduction, displaying data from reduction results, and drawing conclusions to strengthen data.²² The data validity was carried out through source triangulation.

ANALYSIS AND DISCUSSION

A. Threat of Capitalist Expansion

Social change is marked by the development in various sectors of human life. Social change exists to answer the challenges of the times that every time there is always change and change is something that is eternal. Even though Indonesia has adopted a regional autonomy system in which there are three sets of elements that make a social change through the development of autonomous regions, namely government, society (civil society) and the private sector, it must be admitted that this model has not been fully successfully developed ideally in several regions, especially in Central Sulawesi.

Regional autonomy as an instrument of development actually shows a lot of inequality, especially when regional policies cannot be applied with the principles of

²⁰ Creswell, J. W. (2003). *Research design: Qualitative, Quantitative, and mixed methods.*, p. 11.

²¹ Bungin B. (2008). *Metodologi Penelitian Kualitatif: Aktualisasi Metodologis ke Arah Ragam Varian Kontemporer.* Jakarta: Rajawali Pers. p. 12

²² Bungin B. (2012). *Analisi Data Penelitian Kualitatif: Memahami Filosofis dan Metodologis Ke Arah Penguasaan Model Aplikasi.* Jakarta: Rajawali Pers. p. 17

justice and shared prosperity. Like the face of regional autonomy in Central Sulawesi which still shows anomalies of development, especially when the capitalists²³ as the private sector are able to control and become the "power" over regional development. This simple logic opens eyes that how capitalist expansion through the expansion of oil palm production land in North Morowali is increasingly showing a social inequality that cannot be understood. The expansion of the oil palm area that has entered the customary forest area of the indigenous law community of Taa Wana sociologically makes them feel disturbed and considers it a big threat. Moreover, the capitalist principle of mastery of matter and profit-making as much as possible is considered by the customary law community of Taa Wana to be very contrary to the legal values they profess. Because, the expansion of oil palm land is considered to narrow their living space and seize the unity of customary forest areas.

In terms of policy, the customary forest community of Tau Taa Wana has been legalized in the regional policy sheet. In addition, the status of the customary forest community of Tau Taa Wana has moved from state forest to Customary Forest, as stipulated in Constitutional Court Decree No. 35 / PUU-X / 2012. The implication of this policy means that the state has recognized the rights of the customary law community and the territorial integrity of the customary community, especially the customary forest area of the customary law community of Taa Wana so that it cannot be contested or even robbed by other parties.

Although the customary forest provisions of the Tau Taa Wana indigenous people have been legally binding, the spirit of capitalism has not faded to try to make customary land into material production land that only provides a major advantage to the capitalists themselves. Such conditions for the customary law community of Taa Wana become a threat and then lead to social movements to maintain the sovereignty and communal rights that have been owned for a long time and escape from suffering.

The suffering that has been experienced by the Tau Taa Wana indigenous people from time to time requires great effort in order to obtain justice and protection of a country that is entitled to prosperity without capitalist intervention. Although Morowali District

²³ Capitalism or Capital is an economic system in which trade, industry and means of production are controlled by private owners with the aim of gaining profits in a market economy. An economic system that gives everyone complete freedom to carry out economic activities such as producing goods, selling goods, distributing goods, and other economic activities for profit. "Capitalism" Oxford Dictionaries. "Capitalism an economic and political system in which a country's trade and industry are controlled by private owners for profit, rather than by the state." Capital owners in doing their business try to achieve maximum profits. With this principle, the government cannot intervene in the market to obtain mutual benefits, but government intervention is carried out on a large scale for personal interests. "Capitalism, as a mode of production, is an economic system of manufacture and exchange which is geared toward the production and sale of commodities within a market for profit, where the manufacture of commodities consists of the use of the formally free labor of workers in exchange for a wage to create commodities in which the manufacturer extracts surplus value from the labor of the workers in terms of the difference between the wages paid to the worker and the value of the commodity produced by him / her to generate that profit. Jenks, C. (Ed.). (1998). *Core sociological dichotomies*. Sage. p. 383

Regulation No. 13 of 2012 is a form of recognition and protection of the Tau Taa Wana indigenous peoples, but the state must reiterate the customary communal forest management rights because until now the customary law community of Tau Taa Wana is still threatened by the expansion of capitalism.

Capitalist expansion which has been a frightening thing for the customary law community of Tau Taa Wana is a project to expand oil palm plantations by a local company, PT. Kurnia Luwuk Sejati (KLS), is owned by a Central Sulawesi bourgeoisie, Murad Husain who has been expanding in the customary forest area of the Tau Taa Wana customary community since 2007. In the oil palm expansion project, the company employs Tau Taa Wana farmers in the process of breeding, clearing land until planting.

Various sources say that oil palm land owned by farmers from the Tau Taa Wana indigenous community was obtained easily by means of a program of distributing basic needs to Tau Taa Wana through collaboration between the company and the regional government. But in the end this was regretted by the indigenous law community of Taa Wana because they had worried about the future of their agricultural land which could be replaced by oil palm land. In addition, capitalist hegemony to acquire the land of Tau Taa Wana farmers is done by utilizing village officials to persuade residents to sell land to the company for various reasons that are deliberately made rational.

Besides PT. Kurnia Luwuk Sejati, there are other companies that have been working to expand the area around the customary forest community of the Taa Wana indigenous law in the North Bungku region, such as PT. Rajawali, with a planned land target of 15.000 Ha., This indicates that the Tau Taa Wana indigenous community is increasingly in a circle of regional capitalist expansion. Moreover, many residents' lands have been sold to capital owners since the 90s, and even many members of the Tau Taa Wana customary law community in the Taronggo Village Area no longer have arable land to enable them to move to other places. Finally, land which was once the main source of food production for meeting the basic needs of local communities, has now disappeared and replaced with land owned by capitalist palm oil production.

B. The Threat of Loss of Communal Natural Resources

Capitalist expansion through oil palm expansion seems to create a new problem that is feared by the indigenous law community of *Taa Wana*, namely the threat of loss of communal natural resources in the form of forests and customary land. Why is that? Because the *Tau Taa Wana* customary law community does not merely treat customary land and forests as a material aspect or a mere means of production, but is interpreted and believed to be the source of life or the giver of life on earth. So whatever the consequences, customary lands and forests must be defended collectively.

The emergence of the problem of oil palm expansion in the lives of indigenous and tribal peoples *Tau Taa Wana* causes them not only to feel the loss of forests and customary land, but also local wisdom that has a fundamental relationship between life between humans, jagar raya (nature) and god. Because, during its civilization, the customary law community of *Tau Taa Wana* is very compliant with customary law, especially in preserving customary forests as a source of communal governance, which is often proven by the implementation of traditional rituals. The purpose of traditional rituals is believed to be a form of repelling or avoidance of various natural disasters and epidemics and the preservation of customary forests as a source of livelihood on earth.

Local wisdom in maintaining the integrity of natural resources has received support from the local government with recognition through Morowali District Regulation No. 13 of 2012 concerning Recognition and Protection of *Wana Tribal Customary Law Communities*, in Article 4 paragraph (2) customary law as referred to in Article 3 letter b is the order of life that is obeyed by *Wana Tribal* customary communities and is enforced by an adat institution.

The hidden meaning contained in the policy implies that in the *Tau Taa Wana* customary law system, the existence of customary social and cultural laws and institutions is functional towards the preservation, balance and harmony of social relations and relations with nature / the environment. Local wisdom possessed is internalized, practiced and socialized everyday to form normative behavior patterns based on local contexts. Especially concerning the relationship between humans and nature through the preservation of customary forests. That is why the expansion of oil palm lands is not only considered a real threat, it is also seen to be in conflict with the values of the local wisdom of the indigenous people of the *Taa Wana* community, which views that the sequence of humans, nature and God is something that must be balanced. Damaging the forest and customary land is believed to damage the relations of the three that have been running in harmony.

For capitalism that nature is a servant to their desires so that exploitation of nature is considered rational. As for the customary law community of *Taa Wana*, that they are servants for nature, so nature must be treated fairly and wisely. That is why the customary law community of *Taa Wana* treats nature (forests and land) simply. They are limited to hunting for food today and storing rice granaries for tomorrow. They do not think about conquering nature by means of destruction and exploitation, but rather manage nature by simply based on local wisdom.

Forests and land as a source of life, for the customary law community of *Taa Wana* is a mandate that must be maintained and believed. Because, forests and land are the only natural resources they have. Rice, wood, animal labor, and medicine, all come from

the forest and the land so that it becomes a kind of spirit of the people of *Taa Wana's* customary law. So that the loss of natural resources, for the customary law community *Tau Taa Wana* is the same as losing the source of life on earth.

C. Defend Customary Rights and Local Wisdom

The customary law community of *Tau Taa Wana* is an indigenous community that inhabits forest areas with a modest social system pattern, very close social relations and is bound by moral consensus sourced from local customs. The *Tau Taa Wana* traditional law community social movement is a collective effort to defend customary rights, including defending natural resources in the form of forests and customary lands that are managed communally and hereditary.

The inclusion of the oil palm plantation expansion project that has touched part of the customary forest lands of the *Tau Taa Wana* indigenous community is a burden for them. So far, the *Tau Taa Wana* traditional law community believes that the forest and customary land are hereditary. They also believe that customary forests are not state forests so that neither the state nor outsiders have the right to manage them, including investing their customary forests. The belief of the customary law community of *Tau Taa Wana* has indeed been supported by state policy through Constitutional Court Decree No. 35 / PUU-X / 2012 which recognizes that customary forests are not state forests with the implication that the state returns customary forests to indigenous peoples. To understand the local claim-making, a particularly important achievement to address here is ruling 35 of 2012 of the Indonesian Constitutional Court, which altered the legal regime on forestry. In 2012, AMAN and two of its member communities submitted a case before the court, arguing that the limited recognition in the 1999 Basic Forestry Law of communal forests belonging to adat communities contradicted the Indonesian Constitution. The Court agreed and decided on an alteration of the law. In May 2013, it ruled that communal adat forests would no longer be part of the state forest zone, but were to become collectively owned by adat communities.²⁴ Many considered the ruling a groundbreaking landmark for rural communities across the archipelago.²⁵ Rachman and

²⁴ The state forest zone is state land administered as forest and comprises around 63 percent of Indonesia's landmass. Three years after the ruling 35/2012 of the Indonesian Constitutional Court, in December 2016, the Ministry of Forestry and Environment for the first time formally recognized a number of adat forests. The initial transfer of land title however constituted only 13,000 hectares. In comparison, there were 450 serious agrarian conflicts nationwide in 2016 involving the contestation over almost 1.3 million hectares of state-owned land. The majority of this land, 600,000 hectares, concerned plantation concession land (mostly palm oil plantations) while another 400,000 hectares was disputed land administered as 'state forest'. Viewed from this perspective, 13,000 hectares constitutes a mere fraction of the land under dispute. Some therefore wrote the land transfer off as merely a political gesture to boost the legitimacy of President Joko Widodo's administration. For a critical account of the government's 'adat forest' policy. Agung Hermansyah, 'Menindaklanjuti Pengakuan Hukum Adat' (Geotimes, 29 Juni 2017), (<https://geotimes.co.id/opini/menindaklanjuti-pengakuan-hutan-adat>), (accessed September 01, 2019)

²⁵ Butt, S. (2014). Traditional land rights before the Indonesian constitutional court 10/1 law. *Environment and Developmental Journal*, (1). (<http://www.lead-journal.org/content/14057.pdf>), accessed September 10, 2019.

Siscawati believe that the ruling offered 'an opportunity for changing the trajectory of systematic agrarian conflicts'.²⁶ Policy support was also obtained through the Minister of Environment and Forestry Regulation No. P. 32 / Menlhk-Setjen / 2015 concerning Private Forests. This means that state recognition of customary forests is real.

Even so, the threat of capitalist expansion through oil palm expansion apparently cannot be anticipated with the policy, because regional policies regarding investment permits are still very loose and regulations that do not favor indigenous peoples so that capitalists easily expand oil palm expansion in North Morowali and several regions others in Central Sulawesi.

When the customary forest area of the *Tau Taa Wana* community has been controlled by capitalists, they are threatened with losing customary rights, namely the right to manage communal customary forests inherited from the past. The effort to be free from the expansion of oil palm land is due to the customary law community *Tau Taa Wana* still feels that they "own" customary rights over the management of their customary forests. Customary rights of the customary law community of *Tau Taa Wana* can be seen from the size of the customary area. The customary area claimed by the *Taa Wana* indigenous law community is 30.566 Ha., where the customary area is dominated by 25.526 Ha., (almost 84%) of customary forest, while the rest (16%) is the production land and settlement of the *Tau Taa Wana* community.

In addition, the customary land rights of the *Tau Taa Wana* community can also be seen from the aspects of forest and communal land management for a long time. Besides that, they have determined customary territories and settlements based on landscapes and local knowledge, starting from the streams rivers and mountain tops. These boundaries are the basis of *Tau Taa Wana's* customary law community in the management of communal customary land where the concept of boundaries is closely related to the cosmological view of *Tau Taa Wana* that the mountain is considered as the "body" and the river as the soul (spirit). However, these customary rights areas have also been claimed and determined by the Government of the Republic of Indonesia to become Morowali Nature Reserve area through Minister of Forestry Decree No. 374/Kpts-VII/1986 dated 24 November 1986, which was enough to shake the feelings of the *Tau Taa Wana* people.

D. Defend Customary Rights and Local Wisdom

The customary law community of *Tau Taa Wana* is an indigenous community that inhabits forest areas with a modest social system pattern, very close social relations and is bound by moral consensus sourced from local customs. The *Tau Taa Wana* traditional

²⁶ Rachman, N. F., & Siscawati, M. (2016). Forestry law, Masyarakat Adat And Struggles For Inclusive Citizenship In Indonesia. In *Routledge Handbook of Asian Law*. Taylor and Francis Inc.

law community social movement is a collective effort to defend customary rights, including defending natural resources in the form of forests and customary lands that are managed communally and hereditary.

The inclusion of the oil palm plantation expansion project that has touched part of the customary forest lands of the *Tau Taa Wana* indigenous community is a burden for them. So far, the *Tau Taa Wana* traditional law community believes that the forest and customary land are hereditary. They also believe that customary forests are not state forests so that neither the state nor outsiders have the right to manage them, including investing their customary forests. The belief of the customary law community of *Tau Taa Wana* has indeed been supported by state policy through Constitutional Court Decree No. 35 / PUU-X / 2012 which recognizes that customary forests are not state forests with the implication that the state returns customary forests to indigenous peoples. Policy support was also obtained through the Minister of Environment and Forestry Regulation No. P. 32 / Menlhk-Setjen / 2015 concerning Private Forests. This means that state recognition of customary forests is real.

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"body" and the river as the soul (spirit). However, these customary rights areas have also been claimed and determined by the Government of the Republic of Indonesia to become Morowali Nature Reserve area through Minister of Forestry Decree No. 374 / Kpts-VII / 1986 dated 24 November 1986, which was enough to shake the feelings of the Tau Taa Wana people.

Other efforts undertaken by the Tau Taa Wana indigenous community in maintaining customary rights are by practicing forest and land use patterns based wisely on their functions such as:²⁷

- a. Kapali. Namely forests that are not intended for cultivation or management.
- b. Pompalivu. Namely the forest is intended to look for production materials such as wood, rota, and food sources such as honey and game.
- c. Pangale. Namely the jungle that functioned as spring protection and soil fertility.
- d. Navu. Namely land for long-term crop fields and short-term crops.
- e. Yopo. Namely land in the form of shrubs that have been used for farming (former fields)
- f. Lipu. That is the area for residential areas.

In this way, the customary law community of *Tau Taa Wana* believes that they have protected the universe, because the status or customary rights of *Pangale*, *Kapali*, *Pompalivu* and *Yopo* are shared rights (communal ownership),²⁸ whereas individual rights only apply to Navu and Wakanavu. So that both communal and individual rights cannot be exchanged with others, either through sale and purchase transactions or gifts.

DISCUSSION

This research find that the social movement of the *Tau Taa Wana* indigenous people is driven by three determinants, namely, (1) the threat of capitalist expansion through oil palm expansion; (2) the threat of loss of natural resources due to oil palm expansion on communal land; and (3) the presence of efforts to defend customary rights and local wisdom. The social movement of the *Tau Taa Wana* indigenous people is a social

²⁷ Tampubolon, *Op.Cit.*, 162-169.

²⁸ Ter Haar in his book states that: The relationship between humans and the land, that is, the land where they live, the land that feeds them, the land where they are buried and which becomes the place of refuge for the spirits and the spirits of their ancestors, the land which permeates the faculties of life, including the lives of the people, and therefore depends on it, the relationship perceived and rooted in the realm of his mind can and should be considered as a legal relationship (*rechtbetrekking*) of humanity with the land. According to the legal dictionary, the Customary Rights are: The right of the customary law community to control the land and its contents in the area of its territory; A series of authority and obligations of a certain customary law community with a certain area, which is the environment and livelihood of its citizens for all time. Customary rights (*rechtbetrekkingrecht*) are in the form of rights and obligations of the legal alliance as a whole over a certain area namely the area where they live. Soetiknjo and Ruwastuti, said that customary rights came from the word region, which means the right to control customary land and for legal relations between the legal community and customary land, then hereinafter referred to as customary rights is the parent of management rights natural resources owned by the community. Aminuddin, S. (2007). *Hukum Pengadaan Tanah Untuk Kepentingan Umum*. Kreasi Total Media, Yogyakarta. p. 32. Robert K. Yin. (2014). *Case Study Research Design and Methods*. Thousand Oaks, CA: Sage. 282 pages. *Canadian Journal of Program Evaluation*, 30(1). p. 35 – 36.

transformation to restore the life to the true conditions of the confines of capitalism. The theory of transformation states that capitalism is the end of the history of human civilization as well as an historical anomaly. So the need for a transformation to replace exploitative capitalist patterns of interaction to be replaced by new patterns conducive to collective welfare.²⁹

In the capitalist expansion through the oil palm expansion, this can only be done by capitalists to those who are considered weak, namely the *Tau Taa Wana* people. Sociologically, political elites and non-political elites who have power will always use power to achieve their goals at the expense of those who may obstruct their goals and are weak without power. Power is mainly sourced from money and position. The social movement of the *Tau Taa Wana* indigenous people is a response to the oppression of the capitalists.

History records that the aristocrats, including the capital owners, would continue to try to reverse the social structure by breaking down the law and turning off local traditions through means of violence, pressure and intimidation. The owners of this capital have taken from what the weak have, including the seizure of communal land, customary land, breaking down houses, eliminating customs, or destroying what the weak group thinks belongs to and their inheritance. Moreover, capitalism seeks to break the structure of small community (traditional) such as rural communities and even urban communities whose life forms must be destroyed to be replaced with new life in the name of change, progress and development, behind that, persecution continues.

According to Ali, (Totua Ada Sumbol, 47 years old) Indigenous stakeholders were shocked when suddenly BKSDA and forestry officials give directions that the forest they occupied was a restricted area (protected forest) and have been designated a Morowali Nature Reserve area - so the local community were being chased by forest police when they entered Morowali nature reserve area. Not only that - the area of *Wana* people became the target of mining and plantation entrepreneurs. The government arbitrarily provides oil palm land for entrepreneurs and the Ministry of Social Affairs deals with Social Assistance within the framework of the core-plasma project. *Wana* people are employed as farm laborers for oil palm nurseries, land clearing.³⁰

There is nothing most complained by *Taa* people, other than worrying about the future, especially the position of *kapali* (the grave of the elderly) around the oil palm land which is now claimed to be the land of entrepreneurs - another complaint that people lose their subsistence agricultural land. The community is always worried if a mining or palm oil company will enter the land. Moreover, lately, various kinds of seduction intensified

²⁹ Polanyi. K. (2003). *Op.Cit.*,156.

³⁰ Interview with Ali (47 years), *Totua Ada* (indigenous male leaders), *Lipu Sumbol*, (Lipu Sumbol, North Morowali District, Central Sulawesi Province, 17 July 2019).

and even used village officials, to ask *Taa* people to accept oil palm companies and want to release land, on the grounds of the plasma scheme. Indo Erna (53 years)³¹ shared the anxiety that was stored up and became a problem of their mysticism. *Motundafukotu, aku mamparas tanakuntau* (we will kneel and block the land that will be taken by outsiders). Not only that Indo Laku (55 years),³² said that “*Biyaka kami masiasi katuvu-tuvu, si’i tanah bue mami, tanah pumpalivu mami*” (let us live in poverty, this is our ancestral land, our land where we seek). And firmly Indo Ere (49 years)³³ said, *kami tamangsarumaka janji-janji, Anu to naparlu mami kasanang raya mami, pamporani mami sira tamomai damantato apa kami maro taba maroti*. (Right now we are not expecting promises, what we need now is calm, we hope they will no longer come to disturb because we will not remain silent. We will continue to maintain what is left at this time, we will refuse and fight).

However, the capitalist ways to win the goal - none other than the road of violence, destruction to intimidation. All that is done without thinking about humanity. Until now the tradition of capitalist expansion can still be felt. The validity of regional autonomy actually does not bring fresh air to the small community (marginal), but it is profitable for the capitalists and the regional political elite. The characteristic of regional autonomy that combines elements of society, government and the private sector turns out to bring problems in the form of domination which is apparently owned by the private sector in regional development efforts. The customary law community of *Taa Wana* has felt the impact of the development model that benefits the private sector (capitalist).

Similar conditions have also been felt by the Toili community farmers in Luwukregency who experienced oppression and injustice from a regional development process through the expansion of oil palm by the private sector (capitalists). Palm oil expansion project by PT. Kurnia Luwuk Sejati in 2009, which had entered the community plantation area, finally caused a big resistance from farmers with the intention of reclaiming the rights that had been seized, and finally brought disaster to 23 local farmers who were imprisoned with an environmental activist.³⁴ Thus, capitalist expansion is a major threat to the harmonization of the lives of the indigenous and tribal peoples of *Taa Wana* and other communities that have similar conditions.

Meanwhile, the threat of losing communal-based natural resources for the indigenous and tribal people of *Tau Taa Wana* is a factor that will determine their destiny

³¹ Interview with Indo Erna (53 years), *Totua Ada* (indigenous female leaders), *Lipu Sumbol*, (Lipu Sumbol, North Morowali District, Central Sulawesi Province, 18 July 2019).

³² Interview with Indo Laku (55 years), *Totua Ada* (indigenous female leaders), *Lipu Sumbol*, (Lipu Sumbol, North Morowali District, Central Sulawesi Province, 19 July 2019).

³³ Interview with Indo Ere (49 years), *Totua Ada* (indigenous female leaders), *Lipu Sumbol*, (Lipu Sumbol, North Morowali District, Central Sulawesi Province, 19 July 2019).

³⁴ Syafei M., Expansion of Oil Palm Fruit Disaster Sketch of Farmer's Resistance to Elimination and Denial of the Right to Agrarian Resources in the Toili Plain of Banggai District (Dokumen kertas posisi 09 Yayasan Tanah Merdeka: Palu 2010).

in the future, especially if they do not receive structural support through consistent policies. Looking at its history, the life of the *Tau Taa Wana* indigenous people continues to be in the shadow of a massive structure that has not been completely impartial. This can be seen beginning when the Minister of Forestry Decree No. 374 / Kepts-VII / 1986 on 24 November 1986 concerning the establishment of the Morowali nature reserve and the issuance of Minister of Forestry and Plantation Decree No. 757/Kepts-II / 1999 on 23 September 1999 concerning the appointment of 209.400 Ha., of Central Sulawesi forest and waters, in which the decree had taken 25.526 Ha., of the *Tau Taa Wana* indigenous people forest area to be converted into a nature reserve. It means, that when the interests of the state speak through and move with policies, at that time the customary law community seems helpless when their customary lands are seized by the state.

In addition, the expansion of capitalism that makes the *Tau Taa Wana* indigenous people feel that losing their natural resources is deemed necessary to get state policy support for the protection of indigenous peoples, because between capitalist ideals and the ideals of indigenous and tribal peoples is quite the opposite. In society there are two opposing groups, which he calls dual society. The illustration of the dual movement is seen from the two principles of community regulation where, both of them set their own institutional goals, obtain support from certain social forces by using their own methods. The first is a movement with the principles of economic liberalism with the aim of building a private market, to free trade as a method. Meanwhile, the only movement is a movement with the principle of social protection that aims to preserve people, nature and production arrangements, to find support from various associations that protect it.

Whereas the efforts of *Tau Taa Wana* indigenous people in defending their customary rights and local wisdom are carried out with agricultural practices based on customary rules, including cosmically respecting customary forests and lands. The customary law community of *Tau Taa Wana* believes that the mountain is the "body" and the river is the "soul" where the two elements must harmonize together. Through this conception the *Tau Taa Wana* indigenous people views land as a material-production element as well as a philosophical element considered to have a close relationship with humans. What is called land is a natural element that is closely intertwined with human institutions. Traditionally, land and labor are an inseparable set of life and nature. Thus, the land is closely related to the arrangement of kinship, neighborhood, expertise and belief in the communal circle of tribes, temples, villages, guilds and religion.

At present the *Tau Taa Wana* indigenous people are still seeking justice, protection and recognition of their existence and their customary territories which do not want to be intervened by the private sector, especially capitalists. the *Tau Taa Wana* indigenous people is a part of this country that cannot be ignored and must receive positive

intervention, especially through policies that favor them. Based on the description of the problem above, the importance of a social transformation to release the *Tau Taa Wana* indigenous people and the capitalism confinement through several efforts including, returning customary land and communal rights, the creation of equitable and without exploitative economic systems and relations and the government (state) must not be a steward of capitalists.

CONCLUSION

The social movement of the *Tau Taa Wana* indigenous people is caused by the imbalance of policies, the weak functioning of the state protection and the lack of state recognition of the existence of the *Tau Taa Wana* indigenous people. This social movement is driven by external and internal factors. External factors are the threat of expansion of oil palm expansion by capitalists and the threat of loss of communal natural resources as a consequence of oil palm expansion. While internal factors are the growth of social solidarity in maintaining customary rights and local wisdom. It is recommended that the state's recognition and protection of the *Tau Taa Wana* indigenous peoples be through regional and national policies.

REFERENCE

Books

- Alagappa, M. (2004). *Civil society and political change in Asia: expanding and contracting democratic space*. Stanford University Press.
- Aminuddin, S. (2007). *Hukum Pengadaan Tanah Untuk Kepentingan Umum*. Kreasi Total Media, Yogyakarta.
- Avonius, L. (2009). *Indonesian Adat Communities: Promises and Challenges of The politics of the periphery in Indonesia: social and geographical perspectives*, 219.
- Bungin B. (2012). *Analisi Data Penelitian Kualitatif: Memahami Filosofis dan Metodologis Ke Arah Penguasaan Model Aplikasi*. Jakarta: Rajawali Pers
- _____ (2008). *Metodologi Penelitian Kualitatif: Aktualisasi Metodologis ke Arah Ragam Varian Kontemporer*. Jakarta: Rajawali Pers.
- Creswell, J. W. (2003). *Research design: Qualitative, Quantitative, and mixed methods*.
- Jenks, C. (Ed.). (1998). *Core sociological dichotomies*. Sage.
- Polanyi, K. (2003). *Transformasi Besar: Asal-usul politik dan ekonomi zaman sekarang*. Yogyakarta: Pustaka Pelajar.

Situmorang, A. W. (2013). *Gerakan sosial: teori dan Praktik*. Yogyakarta: pustaka pelajar.

Tyson, A. D. (2010). *Decentralization and adat revivalism in Indonesia: The politics of becoming indigenous*. Routledge.

Journal Articles

Buana, A. P. (2018). Hakikat dan Eksistensi Peradilan Adat di Sulawesi Selatan. *Journal of Indonesian Adat Law (JIAL)*, 2(1), 113-137.

Butarbutar, E. N. (2019). Perlindungan Hukum terhadap Prinsip Dalihan Natolu sebagai Hak Konstitusional Masyarakat Adat Batak Toba. *Jurnal Konstitusi*, 16(3), 488-509.

Butt, S. (2014). Traditional land rights before the Indonesian constitutional court 10/1 law. *Environment and Developmental Journal*, (1).

Fay, C., Denduangudee, H. M. S., McCarthy, J. F., & Robinson, K. (2016). Emerging options for the recognition and protection of indigenous community rights in Indonesia. *Land and Development in Indonesia: Searching for the people's sovereignty*, 91-112.

Holder, C. L., & Cortassel, J. J. (2002). Indigenous peoples and multicultural citizenship: Bridging collective and individual rights. *Human Rights Quarterly*, 24(1), 126-151.

Johnson, C., & Forsyth, T. (2002). In the eyes of the state: Negotiating a "rights-based approach" to forest conservation in Thailand. *World development*, 30(9), 1591-1605.

Li, T. (2007). Adat in Central Sulawesi: Contemporary Deployments." dalam *The Revival of Tradition in Indonesian Politics: The Deployment of Adat from Colonialism to Indigenism*, Jamie S. Davidson and David Henley (ed.)

_____, (2010). Indigeneity, Capitalism, and the Management of Dispossession, *Current Anthropology*, 51 (3)

McGuigan, J. (2012). Raymond Williams on Culture And Society. *Key Words: A Journal of Cultural Materialism*, (10), 40-54.

Rachman, N. F., & Siscawati, M. (2016). Forestry Law, Masyarakat Adat and Struggles For Inclusive Citizenship In Indonesia. In *Routledge Handbook of Asian Law*. Taylor and Francis Inc.

Robert K. Yin.(2014). *Case Study Research Design and Methods* . Thousand Oaks, CA: Sage. 282 pages. *Canadian Journal of Program Evaluation*, 30(1).

Safitri, M. (2016). Dividing the Land: Legal Gaps in the Recognition of Customary Land in Indonesian Forest Areas. *Kasarinlan: Philippine Journal of Third World Studies*, 30(2, 1), 31-48.

Schmink, M. (1982). Land Conflicts in Amazonia in Economic and Ecological Processes in Society and Culture. *American Ethnologist. A Journal of American Anthropological Association Durham, N. C.*, 9(2), 341-357.

S. Butt, (2014). Traditional Land Rights Before the Indonesian Constitutional Court. *Law, Environment and Development Journal* 10 (1).

SILO, (2016). Towards Recognition Adat Forest of Wana Posangke, Silo Magazine ed. 69, The Red and White Foundation Palu, September - Oktober 2016.

Syafei M., (2010). Expansion of Oil Palm Fruit Disaster Sketch of Farmer's Resistance to Elimination and Denial of the Right to Agrarian Resources in the Toili Plain of Banggai District, Dokumen kertas posisi 09. Yayasan Tanah Merdeka: Palu.

Tampubolon, M. R, H. (2015). Dynamics of Legal Recognition in Indigenous Peoples under Law of Forestry Construction. *JL Pol'y & Globalization*, 44, 147.

_____(2014). Givu as Criminal Sanctions Tau Taa Wana Indigenous People and its Relevance to The National Criminal Justice Reform. *JL Pol'y & Globalization*, 23, 39.

Van der Muur, W. (2018). Forest conflicts and the informal nature of realizing indigenous land rights in Indonesia. *Citizenship studies*, 22(2), 160-174.

Website

Profil Aliansi Masyarakat Adat Nusantara (AMAN), <http://www.aman.or.id/profile-kami/> last accessed September 01, 2019.

Disertation

Muhammad Hatta Roma Tampubolon, (2014). Givu as Criminal Sanctions Tau Taa Wana Indigenous People and its Relevance to The National Criminal Justice Reform, Disertation, PDIH, *Brawijaya University, Malang*.

Putusan Pengadilan

Putusan Mahkamah Konstitusi Republik Indonesia Nomor: 35/PUU-X/2012 tentang Hutan Adat, yang dibacakan tanggal 16 Juni 2013

Peraturan Perundang-Undangan

Undang Undang Dasar Negara Republik Indonesia Tahun 1945

Peraturan Daerah Kabupaten Morowali Nomor: 13 Tahun 2012 tentang Pengakuan dan Perlindungan Masyarakat Hukum Adat Suku Wana.

Peraturan Menteri Lingkungan Hidup dan Kehutanan Republik Indonesia Nomor: P. 32/Menlhk-Setjen/2015 tentang Hutan Hak.

Keputusan Menteri Kehutanan Republik Indonesia Nomor: 374/Kepts-VII/1986 tanggal 24 November 1986 tentang Penetapan Cagar Alam Morowali.

Keputusan Menteri Kehutanan dan Perkebunan Republik Indonesia Nomor: 757/Kepts-II/1999 tanggal 23 September 1999 tentang Penunjukkan Kawasan Hutan Dan Perairan Sulawesi Tengah Seluas 209.400 Ha