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DYNAMICS OF TENURE CONFLICT IN AMMATOA KAJANG CUSTOMARY FOREST AREA, BULUKUMBA REGENCY

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ABSTRACT

Certainty of tenure rights has been a problem related to disputes over the use, control, management, and use of forest areas that lead to the neglect of the rights of local indigenous peoples. This study aims to identify the existence and recognition of the indigenous "Ammatoa" Kajang community and analyze tenure rights that ignore the rights of the indigenous "Ammatoa" people against customary forests. The method used in this study is a qualitative method with descriptive analysis to provide a systematic, factual and accurate picture of tenure rights in management customary forest "Ammatoa". The results showed that the indigenous community of "Ammatoa" is still strong with customary institutions and customary values that are maintained, such as *Pasang ri Kajang* as The values that govern all aspects of the life of the "Ammatoa" Kajang Customary Law Community relate to social, cultural, governance, trust, environmental and forest conservation issues. Tenure rights carried out by PT. Lonsum who accesses and manages, excludes, and transfers the tenure rights of the Kajang "Ammatoa" customary forest which has received state recognition based on a Constitutional Court Decision Decree Number 35/PUU-X/2012 and Regional Regulation of Bulukumba Regency Number 09 of 2015 concerning Confirmation, Recognition of Rights, and Protection of the Rights of Customary Law Peoples *Ammatoa* Kajang. Along with the birth of these two legal bases, there was also a conflict/dispute over the control and management system of the customary forest "Ammatoa" between indigenous community "Ammatoa" with the existence of a rubber plantation company (PT Lonsum, Tbk) occupying the Ammatoa customary forest area with Business Use Rights (HGU).

Keywords: Conflict dynamics, tenure rights, Customary forests

INTRODUCTION

The international community has guaranteed indigenous peoples the right to natural resources in the form of forests. This right is included in the category of positive rights (Ibiam and Faga 2021). In fact, the UN specifically established a *permanent forum* that works on issues concerning indigenous peoples under the Council of Economic, Social and Culture. The United Nations established the forum in 1982 under the name *Working Group on Indigenous Populations* (Tobroni 2016) As part of positive rights, the state has an obligation to protect them through regulations in laws that favor indigenous (Yasin 2009)). Furthermore, on September 13, 2011, the United Nations Declaration on the Rights of Indigenous Peoples was held, which gave direction and hope for better change for the recognition and protection of indigenous peoples' rights according to the *International Labor Organization (ILO)*, estimated to number around 374 million people worldwide and around 60 million people in

Indonesia, which on average the rights of indigenous peoples are marginalized by top-down and exploitative development policies on which indigenous peoples' life hopes depend (PBB 2014)

Customary law communities in Indonesia are a community unit that develops in line with the development of community life. Historically, customary law communities have existed, lived, grown, and developed in Indonesia since the time of the Kingdom, Dutch colonialism and during the independence of Indonesia. Interference by the royal government, colonizers and Indonesian government continues to change in accordance with constitutional developments (Sulastriyono 2014).

With the establishment of customary forests in state forests before the enactment of Law Number 41 of 1999 concerning Forestry, it underwent changes with the issuance of Constitutional Court Decision No.35 / PUU-X / 2012 which contains several points of regulation, including: First, the forestry that has so far included customary forests as part of state forests is a form of Disregard for the rights of indigenous peoples and is violation of the constitution. Second, customary forests were removed from their position as part of state forests and then included as part of the forest rights category. Third, land rights holders are forest rights holders. Fourth, state authority over state forests and customary forests varies. Fifth, another point is the affirmation that indigenous peoples are rights sufferers.

Forest use by indigenous peoples includes various rights claims that can be submitted by communities regarding managed land and forest products (Myers et al. 2017) This can cause conflicts if there are claims that are not properly regulated if there are overlapping rights claims on the same object. Certainty of tenure rights is important for sustainable forest management. Land tenure problems still color forest management in Indonesia today. Planning in forestry development needs to properly accommodate the existence of communities in forest areas with the complexity of their diversity and existing tenure systems in the community, to provide tenure security for the sustainability of forest resource management (Sarfo-Adu 2021).

Tenure issues and forest area status are basically two inseparable elements ((Ragandhi et al. 2021) Tenurial includes the substance and guarantee of rights. As a public resource, tenure rights to forests include access rights, use rights, exclusive rights and transfer rights. Rights uncertainty is a common cause of land conflicts in forest areas (Yang et al. 2021)

Uncertainty in the control of forest areas can hamper the effectiveness of forest management. This problem can affect local communities who live and use land within forest areas, including outsiders who access the forest land (Kumer and (Kumer and Pezdevšek Malovrh 2019) . The problem of access rights to forest areas occurs due to a less integrated licensing system and the unraveling of problems with inadequate land (Maring 2022). Seeing the unity of indigenous peoples as a reality, to whom recognition and respect are given, so that their existence remains (Joesoef 2020). Rights as a unity of indigenous peoples are actually something that exists by itself and does not depend on recognition and application in law State, both constitution and legislation (Titahelu, 2005; Mantuankotta, 2012)

Customary forests in South Sulawesi, one of which is the Kajang Customary Forest in Bulukumba Regency which has an area of 313.99 hectares, is the first customary forest designation in Indonesia through a long process to obtain recognition from the state (Kambo 2021) Kajang customary forests are including natural forests, people who live around the forest are very protective of existing customs and regulations (Fatem 2019)). But in fact, even though there are regulations in the form of both Regional Regulations and Bulukumba Regent Regulations regarding the protection of rights for customary law communities, there are still gaps in its application, so the existence of the regulations often considered a mere formality. One example that strengthens the indication of the weak position of the Kajang customary law community and the absence of the role and responsibility of the Bulukumba Regency government to resolve disputes between the Ammatoa Kajang customary law community and PT. Lonsum caused by land use by PT. Lonsum, where the land is claimed as the customary rights of the indigenous Ammatoa Kajang community. The conflict has been going on for decades, and has even caused casualties, but it has not been resolved by the Regional Government of Bulukumba Regency.



LITERATURE REVIEW

1. PRINCIPLES OF LOCAL CULTURE

Local wisdom is synonymous with all patterns of belief, knowledge, or insight as well as customs /customs/ethics, morals that educate human behavior in social life (Pamenang 2021) Local knowledge includes perceptions, norms, cultures that are obeyed by local people who live for generations. Local wisdom is an identity or distinctive ethics and cultural values in local communities that are passed from generation to generation.

The characteristics of local wisdom that can be understood (Ramadhani and Ida Safitri 2019) 1) Able to survive foreign (outside) cultural influences; 2) Have the ability to accommodate foreign cultures; 3) Have the ability to integrate unite outside cultures and indigenous cultures; 4) Have the ability to control themselves; and 5) Have the ability to give direction and guidance to cultural development.

Local wisdom is understood as something that is based on knowledge and recognized by reason and is considered good and does not conflict with religion and customs (Darmadi 2018) Customs are basically tested by natural habits in the form of social actions that are continuously carried out by community members, so they cannot be forced by the leader.

Local resources are all ideas, activities and results of human activities in a community group in a particular location (Communication and Pakuan 2021). The local culture is actually still growing and developing in the community and is agreed and used as a joint guideline. Thus the source of local culture is not only in the form of values, activities and results of traditional activities or heritage of the ancestors of the local community, but also all components or cultural elements that prevail in society and become characteristics and or only develop in certain communities (Nocca 2017).

Local culture that lives in the community is usually born from the spiritual impulse of the community and local rites which are spiritually and materially very important for the social life of a village community environment (Sutiana et al. 2022). Local culture has a very close relationship with the people in an environment with all natural conditions in the environment (Hang 2020). It is featured in various traditional ceremonies of a village, bersih desa, for example done to honor the spirits of ancestors as village guardians (., Suhendi, and . 2018). The purpose of the ceremony is that the village is overflowed with welfare by the waiter. Despite these beliefs, ceremonies performed by cleaning the village produce a good environmental impact. If the village is clean from any waste, the flow that functions to flow the rice fields will be smooth. The village environment will be clean and healthy so that the harvest will be good (Nasihah and Imam Tabroni 2023).

This local culture arises when the inhabitants of an area already have the same mindset and social life so that it becomes a habit that distinguishes them from other residents (Hasbullah et al. 2022). Based on cultural diversity in a number of regions, a cultural unity called national culture emerged, which was basically extracted from the richness of local culture (Wijaya 2019) Local culture is the local values cultivated by the people of an area that are helped naturally and obtained through the learning process from time to time ((Cahyati and Rahmijati 2017).

B. FOREST AREA TENURE CONFLICT

Conflict is a clash that occurs between two or more parties caused by differences in socio-cultural conditions, values, status, and power; (Hussein and Al-Mamary 2019) or perceptions of differences of interest; or literally "conflict" is defined as squabbles, disagreements, and disagreements. So that the city can conclude that conflict is a condition when there are two or more different views, beliefs, wants, interests, needs, values, misaligned, opposite, and incompatible (Madiang 2016). While tenure conflicts are conflicts in land and natural resources control (Andreas 2017). Tenure conflicts in forest areas mean conflicts in land and resource tenure in forest areas, such as conflicts between forest managers and communities that utilizing forest areas for residential areas, roads, fields and gardens (Wulandari et al. 2021) Land tenure conflicts arise from different perceptions and interpretations that parties have of their rights to land and forest resources (Yurike et al. 2015)

5 Forest Tenure Conflicts are various forms of disputes or conflicts over claims of control, management, utilization, and use of forest areas and land and other natural (Wulandari et al. 2021)),

Based on data from the Ministry of Environment and Forestry in 2017, the occurrence of forest and land tenure conflicts is caused by inequality of control, uncoordinated granting of permits, neglect of local community rights and ineffective institutions and conflict handling mechanisms (Ndyatmoko, Setyowati, and Haryanti 2022)

Tenure rights to natural resources refer to social relations and institutions that regulate access and use of land and resources (Ibiam and Faga 2021) Therefore, forest land tenure relates to who owns forest land, and who uses, manages, and decides about forest resources ((Muhyidin 2019) Forest land tenure determines who is allowed to use what types of resources, in what way, for how long, and under what conditions, as well as who has the right to transfer rights to other parties and how (Kusters et al. 2022) Different rights may be shared or shared in some way and among stakeholders, as obligations and responsibilities associated with rights.

Tenure conflicts in forest areas involve various interested parties, namely the government, local communities, and non-governmental organizations (Rositah et al. 2021) The government has an interest in securing forests as state forest areas, communities have a social and economic interest in forest resources, to meet their livelihoods and non-governmental organizations have an interest in defending community rights to forest resources if there are parties who occupying forest areas without rights (Rositah et al. 2021).

Government conflicts with communities around forests often occur because so far forestry development has not paid attention to the socio-economic, cultural conditions of the community (Maring 2022) Economic lag causes resistance from the community to outsiders who manage forests (Kumoro 2009) This attitude is a latent potential for conflict in forest resource management (Fisher et al. 2017) Therefore, communities in and around forests must be given more attention in the development of the forestry sector, because they are part or element of the forest ecosystem which are interdependent on each other (Nugroho et al. 2022).

Forest tenure conflicts are various forms of disputes or conflicts over claims of control, management, utilization, and use of forest areas (Priyo Purnomo and Anand. 2014) Why should forest area tenure conflicts be resolved? Many interested parties depend on the forest for their lives. Not a few interests that arise are not in line and conflict with each other that cause conflicts ((Prihatin and Wicaksono 2020) Conflicts that are left unchecked, can escalate and threaten the sustainability of forests. If forest sustainability is threatened, it will threaten the economic function, ecological function and social function of the forest ((Bongaarts 2019)

Broadly speaking, the resolution of forest area tenure conflicts is divided into 2 (two), namely (Nindyatmoko, Setyowati, and Haryanti 2022); b) Land tenure after the land parcel has been designated as a forest area. Conflict resolution for "land tenure before the land parcel is designated as a forest area" is done by removing land parcels from within the forest area through changes in forest area boundaries.

1 RESEARCH METHODS

1 This research uses a descriptive method with a form of qualitative research. Data analysis In this study, qualitative descriptive analysis methods were used. Qualitative descriptive data analysis is a method that qualitatively describes facts, data, objects, matter in the form of expressions, discourses through appropriate and systematic interpretation. Qualitative analytical analysis perspectives by interpreting data and facts found in theoretical-practical research.

The data collected in this study consisted of primary data and secondary data. Primary data are obtained directly through field studies through interviews and questionnaires, while secondary data are obtained through literature, both books, magazines and scientific journals.

Data collection is carried out by data collection techniques in the form of discussions, documentation studies, and literature, data analysis is carried out in a qualitative descriptive manner by tabulating the data obtained in accordance with the research objectives.

The location of this research is the Ammatowa Customary Area (*Kajang Dalam* community), Tanahtoa Village, Kajang District, Bulukumba Regency, South Sulawesi.

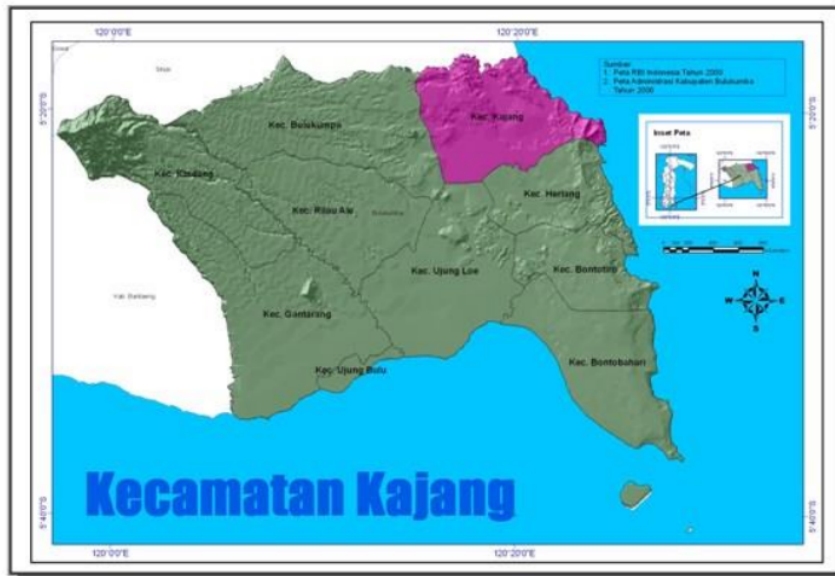


Figure 1. Map of Kajang District, Bulukumba Regency

RESEARCH RESULTS AND DISCUSSION

A. PHYSICAL CONDITION OF AMMATOA KAJANG REGION

Tanah Towa Village is located in Kajang District, Bulukumba Regency, South Sulawesi Province. In general, Tanah Towa Village is a lowland area whose altitude is from sea level with an average rainfall of 5,745 mm/year and an average temperature of 13-29° C with air humidity of 70% per year. The distance from Tanah Towa Village to Kajang District is 13 km, while the distance from Tanah Towa Village to the capital city of Bulukumba Regency is 45 km, the area of Tanah Towa Village is 729 ha/m2.

Tanah Towa Village consists of nine hamlets namely Balagana Hamlet with an area of 15 ha, Jannaya Hamlet with an area of 18 ha, Sobbu Hamlet with an area of 69 ha, Pangi Hamlet with an area of 15 ha, Bongkina Hamlet with an area of 20 ha, Tombolo Hamlet with an area of 31 ha, Fort Hamlet with an area of 87 ha, Luraya Hamlet with an area of 51ha and Balambina Hamlet with an area of 62 ha, with the number of Community Pillars (RW) is fourteen, while the number of Neighborhood Pillars (RT) is eighteen, each of which has natural potential that can be managed by HR (Human Resources) in Tanah Towa Village or the Ammatoa customary area.

In general, Tanah Toa Village Area generally has an area of 525.00 Ha or 5.25 Km² and where the area already exists in it there are agricultural land, settlements, infrastructure facilities and forests, as can be seen in Table 1:

Table 1.
Type of Land Use and area

| No | Types of Land Use | Area (Ha) |
|----|-------------------|-----------|
| 1 | Rice Fields | 93 |
| 2 | Settlement | 169 |
| 3 | Plantation Land | 30 |
| 4 | Yards | 95 |
| 5 | Forest Land | 331 |



| | | |
|---|----------------------------------|-----|
| 6 | Office | 1 |
| 7 | Other infrastructure suggestions | 5 |
| | Sum | 724 |

Data Source: Kajang sub-district in 2022 figures

Table 1 above shows that the largest land allocation in Tanah Toa Village is for forests with an area of 331 Ha while the smallest land use is for offices.

B. THE CONCEPT OF RECOGNITION OF INDIGENOUS PEOPLES "AMMATOA"

The Ammatoa customary area is located in Tanah Towa Village, located in the north within the Kajang District, Bulukumba Regency, South Sulawesi Province. The people of Tanah Towa Village are mostly part of the Kajang tribal community or known as the Ammatoa traditional area by using Konjo language as the mother tongue. Konjo language is one of the dialects included in the Makassar language family even though it is a sub-language of Makassar, konjo language has many differences from Makassar both in pronunciation and vocabulary.

Tanah Towa Village is based on customary rules that have been agreed upon by the government, namely thatch embayya (customary area) and *ipantarang embayya* (outer area). The meaning of *thatch embayya* (inner area) can be seen in his daily life, which is not using footwear, clothes are only black and white, as well as the ball (house) both shape, material and direction of the same building, which is facing west, all of it is related to the teachings of patuntung which is still believed today. While *ipantarang embayya* (outer area) lives well or lives following the times from time to time and can be seen in his daily life already using sandals, shoes, motorized vehicles, models and materials of various houses even the direction of the building is the same as in general. *Pasang ri Kajang* (amanah or message from Kajang) is a message, advice, guidance, direction and rules for the indigenous people of Ammatoa Kajang in carrying out their lives. *Pasang ri Kajang* is all knowledge and experience about all aspects and twists and turns of life that are orally ordered by ancestors from generation to generation.

Pasang covers all aspects of life, namely the relationship with God, the relationship between humans and nature and the relationship between humans and humans to achieve a good life with the concept of tau kamase-mase (Hijjang et al. 2019). Tides that contain the value of kamase-mase are guidelines in the community in dealing with worldly life, but with the core or main goal for *kamase-mase* (Hijjang 2017).

The concept of *kamase-mase* in the *tide of Kajang* is well realized in economic life for indigenous peoples who always feel enough, the environment to create a sustainable area through environmental conservation and socially wise natural resource management. Social values built in indigenous communities are equal, mutual assistance and mutual respect for each other in order to help each other so that it remains sustainable and maintained.

The Kajang people are very obedient to the orders of traditional leaders, the community obeys the superiors and applicable rules. This indicates a synergistic relationship between the government and its communities in running the life of customary government.

Kajang customary law communities have institutions that are shown by the existence of institutional structures as follows:

Table 2
Institutional of the Kajang Indigenous Peoples

| No | Institutional |
|----|--|
| 1 | Ammatoa' |
| 2 | Anrongta ri Pang' and Anrongta Bongkina |
| 3 | Ada' lima ri Tanakekea, terdiri dari: Galla Pantama, Galla Lombo', Galla Malleleng, Galla Kajang, dan Galla Puto |
| 4 | There are 'five ri Tanalohea, consisting of: Galla Ganta', Galla Sangkala, Galla Sapa', |



| | |
|---|---|
| | Galla Bantalang and Galla Anjuru |
| 5 | Karaeng Tallua, consists of: Labbiria, Sulehatang and Ana' Karaeng Tambangan/Moncongbuloa |
| 6 | Tutoa Sangkala |
| 7 | Tutoa Ganta |

The following are respondents' views on the leadership of the "Ammatoa" Indigenous in creating peace and tranquility in the community. For details can be seen in the table below:

Table 3
Respondents' Views on the Leadership of "Ammatoa" Indigenous Stakeholders

| No | Respondents' Opinions | Frequency of Answers | Percentage |
|----|-----------------------------------|----------------------|------------|
| 1 | Very Firm | 45 | 56,25 |
| 2 | Objectives in imposing sanctions | 20 | 25 |
| 3 | Able to reconcile the contentious | 15 | 18,75 |
| | Sum | 80 | 100 |

Data Source: Questionnaire processed in 2022

The table above shows that the leadership of "Ammato" as a traditional leader, according to the assessment of respondents as many as 45 people (56.25%) is very firm, 20 (25%) respondents stated very objective in the fall sanctions for customary violations, and the remaining 15 (18.75%) respondents stated that Ammato was able to reconcile those in dispute if there was a conflict.

The respondent's confession above, in line with the opinion of one community member or one of the informants against the government is stated in the *tide* presented by one of the indigenous people of Ammatoa that: "Yes pammarentata *iya anrongta, igitte tau caddia punna kalauk l pammarentata kalauk tokki mingka punna anraik i pammarentata anraik tokki* (s a government she is considered a mother. We as a society must always follow the government if the government goes to the West then the community must also go to the West, but if the government goes to the East then the community must also go to the East).

C. FOREST TENURE RIGHTS AND WAIVER OF KAJANG INDIGENOUS PEOPLES' RIGHTS

The Kajang Customary Law Community is said to be still in the form of a community because in fact it has its own institutions and characteristics in regulating and managing its forests, besides that the Kajang Indigenous Peoples also have different characteristics and ways in matters of social relations, community law, customs, language, culture, land ownership and natural resources. In the unity of indigenous peoples, the forms and systems they use are more communal and very compliant⁶ with the norms and values they have received from generation to generation. In addition, the Ammatoa Kajang Customary Law People, which has long lived in a bond of legal community unity, is even mythologically believed to have been present since thousands of years ago and until now its existence remains real and recognized by various parties.

The entry of rubber companies by PT. Lonsum, accessing to manage, exclusive, and transferring the Kajang customary forest area to its management rights on the basis of Business Use Rights, further shrinks the status of the "Ammato" Kajang customary forest area. The existence of PT Lonsum has reaped a prolonged conflict, although many efforts have been made to resolve it both through mediation and through the courts but until now it has not me⁶ bright spot.

PT. Lonsum. Based on Bulukumba Regional Regulation Number 9 of 2015 concerning the confirm⁶ ion, strengthening and protection of the Ammatoa Kajang Customary Law People, it has seized the customary land of Ammatoa Kajang or the called *Rembang Luara* covering an area of 2,555.30 Ha. There are also indigenous peoples who have Property Rights Certificates also seized by



HGU PT. Lonsum. With this basis, the Ammatoa Kajang Indigenous people are fighting to defend their land.

PT. Lonsum also only has an environmental permit at the Ujungloe factory, while cultivation activities in the other three sub-districts do not have an environmental permit and several other principle permits. Activities of PT. Lonsum in hilly areas has damaged the environment, causing disturbances to 30 water points that are the source of water for Pamsimas activities. Based on Article 109 of Law 32 of 2009 concerning Environmental protection and management states "any person who conducts business or activities without having an environmental permit, shall be punished with imprisonment for a minimum of 1 year and a maximum of 3 years and a fine of at least Rp. 1,000,000,000.00 and a maximum of Rp. 3,000,000,000.00.

Land/forest land grabbing by PT. Lonsum on the land of the Ammatoa Kajang Indigenous Peoples has an impact on the violation of Human Rights (HAM), the loss of the right to a decent livelihood, the loss of the right to work, the loss of the right to self-development, the loss of the right to a healthy environment and the loss of sources of livelihood for the prosperity of the people, as stipulated in the 1945 Constitution Article 33 paragraph (3) and Article 28 of the 1945 Constitution, Law No. 39 of 1999 on Human Rights, and Law No. 11 of 2005 on the ratification of the Covenant on Economic, Social and Cultural Rights.

Even the area used by PT Lonsum was expanded again to enter the prohibited adata forest area. There are two types of Ammatoa Kajang customary forest areas, namely Borong *karamaka* or sacred forest, and *Borong battasaya* or boundary forest.

Borong Kamaraka is a forbidden forest located in Fort Hamlet. This forest is forbidden to enter, measure, or record the area and disturb the flora and fauna in the forest. While in *Borong Battasaya* is allowed to take wood (cut trees) with certain conditions.

In the customary area of Ammatoa Kajang known as Abstinence or prohibition, including the following:

Table 4
Types of Abstinence and Prohibitions

| No | Types of Abstinence | Prohibition |
|----|---------------------|---|
| 1 | Ta'bang kaju | It is forbidden to cut wood without permission from Ammatoa. Timber harvesting in battasayya wholesale can only be done with Ammatoa's permission, with procedures including: 1) The community must convey their wishes to Galla Puto; 2) Galla Puto conveyed it to Ammatoa; 3) Ammatoa decides whether or not to take wood by considering, among others: the purpose, quantity, size, and type of wood requested; 4) Once there is approval from Ammatoa, Galla Puto and Galla Lombo to check the designated location and check the availability of timber; 5) The process of extracting this wood must be witnessed by Galla Puto and galla Lombo to ensure no violations. Logging also does not use modern equipment, such as chainshaw machines, but uses traditional equipment called pangkulu' or wase (axe). |
| 2 | Tatta Uhe | It is forbidden to hack or cut rattan without Ammatoa's permission. |
| 3 | Tunu Bani | It is forbidden to burn bees, because bees are animals that provide many benefits to people's lives in the form of pollination. If bees do not, then whole life will be barren waiting for death. |
| 4 | Rau Doang | It is forbidden to take river products in the form of shrimp catches, fish or the like except for traditional ritual celebrations . |

Explained H. Mansjur, one of the youth leaders in Kajang sub-district, said that violations in forest management by anyone who does not get the approval of "Ammatoa" will get customary sanctions, not to mention the belief that there is a supernatural force that protects the forest from outside interference.

The sanctions are seen and measured by their level and decided by local and in coordination with the government. There are three sanctions that apply in the Ammatoa Kajang custom, namely:

Table 5

Types of Sanctions and Imposition of Sanctions

| No | Types of Sanctions | Sanctions |
|----|----------------------|---|
| 1 | <i>Poko ba'bala</i> | severe sanctions, usually subject to the obligation to pay a fine of Rp. 24,000,000, |
| 2 | <i>Tanga ba'bala</i> | moderate sanctions, usually subject to the obligation to pay a fine of Rp. 12.000.000,- |
| 3 | <i>Ba'bala cover</i> | light sanctions, usually subject to the obligation to pay a fine of 6-8 million Rupiah. |

Based on the location of the settlement, the Ammatoa Kajang indigenous community is divided into two groups: "*Ilalang Embayya*" (*Kajang Dalam*) and "*Ipantarang Embayya*" (*Kajang Luar*). The degree of enforcement of customary rules is also divided into two, namely "*Butta Kamase-mase*" and "*Tanah Koasaya*". On the basis of customary rules, the government of Bulukumba Regency has recognized the customary law Ammatoa Kajang community, so that local regulation Number 09 of 2015 was born.

With local regulation of the Ammatoa Kajang indigenous people, it does not guarantee the protection of the rights of the Ammatoa Kajang indigenous people to their customary forests. This can be seen in the problems related to their customary forests which are slowly being taken over by private companies, namely PT. London Sumatra (Lonsum), through the Right to Use Business (HGU) PT. Lonsum controls the customary territory of Ammatoa Kajang covering an area of 2,500 hectares, without going through a joint decision-making mechanism according to Ammatoa Kajang customary law, as stipulated in Article 16 paragraph (4) of the Regional Regulation of Bulukumba Regency which stipulates that "The use of communal/collective land and individual land in customary territories by other parties can only be carried out through joint decision-making mechanisms based on customary law". As a result of granting HGU to PT. Lonsum, the Ammatoa Kajang customary law community does not optimally utilize their own customary forest products. PT. Lonsum intended to extend the HGU time over the Ammatoa Kajang customary forest area, but the community objected because of the consequences of forest management controlled by PT. Lonsum of the Ammatoa Kajang customary law community cannot enjoy/utilize clean water resources properly. HGU land boundary on behalf of PT. Lonsum is also allegedly widening/expanding from the previous area to the Ammatoa Kajang customary forest. The customary law community of Ammatoa Kajang asked the Land Office of Bulukumba Regency to re-measure the land managed by PT. Lonsum is based on HGU issued by the National Land Agency.

CONCLUSION

1. The existence and recognition of the indigenous community of "Ammatoa" Kajang is based on the existence of the Regional Regulation of Bulukumba Regency Number 09 of 2015, the Regulation of the Regent of Bulukumba and the rules of custom that has been agreed by the government, namely *ilalang embayya* (customary area) and *ipantarang embayya* (outer area) as well as the rules maintained by the Kajang Indigenous people known as *Pasang ri Kajang*.
2. Tenure rights that ignore the rights of the indigenous "Ammatoa" community to the Kajang customary forest with the entry of PT. Lonsum controlled part of the customary forest area with HGU reaping tenure conflicts with the Kajang indigenous people who allegedly usurped rights, both ownership rights, rights management and the right to livelihood.



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