

---

**RESEARCH ARTICLE**

## **Conflict between Indigenous Peoples and Forest Concession Rights Holders in Customary Forest Management in Gowa Regency, South Sulawesi**

**Baso Madiong<sup>1</sup> ✉ Sobirin<sup>2</sup> and Abdul Karim<sup>3</sup>**

<sup>1</sup>*Law Study Program, Bosowa University, Makassar.*

<sup>2</sup>*State Administration Study Program, Sawerigading University, Makassar*

<sup>3</sup>*Management Study Program, Bosowa University, Makassar*

**Corresponding Author:** Baso Madiong, **E-mail:** [madiongbaso@gmail.com](mailto:madiongbaso@gmail.com)

---

**ABSTRACT**

The determination of indigenous peoples' rights to customary forests has been regulated and recognized in the State Constitution of the Republic of Indonesia of 1945 and Law Number 5 of 1960 concerning Basic Provisions of Agrarian Principles (UUPA) and the Constitutional Court Decision of the Republic of Indonesia Number 35 of 2012, but until now there are still many government activities and companies holding Forest Concession Rights Permits that claim customary forests as state forests. This has resulted in conflicts in customary forest management. This study aims to analyze the causes of conflicts over customary forest land conversion in the Gowa Regency and analyze the legal consequences of conflicts in the Gowa Regency customary forest areas. This research uses qualitative research with a descriptive type. By conducting in-depth interviews with the Gowa District Forestry Service, Customary Leaders and company leaders holding Forest Concession Rights Permits. The results showed that there was a conflict in customary forest management in Gowa Regency, caused by each party, both local governments, Forest Concession Rights (HPH) holders and indigenous peoples claiming that they did not clearly understand the meaning contained in the legislation and also the Gowa Regency Regional Regulation which recognized the rights of indigenous peoples only limited to recognition but in fact, deprived indigenous peoples of their rights in the form of forests, as a result of the legal occupation of customary forest areas in Gowa Regency by local governments and HPH Permit Holders, flooding and erosion due to massive deforestation and residents around the forest are declining health level (Poor). For this reason, the local government is expected to immediately make optimal efforts to empower indigenous peoples in the form of forests so that they can improve their welfare and not give permission to companies to manage customary forests in the Gowa Regency so that conflicts are not prolonged.

**KEYWORDS**

Conflict, Forest Concession Rights, Indigenous peoples, forest management

**ARTICLE INFORMATION**

**ACCEPTED:** 11 September 2023

**PUBLISHED:** 18 September 2023

**DOI:** 10.32996/ijlps.2023.5.5.4

---

### **1. Introduction**

Indonesia is a country that has extensive forests. Almost 90% of the world's forest area is collectively owned by Indonesia. In fact, Indonesia's tropical forests are dubbed as the lungs of the world. Indonesia's forests have some of the highest biodiversity in the world, despite being only 1.3 percent of the land area on the earth's surface [1]. Its biological wealth reaches 11 percent of plant

---

<sup>1</sup> Mujib Rahman Ahmadzai and others, 'The Societal and Economic Impact of Reforestation Strategies and Policies in Southeast Asia—A Review', *Forests*, 14.1 (2023), 1–15 <<https://doi.org/10.3390/f14010001>>.

species found on the surface of the earth<sup>[2]</sup>. In addition, there are 10 percent of mammal species out of the total mammal animals on the earth and 16 percent of bird species in the world<sup>[3]</sup>. In addition, the Government has also claimed, up to 20 22 years, Indonesia has a forest area of 126.8 million hectares with various divisions of functions. Namely, conservation functions (23.2 million hectares), protected areas (32.4 million hectares), limited production forests (21.6 million hectares), production forests (35.6 million hectares), and conversion production forests (14.0 million hectares)<sup>[4]</sup>. Unfortunately, the country's assets were damaged by irresponsible individuals through illegal logging. Illegal *logging* or illegal logging is the logging, transporting and selling of timber that is illegal or does not have permission from local authorities<sup>[5]</sup>. *Illegal Logging*, according to Law No. 41 of 1999 concerning Forestry, is an unlawful act committed by any person/group of people or legal entities in the field of forestry and trade in forest products in the form of cutting or collecting timber forest products (HHK) from forest areas without permits, receiving or buying HHK that is allegedly collected illegally, and transporting or possessing HHK that not equipped with a valid certificate<sup>[6]</sup>.

Over the past ten years, the rate of forest destruction in Indonesia has reached 42 million hectares out of the approximately 130 million hectares of forest remaining in Indonesia<sup>[7],[8]</sup>. *Illegal logging* is the biggest cause of forest destruction.

According to data from the Ministry of Forestry in 2021, the area of forest that is damaged and cannot function optimally has reached 59.6 million hectares of 120.35 million hectares of forest area in Indonesia, with the deforestation rate in the last five years reaching 2.83 million hectares per year<sup>[9], [10]</sup>. If this situation is maintained, where Sumatra and Kalimantan have lost their forests, then forests in Sulawesi and Papua will experience the same. According to a World Bank analysis, forests in Sulawesi are expected to disappear by 20 to 24 years.

Article 33, paragraph (3) of the 1945 Constitution (and its amendments) states that Earth and Water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. One of the natural resources controlled by the state is forest resources. As a public resource, forests are conflict-ridden resources because they involve so many actors who have different interests in the forest resources concerned<sup>[11],[12]</sup>. Various conflicts in forest areas include conflicts of "ownership", conflicts of interest (purpose) of their use, and conflicts in the form of management<sup>[13], [14]</sup>. Most conflicts in forest areas are predictably rooted in competition for three things: resources, recognition, and power.

The functions and benefits of forests are interpretive and highly dependent on the perspective of individuals or community groups who have an interest in the forest<sup>[15]</sup>. The failure of the current forest management system results in a decline in forest quality and the welfare of communities around the forest, which are increasingly marginal<sup>[16]</sup>. The high level of exploitation of forest

<sup>2</sup> Alejandro Estrada and others, 'Impending Extinction Crisis of the World's Primates: Why Primates Matter', *Science Advances*, 3.1 (2017) <<https://doi.org/10.1126/sciadv.1600946>>.

<sup>3</sup> Corey T. Callaghan, Shinichi Nakagawa, and William K. Cornwell, 'Global Abundance Estimates for 9,700 Bird Species', *Proceedings of the National Academy of Sciences of the United States of America*, 118.21 (2021), 1–10 <<https://doi.org/10.1073/pnas.2023170118>>.

<sup>5</sup> Siti Nurbaya and others, 'Ministry of Environment and Forestry, Republic of Indonesia Efransjah ASSoclatE EdltoRS: The STaTe of IndoneSla'S ForeSTS 2020', 2020, 5–24.

<sup>5</sup> Diding Rahmat, 'The Effectiveness of Law Enforcement on Illegal Logging Based on the Value of Justice', *UNIFIKASI : Jurnal Ilmu Hukum*, 7.1 (2020), 28 <<https://doi.org/10.25134/unifikasi.v7i1.2715>>.

<sup>6</sup> Ida Bagus Dharmika, Gede Yoga Kharisma Pradana, and Ni Made Ruastiti, 'Sustainable Forest Management As a Form of Community Resistance in Bali', *Procedia Environmental Science, Engineering and Management*, 9.1 (2022), 275–88.

<sup>7</sup> republic of Indonesia Ministry of environment and Forestry, *The State of Indonesia's Forests 2020, The State of Indonesia's Forests 2020*, 2020.

<sup>8</sup> S. Mughtar and A. Yunus, 'Environmental Law Enforcement in Forestry Crime: A Disjunction between Ideality and Reality', *IOP Conference Series: Earth and Environmental Science*, 343.1 (2019) <<https://doi.org/10.1088/1755-1315/343/1/012066>>.

<sup>9</sup> Ibid, p. 123

<sup>10</sup> Tabah Arif Rahmani and others, 'Reconciling Conflict of Interest in the Management of Forest Restoration Ecosystem: A Strategy to Incorporate Different Interests of Stakeholders in the Utilization of the Harapan Rainforest, Jambi, Indonesia', *Sustainability (Switzerland)*, 14.21 (2022) <<https://doi.org/10.3390/su142113924>>.

<sup>11</sup> Erik Meijaard and others, 'People's Perceptions about the Importance of Forests on Borneo', *PLoS ONE*, 8.9 (2013) <<https://doi.org/10.1371/journal.pone.0073008>>.

<sup>12</sup> Hendra Gunawan and others, 'Integrating Social Forestry and Biodiversity Conservation in Indonesia', *Forests*, 13.12 (2022), 1–27 <<https://doi.org/10.3390/f13122152>>.

<sup>13</sup> B H Saharjo, 'Research for Fire Prevention Management in Indonesia (Smoke, Haze, Ghg Emission Reduction, and Deforestation)', *Journal of Tropical Silviculture P-ISSN*, 13.1 (2022), 1–13 <<https://core.ac.uk/download/pdf/522262117.pdf>>.

<sup>14</sup> Ega Rijal Mahardika and Muhammad Azhary Bayu, 'Legal Politics of Indonesian Environmental Management: Discourse between Maintaining Environmental Sustainability and Economic Interests', *Indonesian Journal of Environmental Law and Sustainable Development*, 1.1 (2022), 1–28 <<https://doi.org/10.15294/ijel.v1i1.56781>>.

<sup>15</sup> Maryudi (2014) Rejim politik kehutanan internasional. Gajah Mada University Press. Yogyakarta

<sup>16</sup> Ministry of environment and Forestry, republic of Indonesia, *The State of Indonesia's Forests 2020, The State of Indonesia's Forests 2020*, 2020

resources through large-scale exploitation of Forest Concession Rights (HPH) without adequate conservation and rehabilitation efforts, forest fires, *illegal logging*, and forest encroachment further increases the level of forest destruction (*deforestation*)).

Forests are not only natural resources that support economic development but also natural resources that support socio-cultural and environmental conservation. Centralistic forestry development policies, with no mechanism for communities to provide feedback, have not worked well for the forests themselves or the communities living in them. The government does not have enough information about the local characteristics of forest resources and their environment as a basis for decision-making and control due to the limited capacity of the government on the one hand, as well as the weak participation of the community on the other, directly or indirectly, as a cause of failure in forest management.

Referring to the words national interest, especially the national economic development program, which is very intensively promoted with a number of targets to be achieved, government bureaucrats often simplify a number of basic issues that are prerequisites or preconditions for the implementation of State-Owned Property (HMN). So, subsequent policy making and implementation in the field often violate or contradict both the philosophy of the legislation above it and the real conditions of the community and its problems in the field. This is very clear from Government Regulation Number 18 of 1975 concerning Forest Concession Rights.

The number of forests that have been converted into protected forest areas into agricultural land areas, plantations and lubrication areas further increases the risk of floods and landslides and loss of water sources. The government has actually designated protected forest areas, including landslide-prone areas. In general, the cause of floods and landslides is due to changes in the conversion of protected forests so that surface water increases. On the other hand, many settlements are built on hills with slopes of more than 60%, which should be protected forests.

Preservation of utilization of both types and ecosystems by regulating and controlling ways of utilization that are more efficient so that optimal and sustainable benefits are obtained.

In achieving this goal, various problems are encountered, including unclear spatial planning, limited data, information, knowledge and technology, and lack of coordination at both the central and regional levels so that there are often overlapping interests. To overcome these problems, coordination and integration of forest management as part of development programs and programs are needed.

To accommodate a number of communities in and around the forest that still depend on forests and forest products, the government issued several forms of policies, including [17]:

1. In production forest areas, local communities are allowed to collect forest products (timber, rattan, and other forest products) for the benefit of daily life.
2. In conservation areas (National Parks), traditional use zones are provided.
3. The existence of the Forest Village Development HPH program as an effort to improve the lives of communities around the forest.

The emergence of regulation on the right to collect timber and non-timber forest products (especially in production forest areas) to communities around these forests is basically more due to the reason of forest concession activities by HPH. This can be clearly seen in PP No. 18/1975 concerning Forest Exploitation. From the government regulation, it is clear how the government's partiality is more to HPH entrepreneurs than to communities around forests.

The right to manage forest resources independently for communities around forests is a fairly new policy, namely with the issuance of a policy on HPHKM (Community Forest Concession Rights) through the Decree of the Minister of Forestry No 677/1998. In the decree, HPHKM is given to communities around forests that are accommodated in the form of cooperatives for a certain period of time. Likewise, Law No. 41/1999 states that customary law communities have the right to carry out forest management activities based on applicable customary law and not contrary to the law, which can be carried out in customary forests or Forest Areas with Special Purposes.

---

<sup>17</sup> Nugroho, Hunggul Yudono Setio Hadi, Fitri Nurfatriani, Yonky Indrajaya, Tri Wira Yuwati, Sulistya Ekawati, Mimi Salminah, and others, 'Mainstreaming Ecosystem Services from Indonesia's Remaining Forests', *Sustainability (Switzerland)*, 14.19 (2022) <<https://doi.org/10.3390/su141912124>>

Forest resource conflicts that often occur are conflicts between communities in and around forests with various parties from outside who assume authority in managing forest resources. Parties outside the community include government (central and regional), private forest entrepreneurs and state-owned enterprises, timber and non-timber forest product entrepreneurs, conservation area managers, and security forces. Such conflicts can be classified as vertical conflicts [18].

Conflicts that occur on the ground between HPH and HTI with indigenous peoples from year to year are increasing. In this era of reform, the conflict became more widespread and violent; several HPH camps were burned, and their roads were blocked so that they could not operate. The Gowa Regency, especially Moncong High District, is one of the districts in South Sulawesi that is rich in forest resources, where conflicts between HPH/HTI and indigenous peoples continue and expand. The conflicts are generally because their customary territories (Matteko Indigenous people) have been expropriated and their growing crops evicted along with logging by HPH and *land clearing* by HPHTI [19]. Forest resource conflicts can include:

1. Land conflicts in the form of overlapping land use problems, land disputes, land grabbing and illegal cultivation.
2. Conflict over forest/natural resources on land, such as looting and theft of timber and other forest products
3. Social/ethnic conflicts, for example, between migrants and indigenous people.

But often, the conflict is multi-dimensional or a mixture of the three types of conflict above. Forest resource conflicts are no longer only *latent* (closed), but most of them have emerged (*emerging*) and even open (*manifest*). In this condition, the conflict has reached a high escalation and is confrontational.

The problems faced by forestry, such as forest degradation, *illegal logging*, forest fires, encroachment and forest encroachment, are really just *symptoms*. The real fundamental problem is the failure of the forest resource tenure system built by the state (government), especially those related to indigenous peoples' property rights and *state property rights* managed by private entrepreneurs/SOEs. It cannot be allowed to drag on; there must be a fundamental and simultaneous policy effort from the state that must be carried out immediately.

Over the past few years, experts have proposed alternative measures to improve the HPH system, and now the impetus to do so is strengthening. At this time, there is the right momentum because there are several HPH License holders in the process of applying for an HPH extension for the second period of business.

Modification of HPH and even drastic restructuring of the exploitation system must be carried out to ensure good and fair management of forest resources. The issue of handing over management rights to third parties (such as HPH) means the issue of handing over *forest resource property rights* from the government to third parties through a "contract" legalized by the government (Decree of the Minister of Forestry). In order to submit *property rights*, several things must be considered, namely:

1. The rights granted and the obligations of each party (government and employers) are clearly formulated, and each party can also strictly enforce them so as not to harm indigenous peoples [20].
2. Beyond the HPH system, new systems could be developed that provide more opportunities for a wider range of indigenous peoples, such as the CBFM (Community Based Forest Management) system. [21].

## 2. Research Methods

This study is a qualitative type of research. There are 2 (two) data sources in this study, namely: (a) Primary data, obtained directly from the informant concerned by means of interviews to obtain answers related to conflicts in customary forest management of Gowa Regency, and (b) Secondary Data, obtained from literature and documents as well as data that Taken from literature studies in the form of a number of books, literature, writings by Ilmia that support the completeness of data.

The data obtained is then analyzed by interactive data analysis techniques [22], namely: (a) Data reduction by summarizing, choosing the main things, focusing on important things, looking for themes and patterns from the data; (b) Presentation of data

<sup>18</sup> Rahmawati, Rita, Denny Hernawan, Beddy Iriawan Maksudi, Arya Hadi Dharmawan, Dudung Darusman, and Rilus Kinseng, 'Conflict Management in Forest Resources in West Java and West Kalimantan, Indonesia', *Icri* 2018, 2020, 2199–2209 <<https://doi.org/10.5220/0009940821992209>>

<sup>19</sup> Hendra, Rahmad, Firdaus Firdaus, and Samariadi Samariadi, 'Construction of Indigenous Community Gardens by the Company as Land Conflict Resolution', *UNIFIKASI: Jurnal Ilmu Hukum*, 9.1 (2022), 54–63 <<https://doi.org/10.25134/unifikasi.v9i1.4937>>

<sup>20</sup> Patrick Thornberry, 'The UN Draft Declaration on the Rights of Indigenous Peoples', *Indigenous Peoples and Human Rights*, 2012, 370–96 <<https://doi.org/10.7228/manchester/9780719037931.003.0016>>.

<sup>21</sup> Meswari et al, 'Community Empowerment Strategies Around Forest Through', 5.1 (2021), 68–82.

<sup>22</sup> [https://books.google.co.id/books?id=U4IU\\_wJ5QEC&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](https://books.google.co.id/books?id=U4IU_wJ5QEC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false)

(data display), presenting data carried out in the form of brief descriptions and relationships between variables, and so on; and (c) Drawing conclusions (verification), drawing conclusions about the meanings that arise from the data.

### 3. Research Results and Discussion

#### 3.1 Causes of Customary Forest Land Conversion Conflict in Gowa District

The Gowa Regency area, which will be the location of the service center for RPH Gowa, is directly adjacent to Makassar City, the capital and service center/ government center of South Sulawesi Province.

Geographically, RPH Gowa is located between 119°35'23.66"-120°1'30.23"E and 5°7'45.50"-5°34'3.26"S. Forest areas in this region are at altitudes ranging from 50 to 1,670 meters above sea level, with topographic forms that are generally hilly to mountainous.

This part of the region is bordered by several Sub-watersheds, namely: Tangka Sub-watershed and Mangottong Sub-watershed to the east; Bijawang and Bialo sub-watersheds to the west; Tanggara, Pappa, Kelara and Puncara sub-watersheds to the south; and Tanralili and Minraleng Sub-watersheds (Walanae watershed) to the north. RPH Gowa covers an area of 61,033.70 ha, consisting of protected forests, limited production forests and production forests, as well as several conservation areas in a relatively limited area, in the form of Nature Parks, Buru Parks and Wildlife Reserves.

Biringbulu, Bungaya and Tombolo Pao sub-districts are three sub-districts that have a fairly large forest area, which is above 10,000 ha. Furthermore, it can also be seen that the largest protected forest area is in Bungaya District (6,334.11 ha), while the largest production forest and limited production forest areas are, respectively, in Parangloe District (5,373.23 ha) and Tombolo Pao District (6,935.72 ha). In addition, Tinggimoncong District also has a relatively large limited production forest area, which is 5,172.27 ha. Through good management, these production forests and limited production forests will be able to produce various forest product commodities, timber and/or non-timber, to meet community needs and development.

Data on the division of forest areas in Gowa Regency can be seen in the table below:

Table 1  
Forest Area Utilization Data in Gowa District

No	Forest Area	Area (Ha)
1	Production Forest	44.155
2	Forest Protection	24.911
3	Forest Conservation	3.309
4	Customary Forest	570
<b>Sum</b>		82.945

Data Source: Statistics of Gowa District

The data above shows that of the forest area in Gowa Regency, 44,155 Ha is as production forest area, 24,911 Ha is protected forest area, 3,309 Ha is conservation forest area, and 570 Ha is included in customary forest area.

The tenure system of indigenous peoples in Gowa Regency is divided into several utilization zones, such as agricultural land, rice fields and livestock land. In addition, there are sacred forests that cannot be accessed by anyone; the naming of sacred forests (custom) varies from one indigenous community to another, for example, the mention of Ompo for the customary forest of the Matteko indigenous people [23].

Given the importance of the government's strategy to preserve forests, researchers conducted observations in the Gowa Regency area and found that customary forests in Gowa Regency are often misused by some local communities, such as illegal logging, forest burning, used as agricultural land and plantations, and others. This has happened for the last 10 years, based on the results of interviews that "The forest in the pattalassang customary territory used to be part of the customary forest managed by indigenous peoples, but with the entry into the forest unilaterally shows that the forest is no longer managed by the community, the management system is through the Forestry service, and the community is prohibited from entering the forest anymore, so their land is narrower because even if it is not their forest The timber was then designated as a protected forest area. It seems

---

<sup>23</sup>B. Madiung, 'Constitutional Rights of Indigenous Peoples in Forest Management in the Perspective of Justice', *Indonesia Prime*, 6.1 (2021), 1–6 <<https://indonesiaprime.or.id/index.php/id/article/view/113%0Ahttps://indonesiaprime.or.id/index.php/id/article/download/113/52>>.

that there is no right solution from the South Sulawesi Provincial Forestry Service, which has become its duty and authority to maintain and preserve forests. The South Sulawesi Provincial Forestry Service will restore converted forests to sustainable forests or protected forests. To overcome the problem of forest land conversion, of course, the right government strategy is needed to preserve Indonesia's forests, especially in the Gowa Regency.

Based on data from several companies holding Forest Concession Rights Permits in Gowa Regency are:

Table 2  
Company Name Holding Forest Concession Rights In Gowa Regency

No	Company Name	Broad	Information
1	PT. Main Pine Adimitra	7.725	Occupying the Matteko Customary Forest Area
2	PT. BSB	3.550	Occupying Pattallassang Customary Forest Area
3	PT. SJA	1.725	Occupying the Balassuka Customary Forest Area
4	PT. BMA	1.825	Occupying the Bulutana Customary Forest Area

Data Source: Gowa District Forestry Service

The table above shows that companies that have Forest Concession Rights Permits (HPH) from the Gowa Regency Regional Government have invited large-scale conflicts and have even claimed lives. PT Adimitra Pinus Utama, which manages Matteko customary forest, covers an area of  $\pm 7,725$  Ha, PT BSB, which manages Pattallassang customary forest covering an area of  $\pm 3,550$  Has, PT SJA, which manages Balassuka customary forest area  $\pm \pm 1,725$  Ha and PT BMA manages the Bulutana customary forest covering an area of  $\pm 1.825$  Ha.

Conflicts over indigenous peoples' forest management in the Gowa Regency have been going on for a long time. The conflict began with the issuance of the decree. Minister of Agriculture with Number: 760 /Kpts/Um/ 10/1982, on October 12, 1982, concerning the designation of forest areas of South Sulawesi Level I Province covering an area of  $\pm 3,615,164$  hectares. The designation of customary territories by the government into state forests has an impact on the alignment of indigenous peoples from their living space and livelihood. This conflict was further exacerbated by the issuance of the decree. 607/Menhut-II/2012 has been burdened by IUPHHK-HTI, PT. Inhutani I with an area of 18,350 hectares.

The designation of customary territories into state forest areas and the issuance of forestry industry permits by the government not only have an impact on the loss of indigenous peoples' access to their customary territories but also have implications for cultural damage and poverty for indigenous peoples in the Gowa Regency. Data from KPH Jeneberang (2022) states that the number of people who inhabit forest areas and forest areas is 718 households. A total of 59,340 people, or 7.83% of them, are included in the category of poor people with an average income of Rp. 333,002.00, per capita/month.

In an effort to resolve conflicts over the conversion of forest areas in Gowa Regency, it is time to apply the principles and direction of regulation that must be considered in the establishment of Gowa Regency Regional Regulation Number 05 of 2016 concerning the Establishment of Regional Customary and Cultural Institutions which regulates several principles as follows:

1. Principle of Participation: Participation is the involvement of indigenous peoples in every process of recognition, protection and fulfillment of their rights. The ideal participation is 'full and effective participation' in development, where everyone in the community is involved in all stages and becomes the decisive party in making decisions on any program or project undertaken in their area of life. This principle of participation does not mean that indigenous peoples are anti-development and investment. The presence of investment is very important to encourage regional development, but the presence of investment must not ignore the existence of indigenous peoples' rights. The establishment of local regulations on indigenous peoples will actually provide legal certainty for parties who want to invest in customary territories;
2. Principle of justice: The principle of justice also includes equality in socio-political positions and before the law. The justice in question must be in accordance with the fifth precept of Pancasila, namely social justice for all Indonesian people. This means justice in which the State plays an important role in the program of equitable development and welfare for all Indonesian people;

3. Principle of Equality/Non-discrimination: equality is defined as equality between all individuals and groups of people. Equality in question presupposes that there is equal freedom, the existence of equal position, and the existence of equal treatment. This equality also requires state intervention, such as ensuring access to education that is appropriate for indigenous peoples.
4. Human Rights (HAM): Both the 1945 Constitution before and after the Amendment affirmed the need for the fulfillment of human rights. The obligations of States in the Constitution, as well as in international human rights law, have been clearly outlined in three main obligations, namely respecting, protecting and fulfilling the fundamental rights and freedoms of citizens
5. Principles of Environmental Sustainability: Development oriented towards economic growth gives rise to environmental crises and social crises in various parts of the world. Therefore, this principle has become a necessity for all forms of development today.

### **3.2 Legal consequences of conflict in Gowa Regency customary forest area**

One of the roots of the inequality in natural resource management that has occurred so far is caused by development policies that are only oriented to the rate of economic growth. These policies led to conflict, corruption and poverty [24].

The loss of access to forest resources due to the absence of law and overlapping policies regulating indigenous peoples' rights is suspected as a major trigger for conflict and poverty for indigenous peoples [25]. In Gowa District, conflicts over customary forest management continue to occur. The arrest of six Matteko indigenous people is one of the actual examples of the lack of comprehensive handling of indigenous peoples' rights tenure conflicts by the local government of Gowa Regency [26].

The existence of indigenous peoples in Gowa Regency, generally inhabiting the slopes of the mountains, live for generations and in groups in one customary area called Kampong (Kampung). Based on the results of ethnographic studies conducted by the Alliance of Indigenous Peoples of the Archipelago (AMAN) South Sulawesi, 8 (eight) indigenous communities in Gowa Regency have been identified, namely: Balassuka indigenous community, Bolaromang indigenous community, Pattallassang indigenous community, Matteko indigenous community, Bulutana indigenous community, toddler indigenous community, teapot indigenous community, and Siria indigenous community.

The designation of customary territories as state forest areas and the issuance of forestry industry permits by the government not only have an impact on the loss of indigenous peoples' access to their customary territories but also have implications for cultural damage and poverty for indigenous peoples in the Gowa Regency. Data from KPH Jeneberang (2019) states that the number of people who inhabit forest areas and forest areas is 718 households. A total of 59,340 people, or 7.83% of them, are included in the category of poor people with an average income of Rp. 333,002.00, per capita/month.

According to Tahir Matteko, Customary Leader (interview on August 22, 2022), the factor that became an obstacle to the recognition of the Matteko customary law community's customary forest was because the government claimed the Matteko customary forest as a limited production forest by the Gowa Regency Forestry Service through the Appointment Letter of the Ministry of Forestry of the Republic of Indonesia, the Matteko indigenous people felt a lack of land because, since the existence of pine forests which became limited production forest areas Given management rights to private companies since the existence of this pine, the Matteko Customary Law Community cannot grow various other types of plants.

## **4. Conclusion**

- a) The aim of this study is to analyze the causes of conflict over the function of customary forest land in Gowa Regency and analyze the legal consequences of conflict over customary forest areas in Gowa Regency
- b) The conflict emerged due to the existence of several forest concession rights issued by the Ministry of Agriculture and Forestry to manage customary forests in Gowa Regency, even though Gowa Regency's customary forests have received recognition through regional regulations.
- c) This research can provide input to the government to respect the rights of indigenous peoples, which have received good recognition in the 1945 Constitution, UUPA, Forestry Law and Regional Regulations.

---

<sup>24</sup> Hal Hill, 'What's Happened to Poverty and Inequality in Indonesia over Half a Century?', *Asian Development Review*, 38.1 (2021), 68–97 <[https://doi.org/10.1162/adev\\_a\\_00158](https://doi.org/10.1162/adev_a_00158)>.

<sup>25</sup> Julian Burger, *Challenges for Environmental and Indigenous Peoples' Rights in the Amazon Region*, 2020.

<sup>26</sup>Ibid, p.6

- d) This research is still considered inadequate because limited respondents were presented to ask for their opinions and real data on forest areas controlled by companies holding Forest Concession Rights Permits (HPH) as well as forms of conflict that occurred during the approximately 10 years of forest management by HPH.
- e) The researcher's hope for the next research is to examine in depth the causes of conflict between forest concession rights holders and indigenous communities and to explore the indigenous community's map of whether forest management by HPH holders is included in customary forest areas or still outside customary forest areas.

**Funding:** This research was funded by DIPA Bosowa University Makassar, Research Contract Number 019a/LPPM/Unibos/I/2022.

**Conflicts of Interest:** The authors declare no conflict of interest.

**ORCID Id :** 0000-0003-2655-8427

**Publisher's Note:** All claims expressed in this article are solely those of the authors and do not necessarily represent those of their affiliated organizations or those of the publisher, the editors and the reviewers.

## References

- [1] Alejandro E. (2017). Impending Extinction Crisis of the World's Primates: Why Primates Matter, *Science Advances*, 3.1 <<https://doi.org/10.1126/sciadv.1600946>>.
- [2] Books. [https://books.google.co.id/books?id=U4IU\\_wJ5QEC&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](https://books.google.co.id/books?id=U4IU_wJ5QEC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false)
- [3] Corey T. C, Shinichi N, and William K. C (2021). Global Abundance Estimates for 9,700 Bird Species', *Proceedings of the National Academy of Sciences of the United States of America*, 118.21 (2021), 1–10 <<https://doi.org/10.1073/pnas.2023170118>>.
- [4] Diding R (2020). The Effectiveness of Law Enforcement on Illegal Logging Based on the Value of Justice', *UNIFIKASI: Jurnal Ilmu Hukum*, 7.1 (2020), 28 <<https://doi.org/10.25134/unifikasi.v7i1.2715>>.
- [5] Ega R M and Muhammad A B, (2022). Legal Politics of Indonesian Environmental Management: Discourse between Maintaining Environmental Sustainability and Economic Interests', *Indonesian Journal of Environmental Law and Sustainable Development*, 1.1 (2022), 1–28 <<https://doi.org/10.15294/ijel.v1i1.56781>>.
- [6] Erik M. (2013). 'People's Perceptions about the Importance of Forests on Borneo', *PLoS ONE*, 8.9 (2013) <<https://doi.org/10.1371/journal.pone.0073008>>.
- [7] Hal H. (2021). What's Happened to Poverty and Inequality in Indonesia over Half a Century? *Asian Development Review*, 38.1 (2021), 68–97 <[https://doi.org/10.1162/adev\\_a\\_00158](https://doi.org/10.1162/adev_a_00158)>.
- [8] Hendra G. (2022). Integrating Social Forestry and Biodiversity Conservation in Indonesia', *Forests*, 13.12 (2022), 1–27 <<https://doi.org/10.3390/f13122152>>.
- [9] Hendra, R, Firdaus F and Samariadi S. (2022). Construction of Indigenous Community Gardens by the Company as Land Conflict Resolution', *UNIFIKASI: Jurnal Ilmu Hukum*, 9.1 (2022), 54–63 <https://doi.org/10.25134/unifikasi.v9i1.4937>
- [10] Ida B D, Gede Y K P, and Ni M R (2022). Sustainable Forest Management As a Form of Community Resistance in Bali', *Procedia Environmental Science, Engineering and Management*, 9.1 (2022), 275–88.
- [11] Julian B, (2020). *Challenges for Environmental and Indigenous Peoples' Rights in the Amazon Region*, 2020.
- [12] Maryudi (2014). *Rejim politik kehutanan internasional*. Gadjah Mada University Presss. Yogyakarta
- [13] Meswari G. (2021). 'Community Empowerment Strategies Around Forest Through', 5.1 (2021), 68–82.
- [14] Mujib R A. (2023). The Societal and Economic Impact of Reforestation Strategies and Policies in Southeast Asia—A Review', *Forests*, 14.1 1–15 <<https://doi.org/10.3390/f14010001>>.
- [15] Ministry of Environment and Forestry, Republic of Indonesia, *The State of Indonesia's Forests (2020) The State of Indonesia's Forests 2020*, 2020
- [16] Madiong, B. (2021). Constitutional Rights of Indigenous Peoples in Forest Management in the Perspective of Justice *Indonesia Prime*, 6.1 (2021), 1–6 <<https://indonesiaprime.or.id/index.php/id/article/view/113%0Ahttps://indonesiaprime.or.id/index.php/id/article/download/113/52>>.
- [17] Nugroho, H and Yudono S H (2022). Fitri Nurfatriani, Yonky Indrajaya, Tri Wira Yuwati, Sulistya Ekawati, Mimi Salminah, and others, 'Mainstreaming Ecosystem Services from Indonesia's Remaining Forests', *Sustainability (Switzerland)*, 14.19 (2022) <<https://doi.org/10.3390/su141912124>>
- [18] Patrick T, (2012). The UN Draft Declaration on the Rights of Indigenous Peoples, *Indigenous Peoples and Human Rights*, 2012, 370–96 <<https://doi.org/10.7228/manchester/9780719037931.003.0016>>.
- [19] Rahmawati, R, Denny H, Beddy I M, Arya H D, Dudung D, and Rilus K, (2018). Conflict Management in Forest Resouces in West Java and West Kalimantan, Indonesia', *Icri* 2018, 2020, 2199–2209 <https://doi.org/10.5220/0009940821992209>
- [20] Republic of Indonesia Ministry of Environment and Forestry (2020). *The State of Indonesia's Forests 2020, The State of Indonesia's Forests 2020*, 2020.
- [21] Siti N. (2020). Ministry of Environment and Forestry, Republic of Indonesia Efransjah ASSoclatE EdltoRS: The State of IndoneSla'S ForeSTS 2020', 2020, 5–24.
- [22] Saharjo B H (2022). Research for Fire Prevention Management in Indonesia (Smoke, Haze, Ghg Emission Reduction, and Deforestation), *Journal of Tropical Silviculture P-ISSN*, 13.1 (2022), 1–13 <<https://core.ac.uk/download/pdf/522262117.pdf>>.
- [23] Mughtar S and Yunus, A (2019). Environmental Law Enforcement in Forestry Crime: A Disjunction between Ideality and Reality', *IOP Conference Series: Earth and Environmental Science*, 343.1 (2019) <<https://doi.org/10.1088/1755-1315/343/1/012066>>.
- [24] Tabah A R. (2022). Reconciling Conflict of Interest in the Management of Forest Restoration Ecosystem: A Strategy to Incorporate Different Interests of Stakeholders in the Utilization of the Harapan Rainforest, Jambi, Indonesia', *Sustainability (Switzerland)*, 14.21 (2022) <<https://doi.org/10.3390/su142113924>>.