

The Access of Kaili Community to the Natural Resource of the Central Sulawesi Grand Forest Park (Tahura)¹

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Abstract

Jamlis Lahandu, The Access of Kaili Community to The Natural Resources of Central Sulawesi Grand Forest Park (TAHURA) Supervised by **Syukur Umar**, **Sulaiman Mamar**, and **Hariadi Kartodihardjo**. Taman Hutan Raya (TAHURA) Central Sulawesi, is an interconnected ecosystem of life with each other. The ecosystem of life in Central Sulawesi's Central Forest Park encompasses sub-systems, components and integrated elements that include human, animal and plant life systems and biodiversity associated with abiotic elements. TAHURA Central Sulawesi was confirmed through KepMenHut no. 24 / Kpts-II / 1999, covering an area of 7,128 hectares located in Sigi Regency area of 2,431.73 ha, and Palu City of 4,696.27 ha. Of the extent there is a de facto public domain (privat property) of 676.55 hectares or 9.49 percent; in addition to private property there is also a communal property area of 30 hectares located in Watutela region. The de facto community of Kaili communities occupies six residential locations namely Wintu, Watutela, PondoPoboya, Uentumbu, Tompu and Raranggonau (Lando). The Central Sulawesi TAHURA policy through The Regional Regulation No. 2/1955 about Central Sulawesi Forest Park Management has implicated for good governance, reducing tenure conflicts and providing legal certainty for the owner, but the fact that the Local Government Regulation does not give significant impact on the right management and access within the TAHURA forest area. Exploitation of metallic mineral mines are widespread, the rights of the farmers remain unchanged and the lack of communication between TAHURA Management and local people living in the region. The forest area contains 1.675 people who depend on natural resources. This study aims to formulate the access and assurance arrangement of the community rights of the Kaili tribe in Central Sulawesi Forest Park. The Method of data collection used is Participatory Rural Appraisal (PRA) with several assessment tools such as season calendar, historical flow, rank matrix and institutional relationship (venn diagram). Informant in this study amounted to 24 people covering community kaili community 13 people, representing government 9 people, 1 person legislative, and private 1 person. The data obtained were analyzed using 4R analysis tools (Right, Responsibility, Revenue and Relationship). The UPTD of Central Sulawesi TAHURA as a key stakeholder should be able to control the access of the parties involved in TAHURA, but the reality shows that the access management within the area is not yet optimal. The community of the Kaili tribe as a beneficiary of large access and at the same time responsible for the sustainability of natural resources within the area with forest management schemes namely pangale, kakana and pakam for the community of Kaililedo and Laranggayumbongo, pangale and nava for the Kaili Tara Community. Inter-stakeholder relationships show that inter-communities within the area and TAHURA management have a less harmonious relationship, and between mining entrepreneurs and communities around the mine area have a good relationship as communities are given space and land compensation. This study concludes that (a) The system of regulating access to forest resources is only done internally by Community of Kaili Tara and Ledo based on traditional institutional rules. The responsibilities and benefits of the de facto right to natural resources rank highest; but does not get the right property rights of the government (de jure right), (b) UPTD TAHURA as the access controller did not fulfill its responsibilities and functions well, especially the implementation of PERDA no. 2 Year 2015 about the Management of TAHURA, (c) PERDA no. 2/2015 has not been able to regulate access management from natural resource-related parties within TAHURA Central Sulawesi.

Keywords: Kaili community, access, natural resources, Central Sulawesi Grand Forest Park and 4R Analysis.

INTRODUCTION

Taman Hutan Raya (TAHURA) is a natural conservation area aimed at collecting plants, and / or natural or artificial animals, genuine and / or non-native species utilized for research, science, education, cultivation, culture, tourism and recreation. TAHURA Central Sulawesi is located in the district of Sigi and Palu City. The chronology of its formation, TAHURA Central Sulawesi was established through the Decree of the Minister of Plantation and Forestry No. 461 / Kpts-II / 1995 under the name TAHURA Palu covering an area of 8,100 hectares. After the determination of the boundary, the area is confirmed through Ministerial Decree no. 24 / Kpts-II / 1999 of 7,128 ha, is an amalgamation of the Poboya nature reserve, Paneki Protected Forest and

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Kapopo Nature Park (National Greening Week location 30). Administratively included in the area of Palu City, and Sigi District. The management of TAHURA Central Sulawesi from 1995 to 2009 was conducted by BKSDA Region VI Sulawesi.

Based on Regional Regulation No. 2 of 2015 on Central Sulawesi Forest Park Management that its management is carried out by UPTD (Unit of Technical Office). Management in local regulations is divided into three (3) blocks ie protection blocks, utilization blocks and other blocks. Furthermore, in Article 7, paragraph 2, that other blocs consist of: a) Blocks of growing and / or wildlife collection, b) Block rehabilitation, c) Traditional block, d) Religious, cultural and historical block, and, e) Special block

Each of the five blocks mentioned above, do not yet have a function limit yet. Thus the access for many parties is very difficult to overcome and / or limit. It is even more ironic that the community who live in the area is not aware of the existence of local regulations that regulate the management of Central Sulawesi TAHURA. The meeting that was held between Watutela community leaders and TAHURA management has never been done by other communities. In the meeting there is no solution between the management (UPTD) and the Community. Both sides used different approaches in managing the natural resources of Central SulawesiTAHURA. The government refers to legal rights because the community does not have de jure proof, but the community refers to the rights of their elders who have been managed across generations and have existed before TAHURA and have de facto rights. The de facto right is a process of recognition from claiming land and other resources as property, and political identity as a citizenship right, simultaneously the institution that invests gives such recognition with the recognition of authority to do so (Lund, 2016; 7).

Rights and access are two different concepts in the management of a natural resource. Right is ownership which can be proved by legal attributes in the form of permits, certificates etc., from rights holders under legislation or commonly known as de jure ownership (Affif, 2002). Access¹ to community resources overlapping, due to social relationships, and individuals or communities that have long fused with accessible resources, or de facto ownership (Ribot and Peluso, 2003).

Claims over the rights of communities in the region continue continuously, but activities on natural resource management including those on it are also sustainable as a source of everyday life of citizens. This action allows the settlement of various kinds of individual and collective rights (Khanal, 2013; 5). These rights will affect and / or determine opportunities for access to natural resources including access to live, access to land and forest use, and access to other natural resources. It is important to recognize the importance of a coordinated and consistent policy approach to land use, some policy documents assessed to give details of how this should be done, and only about a small proportion indicate clearly coordinated evidence of agriculture-and forest-related interests (FAO, 2016; 15) The presence of Regional Regulations is expected to provide a solution for the rights and access of the people within the are, but what arises is the unrest and uncertainty of the community's ownership of the de facto rights that are accessed from generation to generation across generations. This research aims to formulate access arrangement and certainty of community rights of community of Kaili tribe in Central Sulawesi TAHURA.

RESEARCH METHODS

The research was conducted in TAHURA SULTENG within seven communities² (settlements) in / around the area, namely (a) Wintu community, BuluBionga area, (b) Watutela community, Watutela watershed area, (c) Pondo watershed community, Poboya , (d) community of Uwentumbu, Mamara watershed area (Kavatuna), (e) Kalinjo community of Tompu, BuluBulili, f) Kambilo Community of Tompu, and g) Raranggonau (Lando). The seven locations occupied by the community are permanent settlers within the area that interact directly with the nature of agriculture, plantation, forestry, livestock, and timber and non timber forest products. The study took place from March to October 2017.



This research used participatory approaches in data collection, with Participatory Rural Appraisal (history, trend analysis and rank matrix), and focus group discussion). The determination of key information is done early on in the course of the research. Then it follows by determining the characteristics, group identification and individual identification, community leaders who meet the criteria of being informants involved in focused discussions of six community locations of the Kaili tribe. (David de Vaus, 2002; Muhadjir, 2000; Singarimbun, 1991). The Informants³ from community stakeholders selected a key informant (Nazir, 1988; Sevilla et al., 1993; Bungin, 2011; 78)). For stakeholders representing government and independent institutions (NGOs) are leaders (policy-holders in their

¹Access is the ability to benefit from something, including objects, people or institutions (Ribot and Peluso, 2003).

²Communities in an anthropological dictionary define social unity primarily bound by a sense of regional awareness (Koentjaraningrat, 2003).

³The criteria of informants are land ownership, having sufficient knowledge, able to communicate both Indonesian and Kaili languages, community leaders (who are elderly in the group), following developments in the region (current livelihood) and have sufficient experience

institutions).The institutions include UPTD TAHURA, NGOs, LurahKavatuna, Poboya, Tondo and Layana Indah, Head of Pumbewe Village, NgataBaru (Kapopo) and Loru, and Head of Dusun/Lingkungan (RT, RW). Community informants amounted to 13 people, representing government institutions 9 people, Legislative Institution 1 person, private 1 person, so total of informants amounted to 24 people. Secondary data are documents, research reports, BPS KecamatanDalamAngka, site plan, and policy products on TAHURA Central Sulawesi, including village, village and hamlet data or RT.

The analysis used is right, responsibility, revenues and relationship (4 Rs). The 4R analyses looks at the roles, responsibilities and benefits that stakeholders derive from natural resources and the patterns of relationships among stakeholders and communities (Meyers, IIED, 2005). How is the access mechanism (gain, control and maintain) in the management of Central Sulawesi TAHURA (Ribot&Peluso, 2003). Content analysis is to examine the content of legislation relating to the management of conservation area resources, and what opportunities can be utilized by communities to access resources based on their de facto authority. To qualitatively describe the rules related to the management of TAHURA Central Sulawesi empirically. (Muhadjir, 2000).

RESULTS AND DISCUSSION

Characteristics of Research Area

The Study of TAHURA access management has regional characteristics especially for communities from six different areas of typology. The local people who have access in this area are 438 families, 1.675 people spread over six residential areas: Wintu, Watutela, PondoPoboya, UentumbuKavatuna, Raranggonau (Lando) and Tompu. The typology of each settlement in this area is different from one another, presented in Table 1. The six communities have similar local wisdom in managing the forest landscape according to the perspectives of Kaili Tara and Ledo communities. The state of topography, the height of the settlement from the sea surface, and the parties involved in access to natural resources are presented in Table 1.The communities of these seven locations have specifications and common wisdom in managing the forest landscape according to the perspectives of Kaili Tara and Ledo community communities. Topographic conditions, altitude of residential areas from sea level, and actors involved in access to natural resources.

Table 1. The Characteristic of Research Area/Resident Area in TAHURA

| Characteristics | Settlement Community of Kaili Tara and Ledo | | | | | | |
|--|--|--|---|--|--|---|---|
| | Wintu | Watutela | DAS Pondo | Uentumbu | Tompu | | Raranggonau (Lando) |
| | | | | | Kambilo | Kalinjo | |
| Topography, location of residential area | Hilly, Mountain Foothills/ M. Bionga | Hilly, the foot of Watutela mountain | Flat, Pondo Basin, Poboya Mountain Feet. | Hill, mount foot, Mamara watershed | Mountainous, Peak of the Tompu Mountains | Mountains, peaks of the Tompu mountains | Peak of Mount Raranggonau |
| Altitude from sea level (asl) | 188 masl | 251 masl | 182 masl | 298 masl | 748-1086 masl | 748-1086 masl | 900-1000 masl |
| Community of Society | Kaili Tara | Kaili Tara | Kaili Tara | Kaili Tara dan Ledo | Kaili Ledo | Kaili Ledo | Kaili Ledo |
| Access to resources | Non-timber forest products, Nava, Bonde, Forestry Plants, Plantations and Horticulture | Non-timber forest products, Nava, Bonde, Forestry Plants, Plantations and Horticulture | Garden Lands (Bonde), Nava, Different Types of Plants : | Former Bonde, Pecan Plant, Chilli, and Nava which have plant marks from elders | Bonde: Pecan Plant, Pakama with coffee plant mark, boundary PakamaGamal Plant. | Bonde, Pakama, and Talua: Pecan Plants, Pakama with coffee plant marks: Batas pakama: Gamal plant | Pakama, Bonde, Talua and Pampa: Pecan plants, Chocolate, Cloves and Coconut |
| Communal coffee plantations and fields | - | >30 ha | - | - | - | - | - |
| NGOs are dominant | | NGO YayasanMerahPutih | - | - | - | NGO Bantaya | NGO Ever Green |
| Ownership of Citizen Land | 1,94 | 2,36 | 2,3 | 1,25 | 1,5 | 1-1,5 | 1,17 |
| Government organization | Layana Indah Village | Tondo Village | Poboya Village | Kawatuna Village | Loru Village | Ngata Baru Village | Pumbewe Village |
| Number of residents KK / soul | 47/353 | 85/308 | 38/163 | 107/350 | 47/130 | 50/150 | 64/221 |
| Road infrastructure | Pavement | Pavement | Pavement | The dirt road Five times crossing the Mamara river | The path, the land through Kalinjo | The path, the mountain | Pathways and mountain slopes |
| Watersheds (DAS) | DAS Wintu | DAS Watutela | DAS Pondo, RT.8 Poboya Village | DAS Mamara | - | - | DAS Paneki |
| Watershed Water Debit | dry | dry | 0.15 m3 / sec | 0.70 m3/sec | - | - | 1.1 m3/sec |

Source: Primary data (2017).

Rights and Access of Kaili Community of TAHURA Central Sulawesi Natural Resource

Community access to natural resources is largely determined by the magnitude of the rights attached to them individually or collectively, and communally. The rights of de facto community communities in the TAHURA area include individual rights, collective rights, communal rights, and state rights. Community management is done jointly with the culture of nosidondo and nosialapale. For state-controlled areas managed by government agencies mandated by regulatory or regional regulations.

The right of the Kaili community to its natural resources based on de facto rights that run across generations. The de facto rights attached to citizens within the 676.55 hectare area distributed in 7 communities or regions are presented in table 2 below:

Table 2. Land ownership rights of KailiLedo and Tara communities in TAHURA Central Sulawesi.

| No. | Residential Areas | Community (Group) Society | Land Area (Ha) | Ownership | Ownership Per Head of Family (Ha) |
|-----|--|----------------------------|----------------|-----------|-----------------------------------|
| 1. | Wintu of Layana Indah Village | Kaili Tara | 89,3 | | 1,94 |
| 2. | Watutela of Tondo Village | Kaili Tara | 200,6 | | 2,36 |
| 3. | DAS Pondo RT.08 Kelurahan Poboya | Kaili Tara | 87,4 | | 2,30 |
| 4. | Kambilo/Tompu Ds. IV Of Loru Village of Sigi District | Kaili Ledo | 70,5 | | 1,50 |
| 5. | Kalinjo/Tompu Ds. IV Ngata Baru Village of Sigi District | <i>Kaili Ledo</i> | 75,00 | | 1,50 |
| 6. | Uentumbu of Kawatuna Village | <i>Kaili Ledo dan Tara</i> | 133,75 | | 1,25 |
| 7. | Raranggonau (Lando) of Pumbewe Village | Kaili Ledo | 20,00 | | 1,17 |
| | Total | | 676,55 | | |

Source: Primary data (2017).

The community of Kaililedo in Tompu (Kambilo and Kalinjo) that the name of Tompu means that no outsiders may enter or access natural resources within their territory¹. Restricting externally intended access is not provided for exploitation of temporary natural resources or access to permanent residence eg to open gardens or open land for investment in plantations or other sectors. This agreement is a commitment and a chain message from parents to children and grandchildren.

How communities are accessing natural resources to earn their livelihoods, see the following access mapping:

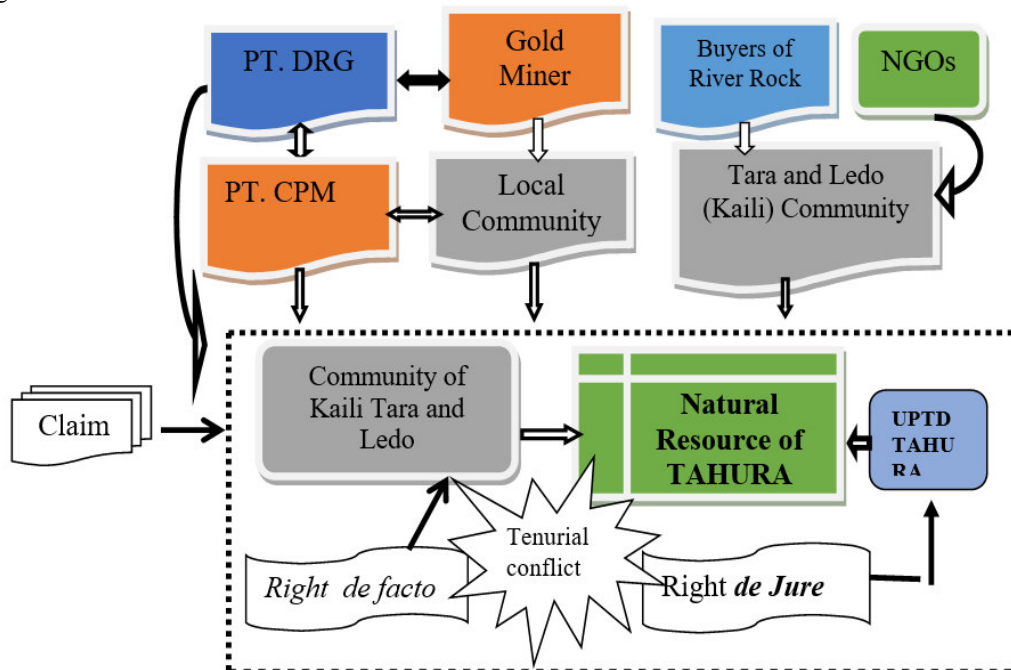


Figure 2. Map of stakeholder access in the management of TAHURA Central Sulawesi

¹. Results of in-depth interviews with Paridjono (73 th) Kalinjo-Tmpu community leaders dated September 30, 2017.

Access schemes above show that the dominant stakeholders accessing natural resources in TAHURA is Community Community Kaili Ledo and Tara. This community community has proclaimed in this region that live across generations. When the government establishes claims, and immediately prohibits people from accessing controlled resources for a long time, and will sanction if they engage in activities within the region, the harmony between the government and the manager and the community inhabitants in the region is affected. The harmony of the relationship to the two parties creates a vertical conflict between the manager and the warga who at all times access the resources as the source of his livelihood. This is due to several factors, among others, in the process of determining this area is not communicated in advance with people who live in or discussed together to build an agreement with the community. Claims also cause horizontal conflicts, even the seeds of vertical conflict have been created, due to the inconsistency of the government in the determination of the boundaries of the region, both external and functional boundaries. Conflict may occur due to a waiver of rights. Information on the boundaries of ownership or control and knowledge of forest resources (SDH) management is necessary to minimize the conflict which currently affects the poor of all parties' neglect of SDH damage (Kartodihardjo, 2018; 63). Further explained that the Decision of the Constitutional Court No. 35/2012 needs to be prioritized to immediately establish the rights of indigenous / local communities which means determining the certainty of living space and business certainty for all parties.

The above access map shows some of the stakeholders who take advantage of the community access flow of the community in carrying out the activities of natural resource utilization. Stakeholders utilizing community access streams of Kaililedo and tara communities are NGOs, timber buyers and stone buyers. Gold miners and PT. DRG utilizes access flows from PT. Palu Minerals Image as a legal access apprentice. UPT TAHURA perform its activities based on legal access that is managing Kapopo Nature Park, but in the process of management of tourism kawassan do not involve surrounding community as supporting program of nature tour of kapopo¹.

Table 3. Access to natural resource management mechanism of TAHURA Central Sulawesi.

| Mekanisme | Stakeholders |
|------------------|--|
| Access Gains | Community of Kaili Tara and Ledo, Mine Entrepreneurs (PT CPM, and DRG), Gold Miners, Wood Entrepreneurs, NGOs and UPTD TAHURA. |
| Access Control | Community of Kaili Tara and Ledo |
| Maintain Access | Community of Kaili Ledo and Tara, and UPTD TAHURA |

Source: Primary data (2017).

The mechanism for managing natural resource access shown in table 3 above shows a clear role for stakeholders, and empirically dominating both users, controllers and maintainers of access related to natural forest resources are community communities. Kaililedo and tara .. Empirically UPT TAHURA has not been able to control access from various stakeholders involved in natural resource management in TAHURA. UPTD is only concentrated on the management of Kapopo Nature Tourism which absorbs funds each year ranging from 1.2 milyar². From these mechanisms can also be shown the rights, responsibilities and benefits received by each stakeholders, presented in table 4 as follows.

¹Result of discussion with Asmur (42 th) Head of NgataBaru Village, Date 5 September 2017.

²Interview with Dodi (45 th) Head of UPTD TAHURA Section on September 7, 2017

Table 4. Summary of Right, Responsibility and Revenues of Stakeholders

| Stakeholders | Right | Skor | Responsibility | Skor | Revenues | Skor |
|----------------------------------|--|------|---|------|--|------|
| Community of Kaili Ledo and Tara | Right: exists | 5 | Management of the downstream system with respect to sustainability and conservation of processed soil | 5 | Forest crops, plantation crops, and food crops (local markets and for consumption) | 5 |
| Local people | Right: exists | 2 | There is no | 0 | Obtain the benefits of resources / forests | 4 |
| Miners river rocks | Right : There is no | 0 | There is no | 0 | Selling river stone mining products | 4 |
| Gold Miner | Right : There is no | 1 | There is no | 0 | Sales of gold products from mining | 4 |
| Wood Entrepreneurs | Right : There is no | 0 | There is no | 0 | Selling timber harvest from the forest | 4 |
| UPTD TAHURA | Rights: Supervision, planning and management | 4 | Control of TAHURA's governance | 2 | Integrative traditional governance and block systems | 0 |
| Leader of DPRD | Right : There is no | 0 | Determination and control over the implementation of local regulations | 5 | There is no direct benefit | 0 |
| PT.D.R.G*) | HGU : tdk ada | 0 | Manage mine and reclaim excavation | 2 | The proceeds of gold sales | 4 |
| PT.CPM**) | Right : HGU | 5 | Manage mine and reclaim excavation | 1 | Mining products | 1 |
| NGOs | Right : There is no | 0 | Facilitate / mentoring community. local (custom) | 5 | Capacity building. assisted | 4 |
| RT/Head Village | Right : There is no | 0 | Overseeing the area, maintaining th integrity of the village administrativ territory | 1 | Village income from natural resources | 1 |
| Mining Service PPL | Right : There is no | 0 | Mining Licensing Sustainability | 3 | Receipts of PAD | 4 |
| | Right : There is no | 0 | Present counseling, information to the community | 1 | Wages / salaries of extension work. | 4 |

Note : *) DinamikaRekaGeoteknik; **) Citra Palu Mineral; Skor: 0 = No (right, responsibility, and benefits), 1 = Very Less (access others, responsibilityandVery less economic benefits); 2 (No de jure property, responsibility and benefit of Medium economic), 3 (Property, responsibility, and good benefit), 4 (de jure property, responsibilityandhigh benefit). 5 (property of de facto, responsibilityand high benefit). (Value: 0=Zero=No, 1= Very less, 2=less, 3=medium, 4=good, 5=Very good).

Management blocks for community communities known as traditional management systems. The communities of Kaili Tara and Ledo in forest and land governance structures have specific differences, but there are similarities in management principles. The forest and land structure for the Kaili Tara community is known as LaranggakayuMbongo, Pangale, Pakama, Nava, Bonde, Pampa and Talua. The governance of forest and land resources for KailiLedo includes Pangale, Kakana¹, Pakama, Bonde, Talua and Pampa. For each group has a different function in the livelihood of these two communities.

Pangale or LaranggayuMbongo² is a protected area as a source of livelihood (water source, climate regulator). Kakana for KailiLedo community community is pakama which has returned to secondary forest which can no longer be managed and allowed to become forest or pangale. Pakama³ for community communityKailiLedo function sam with Nava⁴ in Kaili Tara community community that is former bonde which is consumed for about 4-5 years and will be managed again according to family need⁵. The choice of nava or pakama to be a talua is a former bonde that has a high fertility rate. This pattern has been adopted for many years with a downstream pattern. Pakama for community communitykailitara is nava that has been done but can not be continued because something and / or prohibition through natural or other signs through elders who have done ritual or known as ritual notava⁶. The philosophy of rotating system management for community of Kaili Tara and Ledo is so that soil and land structure can be well maintained and avoid erosion or landslide (Natura). In the management system there are areas that are prohibited or should not be disturbed because its function is olo. Olo for both communities has the same function as a source of water or sacred places.

Community ownership rights over natural resources (land) and control over natural resources are restricted since the area is claimed by the government in 1995 to become THAURA area. The ownership of land and forest of former land belonging to the TAHURA (bonde, nava and pakama) areas de facto from two different communities, namely Kaili Tara Community in Wintu 89.30 Ha, Kaili Tara Community in Watutela 200,6 Ha, Kaili Community Ledo-Tara at Uentumbu 133,75 Ha, KailiLedo Community in TompuKalinjo 75,00 Ha, KailiLedo at KambiloTompu 70,50 Ha, KailiLedo in Raranggonau (Lando) 20,00 Ha, Kaili Tara community in

¹Kakana is a former bonde that has become secondary forest and can no longer be managed, allowed to be re-forest as pangale (by KailiLedo)

²Pangale or LaranggayuMbongo is the primary forest that has never been known as humans or is known as moss forest (community perspective of Kaili Tara).Pangale for KailiLedo is the primary forest that has never been be avoided humans

³Pakama for Kaili Ledo is a former bonde that has become a forest (Bonde = Talua = garden of ongoing farming activities or former garden with various types of plants in it), while for Kaili Tara Pakama is the process of processing to become a bonde stalled or not due to something (not continued).

⁴Nava is a former bonde that has become a grove of forest adjacent to a secondary forest dominated by stakes and shrubs (by Kaili Tara).

⁵Results of Interview with Ardjon (63), Community Leader of Tompu Date 30 September 2017.

⁶The result of in-depth interview with Muslima (78 th) community leader Kaili Tara at WatutelaTondo Village, dated May 10, 2017.

Poboya (Das Pondo) 87.4 ha, with a de facto average possession range between 1.25-2.36 Ha per family. The ownership is outside the former bonde known as nava and pakama for community communities Kaili Tara and Ledo. If converted to the total land area directly managed by the community of 438 heads of households living in and around the kawaasan (land within the area) is about 676.55 hectares (Ha).

The ownership of pakama, nava and bonde is the foundation for the citizens to access natural resources in areas inherited from their parents, with symbols mandated from generation to generation. For the community of Kaili Tara the symbols of each nava are horticultural crops such as durian, and langsung, while for the community of kaililedo with symbols of coffee plants, with boundaries for others using gamal wood.

Table 5. Comparison among stakeholders from rights, responsibilities and benefits over natural resources.

| Highest Stakeholder: Rights. | Highest stakeholder: Responsibility. | Highest stakeholders: receive benefits. |
|--------------------------------------|--------------------------------------|---|
| 1. Community of Kkaili Ledo and Tara | 1. Community of Kaili Ledo and Tara | 1. Community of Kaili Ledo and Tara |
| 2. PT.CPM and DRG | 2. NGOs | 2. PT. CPM dan DRG |
| 3. UPTD TAHURA | 3. UPTD TAHURA | 3. Gold Miners |
| 4. NGOs | 4. PT. CPM dan DRG | 4. UPTD TAHURA |
| 5. Local People | 5. Local People | 5. NGOs. |
| 6. Gold Miners | 6. Gold Miners | 6. Local People |

Description: Primary data processing results (2017)

Table 5, shows UPTD TAHURA as the key authority holder along with its function as an access controller, but unfortunately does not take responsibility in managing TAHURA. Community communities Kaili and NGOs show the highest value in terms of responsibility, but do not get support from the local government. The community of Kaili is the stakeholder who receives the greatest benefit, but the community does not have legal ownership rights and control of the local government. Mining entrepreneurs are stakeholders who obtain legality from the government regarding mine treatment in the TAHURA region.

Tabel 6. Ringkasan Relationship antar stakeholder di TAHURA Sulawesi Tengah

| Stakeholder | Komunitas Masy. R.K. | Pengusaha Tambang/ PT.DRG | Penambang Batu Kali | Pengusaha Kayu | UPTD TAHURA | LSM | Masyarakat lokal/lain | Penambang Emas | PPL |
|------------------------------------|----------------------|---------------------------|---------------------|----------------|-------------|-----|-----------------------|----------------|-----|
| Komunitas Masy. R.K. | | B | B | K | K | B | B | O | B |
| Pengusaha Tambang/ PT CPM dan .DRG | | | B | B | B | K | B | B | B |
| Penambang batu Sungai | | | | B | B | K | B | K | B |
| Pengusaha Kayu | | | | | K | B | B | O | B |
| UPTD TAHURA | | | | | | K | K | O | B |
| LSM | | | | | | | B | K | B |
| Masyarakat lokal/lain | | | | | | | | B | B |
| Penambang Emas | | | | | | | | | O |
| PPL | | | | | | | | | |

Remark :

Relation quality : Good (B), Medium (S), Less (K), Bad (Br), No interaction (TI).

Good (B) : There is a personal communication//institution, useful, to give explanation

Medium (S) : There is communication, not continuously, understanding is not established.

Less (K) : There is a less sinergyc communication, polemic, not continuously.

Bad (Br) : There is an information,bad impression, create fidgety, conflicting.

O (zero) : Absolutelly no communication and no information

Relationships among stakeholders as shown in table 6 above that there is a crucial social phenomenon which in turn will lead to tenurial conflicts particularly in the application of government policies and land-based and block-based forest governance. The different blocks of management mandated in Regional Regulation No.

2/1955 on the management of TAHURA Central Sulawesi at the field or community level are not yet aware of the block functions contained in Article 7 paragraphs (1) and (2).

Policy¹, Regional Regulation in Resource Access Management of Central Sulawesi TAHURA

The legal basis for the appointment of Central Sulawesi TAHURA is Law no. 5/1990. The purpose of its appointment is to conserve biological natural resources and the ecosystem of the area. The implementation regulation is Government Regulation no. 68/1998. In article 37, paragraph 2, mentioned, in developing the participation of the people the government grows and increase conscious biodiversity conservation of natural resources and its ecosystem among the people through education and counseling. In another article it is stated that the establishment of a buffer zone shall still respect the rights of the right holder (psl 56). This article in fact or fact in the field has not represented de facto mastery, but the provision of space is only reserved for de jure recognized rights holders (Affif, 2002). De facto tenure of 967.53 hectares, and communal coffee plantation area of 30 hectares, has been long before Indonesia formed into a republic.

The Government gives authority to the region for the management of Central Sulawesi TAHURA through Government Regulation no. 62/1998 on the Submission of Part of Government Affairs in the Forestry Sector to the Regions. Following this regulation, the Central Sulawesi Provincial Government issued Local Regulation No. 2 of 2015 on the Management of Central Sulawesi TAHURA as a consequence of responding to the mandate of Government Regulation Number 62 Year 1998.

The management of Central Sulawesi TAHURA has been regulated in three management blocks namely Protection Block, Utilization Block and Other Blocks (Article 7 paragraph (1) PERDA No. 2/2015). Furthermore, in Article 7 paragraph (2) it is stated that the other blocks consist of (a) the collection blocks of plants and / or animals, (b) blocks of rehabilitation, (c) traditional blocks, (d) religious, cultural and historical blocks) special block. The article if confirmed in the field seeks to accommodate site-level tenure conditions and situations; however, in view of Article 4 paragraph (1) that the management of Central Sulawesi TAHURA includes activities (a) planning, (b) Protection, (c) preservation, (d) utilization. Article 4 paragraphs (1) has not yet accommodated the function of the block mentioned in Article 7 paragraph (2).

The above-mentioned blocks do not have functional limits as mandated by Regional Regulation No. 2/1955 on the Management of Central Sulawesi TAHURA. The functional limits are very important at the site level. This relates to rights and access to tenure tenure conflicts can be avoided. Stipulation of function limit has not been done even outside boundary of some point has not been affirmation of both TAHURA management and the community in and around TAHURA². The limit is not yet clear because never communicated, and each sub district has different problem on the existence of Central Sulawesi TAHURA.

Traditional blocks included in other blocks of utilization are established through the Governor Regulation No. 69 of 2015 on Traditional Utilization Procedures at the Central Sulawesi Forest Park. In Article 2, the traditional scope of the block arrangement includes: (a) traditional uses, (b) traditional utilization procedures, and (c) traditional interest criteria. Furthermore, in Article 3 of Governor Regulation no. 69/2015 paragraph (1) mentioned, the use of traditional implemented to meet the traditional interests by the community around TAHURA.

Article number 8 of the third part of the paragraph (1) of this Governor Regulation concerning traditional cultivation states that traditional cultivation through the cultivation of traditional crops is carried out on crops: (a) medicinal plants, (b) ornamental plants, (c) fungi (d) bamboo plants, (f) palmsugar (g) coffee, (h) candlenut, (i) cocoa, (j) seasonal crops, and (k) plant MPTS (Multi Purpose Tree Species). Of the 11 types of plants mentioned in Article 8 paragraph (1) are four groups of crops that are used as a source of community income is the group of cocoa plants, candlenuts, coffee and palm sugar. Sugar is a natural plant that grows around the gardens or community bonde-managed and palmsugar sold or made palm sugar (brown sugar). Cacao, hazelnut, and coffee crops are cultivated plants that are developed based on the suitability of existing land in every spot in the community area in TAHURA. Group of medicinal plants, bamboo fungus and forage cattle are groups of plants that grow naturally and are harvested when needed. The role of management as stated in Governor Regulation no. 69 Year 2015 is very small even never done to the community living in and around the Central Sulawesi TAHURA.

Community governance based on the de facto rights that they possess illustrating that access to natural resources is strongly positioned if it is based on its de facto rights. This de facto right if it is based on de jure right then this space becomes uncomfortable space for society because it will cause tenurial conflict over the utilization of natural resources because access in community management room becomes disturbed. Government regulations that favor community in and around forest areas such as Government Regulation no. 34/2002 is a regulation of the implementation of Law no. 41/1999, which interprets forest governance and forest management plans for forest use. Space for the community is contained in article 3 and its explanation which reads "the

¹Policy is an intelektual and practical activity aimed at creating critically assessing, and communicating knowledge about and within the policy process (Dunn, 2000; Kartodihardjo, 2006).

²Results Interview with Rustam (51 yrs) Head of RT 8 PondoPoboya River on 7 Oktober 2017

preparation of the plan of management, utilization, use of forest based on local uniqueness, socio-cultural condition and environment related to forest sustainability and public interest". In its management it pay attention to community rights in the distribution of blocks (article 5). PP no. 6/2007 is the improvement of PP. 34/2002. In article 17 paragraph 1 PP. 6/2007 states "forest utilization aims to obtain benefits and services of forests optimally, fairly and sustainably for the welfare of the community". Further, described in article 11, paragraph 2, it says "in certain areas within the forest area designated by the government as community forest, customary forest, village forest, and Particular Area (KHDTK)". The position of Central Sulawesi TAHURA can appreciate the articles contained in the higher legislation that is Government Regulation, Law and TAP MPR no. IX / MPR / 2001. Social forestry schemes can be an antidote to forest areas that always experience tenure conflicts. On the other hand, the situation will be different if the laws governing the natural resources tend to be inconsistent with each other, in addition to overlapping with all the impacts (see Considerations of MPR Decree No. IX / MPR / 2001), and it is further regulated in their respective PP of the The law, including the PP on stewardship, will continue to be inconsistent (Sumardjono, et al., 2009; 2).

TAP MPR number IX / MPR / 2001 may in fact be a source of inspiration and reference in the preparation of regulations at a lower level. Article 2 states that agrarian reform involves a continuous process with respect to the rearrangement of the control, ownership, use and utilization of agrarian resources, carried out in the framework of the achievement of legal certainty and protection and justice and prosperity for all Indonesians.

Based on the mandate of article number 2 of MPR Decree Number IX / MPR / 2001 that the situation at the site level for forest areas that the ownership and rights of the community are still found, it is necessary to review and be granted its rights in accordance with the facts of ownership both de jure and de facto. Article 2 of this mandate has been followed up by Decision of the Constitutional Court Number 35 of 2013, it has provided space on the rights of indigenous and tribal peoples communities over natural resources within the territory of customary law community.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

From the results and discussion, it can be concluded that:

1. The system of regulating access to forest resources is only done internally by Community of Kaili Tara and Ledo based on traditional institutional rules. The responsibilities and benefits of the de facto right to natural resources rank highest; but does not get the right property rights of the government (de jure right).
2. UPTD TAHURA as control access does not carry out its responsibilities and functions properly in managing TAHURA especially related to policy implementation as mandated by Regulation no. 2 Year 2015 on Management of TAHURA Central Sulawesi
3. Regional Regulation Number 2 Year 2015 on Management of TAHURA Central Sulawesi has not been able to regulate access management from actors related to natural resources contained in TAHURA Central Sulawesi.

Recommendations

1. The need for legal clarity over the rights of the community communities where the tribal and tarist clusters and their livelihoods depend on the natural resources of TAHURA Central Sulawesi.
2. Integration of management between traditional community management systems and block-based government management can be aligned to obtain governance solutions to avoid prolonged tenure conflicts.
3. De jure access and de facto access arrangements need to be balanced and fair, social authorities of community communities of the cluster need to recognize the government over the ownership of inherent resources across generations.

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