Journal of Law, Policy and Globalization www.iiste.org
ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online)
Vol.78, 2018

Implementation of Indigenous People Values in Environmentally Sustainable Development

Maskawati*, Sitti Harlina Hamid**
* PhD Students at Postgraduate Program, Faculty of Law, Hasanuddin University.
** Lecturer at Faculty of Law, Islamic University of Makassar – South Sulawesi.

Abstract
Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that: "Every person shall have the rights to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care". It provides the responsibility of the state to guarantee legal protection for every citizen, including the alliance of customary law communities to obtain a healthy environment. The recognition or acceptance or justification of the indigenous peoples in the new constitutional structure officially is regulated in Article 18 of the 1945 Constitution, as confirmed in the explanatory of the article – "in part, acknowledgment or acceptance or justification for the existence of the indigenous peoples in a number of laws and regulations" -. The multi-party collaboration method in handling the environment, especially forest governance is considered as a proportional model because of the organizing model between groups to achieve common goals that are relevant at ideal.
Keywords: Values of the Indigenous Community; Environment; Sustainable Development

1. Introduction

Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that: "Every person shall have the rights to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care". It provides the responsibility of the state to guarantee legal protection for every citizen, including the alliance of customary law communities to obtain a healthy environment. Therefore, all government policies related to the environment must be able to provide guarantees for the creation of a healthy environment for citizens.

The essence of state responsibility in environmental management, especially in environmental utilization is related with the principle of balance in environmental management. Abrar Saleng [1] in his professorship inauguration states that the equilibrium rule always prioritizes balancing between an order (region) and certain resources in order to maintain the balance of the quality of the order. Therefore, in its management, it is needed precautionary and carefulness to support economic growth by paying attention proportionally to the sustainability of environmental functions and community welfare. It can be said that certain natural resource management and utilization emphasize the need for harmony and synchronization of other natural resource management.[2]

Customary law communities as a community must have rights and obligations both individual and joint rights; and/or individual and joint obligations. The joint rights of indigenous people are rights that are owned by indigenous peoples over land and natural resources in their customary territories. Its existence must be respected and protected by the state. Article 18 B Paragraph (2) of the 1945 Indonesian Constitution states forms of recognition and respect for the state against indigenous peoples. It stipulates that:

> "The State shall recognise and respect their traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be further regulated by law."

Article 28 I paragraph (3) of the 1945 Indonesian Constitution further states that "the cultural identities and right of traditional communities shall be respected in accordance with the development of times and civilisations."
The ideology of the control and utilization of natural resources has been governed in article 33 paragraph (3) of the 1945 Indonesian Constitution -known as the ideology of the right's management of state over natural resources. It states that "Earth, water and natural resources contained therein are managed by the state and used as much as possible for the prosperity of the people."

---

[1]Abrar Saleng, *Balancing Norms in Natural Resources Management (*Kaedah Keseimbangan dalam Pengelolaan Sumber Daya Dalam), Professorship Inauguration, Faculty of Law-Hasanuddin University, Makassar, 2007, pp. 7-8.
[2] Ibid.

In the Article 33 paragraph (3) of the 1945 Indonesian Constitution, it should be meaningful for the people to be interpreted as giving the people the right to enjoy natural resources, so that they can be used for the welfare of the people. If there is a government effort to make natural resources as a source of foreign exchange in order to improve the national economy, then the welfare of the people should not be ruled out, especially if the people are then expelled from their natural resources under the pretext of legal legitimacy given to the right's management of Forestry (hereinafter referred to HPH) permit holders or mining authorities who are considered to have rights, manage and utilize these natural resources.[1]

2. Active Role of Indigenous Institutions

Ius constituendum of the environmental development in an ideal value system of indigenous peoples or in principle in the Indonesian constitution especially with regard to forest governance implementable to integrated idea or concept to implement it requires high synergy between various parties involved, both directly and indirectly with the forest governance process. This synergy is institutionally based on the country's modern social system, namely the presence of the government, the presence of the general public and especially the presence of traditional institutions. It is because the existence of indigenous peoples in the social system of this nation is very urgent.

The presence of indigenous people is an avoidable history or even cannot be denied by the Government.[2] The indigenous peoples are the real segments in Indonesian society. The recognition or acceptance or justification of the indigenous peoples in the new constitutional structure officially is regulated in Article 18 of the 1945 Constitution, as confirmed in the explanatory of the article – "in part, acknowledgment or acceptance or justification for the existence of the indigenous peoples in a number of laws and regulations" -. However, in the context of international community, Indonesia is still half-heartedly to acknowledge, accept, and justify the existence of the indigenous peoples with all their rights and obligations, in the midst of the recognition, acceptance and justification that has been carried out by other countries in the world, such as the Philippines and Malaysia.[3]

From the legal system point of views, the indigenous peoples have their own legal system, which is autonomous and often outside the legal system model of the state, although substantially the content of customary law can be supported the normative values of the legal system. As mentioned by Anyang and Safitri, the indigenous community as an autonomous community has a regulatory system that grows and develops from the community itself with the agreement of the surrounding community.[4] The indigenous people have their own legal system and values that apply within the boundaries of their customary territories so that they can be said to be autonomous.[5] However, it is often said by many analysts that excessive intervention from outsiders (government) can damage the form of regulation of the authority of the indigenous peoples that has been running and result in a collapse of the system and management patterns that are owned. This often happens with the determination of governments that intervene too far to a system that is sufficiently independent. In terms of it, the assessment of the existence of the indigenous peoples by outsiders who do not understand the existing form of regulation is feared to disrupt the long-established order.

---

[1] Fifik Wiryani, *Reform of Communal Rights: the Regulation of Customary Community Rights in Natural Resources Management* (Reformasi Hak Ulayat Pengaturan Hak-hak Masyarakat Adat dalam Pengelolaan Sumber Daya Alam), Setara Press, Malang, 2009, p.3.

[2] See Noer Fauzi Rachman and R. Yando Zakaria, *Overcoming Regional Autonomy: A Guide to Facilitating Recognition and Restoration of People's Rights* (Mensiasati Otonomi Daerah: Panduan Fasilitasi Pengakuan dan Pemulihan Hak-hak Rakyat), Penerbit Konsorsium Pembaruan Agraria (KPA) and INSISTPress, Jakarta, 2000.

[3] Martua Sirait, Chip Fay and A. Kusworo, *How the Rights of Indigenous Law Communities in Managing Natural Resources Are Regulated* (Bagaimana Hak-hak Masyarakat Hukum Adat dalam Mengelola Sumber Daya Alam Diatur), Southeast Asia Policy Research Working Paper, No. 24, ICRAF SE-Asia Southeast Asian Regional Research Programme, Bogor 2000, pp.23, 24.

[4] Ibid. p.22.

[5] Ibid.

Management of natural resources or environmental resources especially in forest governance, the community presence is very urgent both the general public and specifically indigenous peoples. In the context of the indigenous peoples who have systems that have certain livelihoods, they often do not find special difficulties in the process of managing natural resources especially forests because the principles of life and institutional models they have are an integral part of their proper existence, especially their forests and plantations. Including in this is the existence of customary institutions in indigenous and tribal societies.

Institution basically is a place where people gather, work together and are organized, controlled, guided manner by utilizing resources for one purpose that has been set.[1] Definition of customary institutions according to the Minister of Internal Affairs Decree Number 5 of 2007 concerning Guidelines for the Arrangement of Indigenous Institutions and Customary Institutions. The community institutions have naturally grown and developed in the history of the community or in a customary law community and have the right and authority to regulate, manage and resolve various life problems related to and refer to custom and customary law in force.

The indigenous institutions are a set of organizations that grow and develop together with the history of the indigenous community that regulates and resolves various life problems in accordance with the applicable customary law. It can be concluded that the indigenous institution is an organization or community institution formed by a particular community of law which is intended to assist the regional government and become a partner of the regional government in preserving and developing the customs to build the development of an area.

The presence of this indigenous institution can be directly related to the model implementation of forest management in the context of a customary institutional approach, or in a general sense as part of a participatory pattern of the community, especially the community in forest governance. One thing that can be expected is to know what the role of the indigenous institution is. The role of the indigenous institutions in the conservation of indigenous forests are: (1) safeguarding and protecting forests; (2) Supervising the utilization of forest products; (3) Giving sanctions for those who violate customary rules; (4) Supervising the protection *palleko'na boronga* (forest blankets) and buffer forests; (5) Determining the timing of traditional ritual activities and indigenous peoples in forest areas; and (6) Establishing outer boundaries of *Lambara* and *Rambang Luara*.

The customary law values institutionally have special authority over the place or territory where their existence is acknowledged. This authority has been recognized regulative, but the source itself is a discipline of the existence of the indigenous peoples since the beginning, when the law has not yet existed. So that the authority of the indigenous peoples is actually inherent in their existence as a matter of their own connectivity, from the beginning until there is legal recognition by the state. The authority of a customary law community is needed to prevent double recognition or recognition of an area that is not its authority. In this case, there are several possibilities can be done: a). Recognition of the existence of indigenous peoples by indigenous peoples themselves with recognition from the surrounding community about their institutional authority; b). Recognition of the existence of customary law communities by judicial institutions based on court decisions; and c). Recognition of the existence of indigenous peoples by a Council of Indigenous Peoples elected by the Indigenous Peoples themselves.[2] Regardless of the 3 (three) choices and disadvantages as stipulated, it seems that the indigenous peoples are chosen.

The institutional participation in the development of the environment, especially forest governance, therefore, reflects the existence of two legal systems that collaborate in synergy; called - between customary law whose values are indeed oriented towards environmental preservation and a system of regulative norms from a state system specifically created in the framework of forest management - If this synergy occurs on an integrated basis theoretically, some opinions will be justified as will be explained below. According to Griffith as quoted by Faith Syaukani, and A. Ahsin Thohari[3], both state law and customary law or religion, quoted Hooker (1975), will interact with each other and create the expected social balance that then state law will be more dominant. It is only limited actually to the authority to give a limit on whether certain community customary law can be applied to other communities.

[1] See Indonesian Dictionary, Center of Language Ministry of National Education, Jakarta, 2008, pp. 558-559.

[2] Martua Sirait, Chip Fay and A. Kusworo, op.cit. pp.24-26.

[3] Imam Syaukani and A. Ahsin Thohari, *the Basic of Legal Politic* (Dasar-dasar Politik Hukum), Raja Grafindo Persada, Jakarta, 2004, p.125.

According to Erman Rajagukguk,[1] there is at least 4 (four) legal systems live side by side peacefully in Indonesia today - Customary Law, Islamic Law, "Civil Law" and "Common Law" -. As the motto of Bhinneka Tunggal Ika (Unity in Diversity): Different But Still One", the legal system in Indonesia also contains pluralism along with the development of Indonesian people and society. Furthermore, Erman Rajagukguk elaborates that first, customary law is a law that lives in Indonesian society that is different from ethnic groups. The customary law is a custom in a society that is adhered to by its members and the custom has sanctions if it is not obeyed. The customary law includes family law consisting of inheritance, marriage, adoption of children, laws on land, and laws relating to trade activities. In some areas, there are also known customary offenses or adat crimes. This Customary Law develops along with the development of society. Changes to the customary law occur because of changes in community legal awareness and/or because of encouragement from the judiciary.

A large number of unwritten customary law then found its place in formal court decisions. The result of it, the development of customary law can be followed through court decisions. Until now, the customary law is still living in several places and not infrequently causes problems, especially those related to communal land. The customary law also causes the family law to be unable to be identified in Indonesia because it is related to the culture of the local community. Soepomo, one of the fathers of Indonesian customary law in his speech in Washington DC in 1950 had predicted that the principles of customary law would still have a place in modern Indonesian society, because it contained universal principles. Thus, the participation of forest governance in the pattern of integration between customary weaknesses and the government regulation system will become an ideal model if carried out in an integrated and consistent manner. So, the future of the environment in general and specifically forestry will also bring sustainability to the next generation in the future. As it is known that the environment is an inheritance that has strategic value for the lives of beings on this earth. Its existence is an integral part of the survival of living things themselves, including humans in it. A good and healthy environment are a basic right of every Indonesian citizen,[2] which in the national regulation system is stated in article 47 of Law No. 41 of 1999 concerning Forestry. Article 47 states that the protection of forests and forest areas is an attempt to (1) prevent and limit damage to forests, forest areas, and forest products caused by human actions, livestock, natural resources fires, pests and diseases; and (2) maintain and safeguard the rights of states, communities and individuals over forests, forest areas, forest products, investments and devices related to forest management.

Therefore, human beings have an active role in forest protection. This is a value system contained in national regulatory norms on the importance of forest governance. If this is integrated with the value system in indigenous peoples through a pattern of forest governance participation with customary institutions that there will be complementary. One side of the national system can be carried out in the environment of customary law and the customary law system can run in the same way as the state system, so that it can be used as an integrated pattern. This can be taken as an example in the customary law system in the community about values in carrying out their participatory role in customary forest governance, as follows:

- The form of community participation in forest protection in *Tana Toa Village, Kajang Sub-District, Bulukumba District* includes:
  1) Substitute trees.
     Tana Toa People are very active in preserving forests because forests are part of their lives. The Tana Toa community believes that in the forest there are 4 (four) elements of life that must be maintained, namely *kaju* (wood), *uhe* (rattan), *bani* (bee / honey), and *doang* (shrimp). These four elements should not be damaged or taken in customary forests. Planting replacement trees is a form of community participation in forest protection. Because before picking up the wood in accordance with the *Ammatoa* content, the person concerned must first plant two similar trees in the location specified by *Ammatoa* for each taking one type of tree after the replacement tree has grown well, the logging can be done.
  2) Giving information to the government about the existence of forest destruction. The form of community assistance for forest protection is providing information to the government, if there is logging in the *Tana Toa* forest area and some violate customary rules and government regulations.

[1] Erman Rajagukguk, *Indonesian Legal Science; Pluralism* (*Ilmu hukum Indonesia: Pluralisme*), www.docjax.com, *accessed 25 January 2017.*

[2] See the Article 28H paragraph (1) the 1945 Indonesia Constitution. It states that Every person shall have the rights to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care.

The government in question is the head of the *Tana Toa* Village, *Gallaputo, Ammatoa,* and the Forestry Police.

3) Adhering to the customary rules made by *Ammatoa*.
Customary regulations apply in different regions although not infrequently similar. each region has various kinds of cultures that produce diverse customary laws. As for the customary rules made by *Ammatoa*, including:
   a. Not cutting down trees wildly. With "*the Pasang"* as the trust of the people of Tana Toma, they are very concerned about the preservation of their forests. The community will not cut down trees wildly without the permission of *Ammatoa*.
   b. There are customary rules made by the head of *Ammatoa*. The number of customary rules are enforced to make the community becoming limited to the content of the "*Pasang Kajang ri"*. The term "*the Pasang",* which is one of the rules is if there is cutting down trees, then the sanction will be: 1) When cutting down trees in the *Borong Karamaka* area, the sanction is Poko Babbalak which is paying 12 (twelve) real estate or equivalent to 20 (twenty) million rupiah plus a cloth white one roll. 2) When cutting down trees in *Borong Battasaya* or border forests, the sanction is *Tangnga Babbalak*. Violation in the form of taking wood or other forest objects without *Ammatoa*'s permission. Penalties or fines of 8 (eight) real or equivalent to 18 (eighteen) million rupiah plus one roll of white cloth. 3) When cutting down trees in the *Koko* area (community gardens), the sanction is *Babbalak Cappak*, the law is in the form of a fine of four real or equivalent to eight million rupiah plus one roll of white cloth.[1]

3. Implementation through Multi-stakeholder Collaboration

Forest management and environmental conservation as a joint responsibility are a non-simple task. Every party or community has its own character in living life. There are people who are hard to accept change, there are people who only make a profit, and there are also people who are naïve and do not care at all. These characteristics will always exist in every forest management and environmental preservation. In general, analysts point of views mention that education is a strategic tool in educating the public. Forest management education and integrated environment is the most effective tool in fostering shared responsibility in dealing with forest and environmental issues. According to Benni Sinaga[2], there are 5 (five) community assets in forest conservation and environmental preservation – called natural, social, human, financial, and physical resources. Understanding of these five assets are important in maintaining the balance between humans, forests and nature. The five assets in conservation and environmental preservation are the responsibility of multi-stakeholder forums in building a balance between humans and forests and their nature. Indeed, unifying of them is not easy. There is only a concrete effort in the conservation and preservation of the environment. Synergy in forest conservation and environmental preservation is not suddenly created if there is no courage to implement it.[3]

The existence of indigenous peoples within the framework of multi-stakeholder collaboration can also be found in the national regulatory system, such as the laws related to the regulation of indigenous peoples in natural resource management in the field of environmental management. It is the Law No. 32 of 2009 concerning Management and Protection of the Environment (hereinafter referred to as UUPPLH). According to article 1 point 1, the environment is a unity of space with all objects, power, and living things, including humans and their behavior, which affect the survival of the lives and welfare of humans and other living things". The environmental management itself is an integrated effort to preserve environmental functions which includes

[1] See Perawati, *Public Participation in. Forest Protection in Tana Toa Village* (Partisipasi Masyarakat Dalam Perlindungan Hutan Di Desa Tana Toa, Kecamatan Kajang, Kabupaten Bulukumba), Jurnal online, *ojs.unm.ac.id/tomalebbi/article/download/1918/906, pp.* (accessed 28 Juni 2018).

[2] See Benni Sinaga, *Multi Stakeholders Forum: Some Strategic Steps to Forest Conservation and Environmental Preservation* (Forum Multi Pihak Langkah Strategis Konservasi Hutan dan Pelestarian Lingkungan), https://www.qureta.com/post/forum-multi-pihak-langkah-strategis-konservasi-hutan-dan-pelestarian-lingkungan, (accessed on 25 Juni2018).

[3] Ibid.

policy, arrangement, utilization, development, maintenance, recovery, supervision and control of the environment.[1]

According to Mochtar Kusumaatmadja,[2] the Stockholm Declaration on "Human Environment" is actually an abstract concept. All forms of efforts to preserve environmental functions are clearly focused on resources as physical aspects of the environment and implemented integrally by utilizing these resources. Preservation of environmental functions can only be realized if human interaction with the environment takes place within the limits of the environment's carrying capacity. As it is known, in terms of any aspects, human beings are always located and interacted with certain environments in order to ensure the continuity of life. Therefore, human beings absolutely use the natural resources contained in the environment.

Utilization that goes beyond the carrying capacity and / or capacity of the environment creates incompatibility, imbalances, and instability of the ecosystem. In addition, this situation will be also influenced socio-systems. This is the nature of the environmental problems faced and wanted to be addressed through efforts - called environmental management or other names of environmental development and/or another name.[3] Munadjat Danusaputro furthermore states his point of views that "environmental problems are essentially ecological problems. Of course, the ecology in question is primarily human ecology, namely about the reciprocal relationship or interaction between humans and their environment.

Environmental Protection and Management (PPLH) in Indonesia has a fundamental position in Indonesian legislation. The Constitutional Foundation or Basic Code underlying Indonesian PPLH is contained in the Preamble of the 1945 Indonesian Constitution, paragraph 4, which states, among other things: "... to form a government of the state of Indonesia which shall protect all the people of Indonesia and all the land and its territorial integrity that has been struggled for, and to improve public welfare…" This stipulation places the "State Obligations" and "Government Duties" to protect all Indonesian human beings (as a human resource component) and all of Indonesia spills as a component of biological (biotic) and non-biological (abiotic) natural resources components for the sake of happiness of all Indonesian people and all humanity.[4]

In the context of PPLH and Environmental Law, these basic provisions mean that the Government is obliged and tasked with protecting and maintaining all human resources as a "component of human resources" and all of Indonesia is spilled as "components of SDA biological (biotic) and SDA non biological (abiotic) for the survival and welfare of the Indonesian people and humanity in general. It means that the government must seek PPLH in accordance with the conditions and the level of progress achieved. Therefore, PPLH and Environmental Law as supporting facilities must also be dynamic. In Article 2 of the UU PPLH, which essentially mandates that PPLH be carried out based on the principle of state responsibility, sustainability, harmony and balance, integration, benefits, pre-cautionary, justice, ecoregion, biodiversity, polluter pay, participatory, local wisdom, good governance and regional autonomy.

The embodiment of the principle of PPLH then is to provide maximum benefit for the welfare and quality of life of the people now and in the future. This principle of benefit is then translated into protection from everyone including indigenous people, as followings:[5]

a. The right to have a good and healthy environment.
b. The right to have information and the right to participate in environmental management.
c. The right to pay attention to the potential, aspirations and needs as well as religious values, customs and values that live in society, especially indigenous people whose lives and rely on the surrounding natural resources in environmental management and spatial planning.
d. The right to get compensation for pollution and / or damage to the environment which is detrimental to it due to the activities of other parties, through deliberation or a lawsuit to the court if deliberation is not achieved.

[1] Fifik Waryani, op.cit., p. 90.

[2] See A.M.Yunus Wahid, *an Introduction of Environmental Law* (Pengantar Hukum Lingkungan), ed.1, Arus Timur, Makassar, 2014, p.177

[3] Ibid, p.178.

[4] Ibid.p.183.

[5] Fifi Wiryani, op.cit. p. 93.

Regarding to all discussion on paradigm of environmental management and control to forest harm in reform era, the eco-centric and teo-centric approach is quite potential and strategic to complement and refine the rational approach that already existed before. In fact, both approaches have institutionalized within the customary law community and are stored into local wisdoms. It can be said that collaboration is the main keyword in the context of the participation of forest and environmental management. By conducting a collaboration pattern, there is intended the involvement of many parties in the forest governance process. The parties in question are those who have a direct or indirect relationship with issues of environmental conservation or forest management. In the perspective of public administration, collaboration is a joint work or can be said to work together with several parties involved in an activity to achieve aim.[1]

The collaboration is needed in every level of organization. It is because essentially collaboration is a working together. The collaboration can take place in two contexts, namely within the organization (internal organization) and external collaboration of organizations or interorganizational relations conducted by several organizations (two or more) in order to achieve certain goals. This is in line with the experts who put forward the definition of collaboration concerning the context of internal and external collaboration of the organization, including David Strauss in his book How To Make Collaboration Work and Russell M. Linden in his book Working Across Boundaries. Strauss points out that "collaboration refers to the process of employing people when working together in a group, organization, or community to plan, create, solve problems, and make decisions."[2]

Strauss furthermore states that collaboration within the organization also exists between and around those who collaborate. They provide people to work together to plan, solve problems, and make decisions before taking action. From Strauss's opinion, it can be seen that collaboration is done and decided together. The collaboration proposed by Linden and Strauss explains how relations between government organizations (government to government cooperation) and between government organizations and non-governmental organizations (public-private coordination sector). Agranoff and Mc Guire[3] also define collaboration by focusing on inter-organic relationships only, as described in a definition as follows:

> "Collaborative management is a concept that describes the facilitation and operating processes in multiorganizational plans to solve problems that cannot be solved or easily solved by one organization. The collaboration is the design of purposive relationships to solve problems by creating or finding solutions in an urgent situation. (for example: knowledge, time, money, competition, and customs).

According to Sawitri, collaboration is essentially a collaboration between organizations to achieve common goals that are impossible or difficult to achieve if done independently. contained two important things: (1) each organization at first is independent ; and (2) due to there is a need to achieve their respective goals that are focused on the same object's objectives, the organization cooperates. The relationships that occur in collaboration are purposive relations, where not all units in the organization conduct joint business only units that have specific task specifications that are in line with the achievement of goals.[4]

Therefore, the multi-party collaboration method in handling the environment, especially forest governance is considered as a proportional model because of the organizing model between groups to achieve common goals that are relevant at ideal. In the context of environmental development especially forest management, the multi-stakeholders refers to government institutions, institutions of indigenous peoples, non-governmental organizations, private parties and the public in general. With regard to the multi-stakeholder model of collaborative management of forest governance, a policy can be created its nature to be bound between the parties who are collaborating. This juridical relationship is usually implemented in the form of legislation, especially in particular the regional regulations where a forest area and indigenous peoples are located. In the event of binding regulations, it is not a guarantee that a collaboration model can work ideal as desired. The most urgent in this multi-stakeholder collaboration model is coordination as will be explained in the following of some theories.

According to Faisal, coordination between institutions or agencies is a very important thing in order to achieve common goals. The coordination also needs to be carried out because management is the core of achieving the

---

[1] See Sawitri B. Utami and Ramadhan Pancasilawan, *Collaboration of Conservation Management on Taman Buru Masigit Kareumbi Mountain – West Java* (Kolaborasi dalam Pengelolaan Kawasan Konservasi Taman Buru Gunung Masigit Kareumbi Provinsi Jawa Barat), Jurnal Online, *jurnal.unpad.ac.id/jmpp/article/download/13550/6363, hal. 58. (accessed on 25 Juni 2018).*

[2] See David Straus in Sawitri B. Utami, Ramadhan Pancasilawan, ibid. p. 61.

[3] See Aqranoff and Mc. Quire, in Sawitri B. Utami, Ramadhan Pancasilawan, ibid. p.62.

[4] Ibid. p.63

goals of a predetermined organization. Regional Government is a level of government that has an important role in the implementation of public service delivery services. Therefore, in cases of forest governance as in the *Kajang* customary community, coordination of both the regional government and customary institutions in the preservation of customary forests in the *Ammatoa Kajang* customary area in good and effective ways is very necessary to overcome in order to achieve common goals. The influence factors of the coordination are unity of action, communication, division of labour, and discipline.[1]

This multi-stakeholder collaboration is generally emphasized only on the government and the community with customary institutions. However, if referring to the multi-stakeholder context, as mentioned earlier, the non-government organizations (NGOs) can also be adequately considered to be included in the framework of multi-stakeholder collaboration programs in environmental development, especially forest governance. Current NGO resistance can also be said to have provided substantial construction throughout the history before and after reform in creating fundamental changes in community life nationally. By using the analogy that corporations, private and public legal entities also cannot have the ability to communicate, but the legal system recognizing the existence and rights or authority of non-human legal subjects, there should be no problem if the legal system gives rights to the environment.

If it is corporation legal entities in conducting relations or legal actions are represented by the management or management, the same approach can be applied to the idea of the environment by constructing what Stone mentioned as a guardianship.[2] The concept of guardianship according to Stone, if it is related to the context of the Indonesian legal system can be likened to the "guardian" or "guardian". Stone proposes that non-governmental organizations in the environmental field can act as guardians of the environment and can file a lawsuit in the name of the environment if the environmental conditions are threatened and can be seen as representatives of the environment in the legacy and administrative processes, for example in determining water quality standards in a region. Indeed, government agencies such as the Ministry of Forestry, the Ministry of Public Works and the Ministry of Industry can basically be seen as institutions that have been handed over to manage natural resources on behalf of the state and the people, but according to Stone because government agencies also carry out tasks others and carry out other institutional goals, so that non-governmental organizations in the environmental field can play an important role besides the government agencies.

4. Conclusion

Implementation of the indigenous people values in management of the sustainable development can be seen in the context of the indigenous institution and the multi-stakeholders ‘collaboration. In terms of the indigenous institution, the indigenous peoples have their own legal system, which is autonomous and often outside the legal system model of the state, although substantially the content of customary law can be supported the normative values of the legal system. While in the implementation of environmental concerns especially in forest governance with this multi-stakeholder collaboration model, it will be more integrated due to the involvement of many parties who have the same interests and goals. With this multi-party collaborative model, it is hoped that the development of the environment in particular in forest governance can proceed accordingly so that the goals set together in this multi-party collaborative program can be realized, in accordance with the norms in the national regulatory system. nor is it in accordance with the values of customary law as a local wisdom that applies to indigenous peoples and has a broad impact on the community.

Bibliography

Abrar Saleng, *Balancing Norms in Natural Resources Management (*Kaedah Keseimbangan dalam Pengelolaan Sumber Daya Dalam), Professorship Inauguration, Faculty of Law-Hasanuddin University, Makassar, 2007.

A.M.Yunus Wahid, *an Introduction of Environmental Law* (Pengantar Hukum Lingkungan), ed.1, Arus Timur, Makassar, 2014.

Benni Sinaga, *Multi Stakeholders Forum: Some Strategic Steps to Forest Conservation and Environmental Preservation* (Forum Multi Pihak Langkah Strategis Konservasi Hutan dan Pelestarian Lingkungan), https://www.qureta.com/post/forum-multi-pihak-langkah-strategis-konservasi-hutan-dan-pelestarian-lingkungan, (accessed on 25 Juni2018).

[1] See Faisal, Andi Nuraeni Aksa, and Muh. Ahsan Samad, *Coordination between the Regional government and the Customary Institution in Customary Forest Preservation in Ammatoa Kajang Bulukumba District* (Koordinasi Pemerintah Daerah Dengan Lembaga Adat Dalam Pelestarian Hutan Adat Di Kawasan Adat Ammatoa Kajang Kabupaten Bulukumba), jurnal ilmu pemerintahan, Vol.II No. 2 Oktober 2012, p. 119.

[2] Rochajat and Ardianto, Development *Communication and Social Changes* (Komunikasi Pembangunan dan Perubahan Sosial), PT. Raja Grafindo Persada, Jakarta, 2011, pp. 464-465.

Erman Rajagukguk, *Indonesian Legal Science; Pluralism* (*Ilmu hukum Indonesia: Pluralisme), www.docjax.com, accessed 25 January 2017.*

Faisal, Andi Nuraeni Aksa, and Muh. Ahsan Samad, *Coordination between the Regional government and the Customary Institution in Customary Forest Preservation in Ammatoa Kajang Bulukumba District* (Koordinasi Pemerintah Daerah Dengan Lembaga Adat Dalam Pelestarian Hutan Adat Di Kawasan Adat Ammatoa Kajang Kabupaten Bulukumba), jurnal ilmu pemerintahan, Vol.II No. 2 Oktober 2012.

Fifik Wiryani, *Reform of Communal Right*s: *the Regulation of Customary Community Rights in Natural Resources Management* (Reformasi Hak Ulayat Pengaturan Hak-hak Masyarakat Adat dalam Pengelolaan Sumber Daya Alam), Setara Press, Malang, 2009.

Imam Syaukani and A. Ahsin Thohari, *the Basic of Legal Politic* (Dasar-dasar Politik Hukum), Raja Grafindo Persada, Jakarta, 2004.

Indonesian Dictionary, Center of Language Ministry of National Education, Jakarta, 2008.

Martua Sirait, Chip Fay and A. Kusworo, *How the Rights of Indigenous Law Communities in Managing Natural Resources Are Regulated* (Bagaimana Hak-hak Masyarakat Hukum Adat dalam Mengelola Sumber Daya Alam Diatur), Southeast Asia Policy Research Working Paper, No. 24, ICRAF SE-Asia Southeast Asian Regional Research Programme, Bogor 2000.

Perawati, *Public Participation in. Forest Protection in Tana Toa Village* (Partisipasi Masyarakat Dalam Perlindungan Hutan Di Desa Tana Toa, Kecamatan Kajang, Kabupaten Bulukumba), Jurnal online, *ojs.unm.ac.id/tomalebbi/article/download/1918/906,*. pp 111-113. (accessed 28 Juni 2018).

Noer Fauzi Rachman and R. Yando Zakaria, *Overcoming Regional Autonomy: A Guide to Facilitating Recognition and Restoration of People's Rights* (Mensiasati Otonomi Daerah: Panduan Fasilitasi Pengakuan dan Pemulihan Hak-hak Rakyat), Penerbit Konsorsium Pembaruan Agraria (KPA) and INSISTPress, Jakarta, 2000.

Rochajat and Ardianto, Development *Communication and Social Changes* (Komunikasi Pembangunan dan Perubahan Sosial), PT. Raja Grafindo Persada, Jakarta, 2011.

Sawitri B. Utami and Ramadhan Pancasilawan, *Collaboration of Conservation Management on Taman Buru Masigit Kareumbi Mountain – West Java* (Kolaborasi dalam Pengelolaan Kawasan Konservasi Taman Buru Gunung Masigit Kareumbi Provinsi Jawa Barat), Jurnal Online, *jurnal.unpad.ac.id/jmpp/article/download/13550/6363, hal. 58. (accessed on 25 Juni 2018).*