

Legal Review of Disputes Between Indigenous Communities and the Government Regarding Territorial Boundaries (Case Study of Marampa Village, Rongkong District, North Luwu Regency)

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ABSTRACT:

Background: Disputes between indigenous communities and the government over territorial boundaries are a common occurrence in various regions across Indonesia. These conflicts are generally triggered by differing perspectives on determining territorial boundaries, with indigenous communities using a historical and traditional approach, while the government uses a formal administrative and mapping approach.

Aims: This study aims to legally analyze the dispute between indigenous peoples and the government regarding territorial boundaries in Marampa Village, Rongkong District, North Luwu Regency, and to identify the factors causing the conflict and efforts to resolve it.

Methods: This research uses a qualitative approach with a descriptive design. The approach employed includes normative and historical juridical approaches. Data were obtained through observation, interviews, and documentation, involving indigenous communities and village government officials as research informants. The data were then analyzed using qualitative analysis techniques through the stages of data reduction, data presentation, and conclusion drawing.

Result: The research results indicate that disputes between indigenous communities and the government regarding territorial boundaries are caused by differences in boundary determination methods, village expansion, lack of communication between indigenous communities and the government, and the government's lack of attention to the recognition of customary territories. Efforts to resolve the conflict are carried out through deliberation between the two parties and participatory mapping of customary territories.

Conclusion: Boundary disputes between indigenous communities and the government are influenced by differing approaches to defining territory and a lack of coordination between the two parties. Therefore, more participatory policies and clearer legal recognition of indigenous territories are needed to minimize similar conflicts in the future.

Keywords: customary community; territorial boundaries; legal disputes.

INTRODUCTION

Indonesia is a country that has a diversity of cultures, ethnicities, religions and languages that form a unique national identity. (Riyadi et al., 2024; Zahra, 2025) This diversity is reflected in the various social and legal systems that exist within society, including the existence of customary law communities. The Indonesian Constitution, through Article 18B paragraph (2) of the 1945

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Constitution, expressly recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. (Bramantyo & Setiono, 2022; Putra et al., 2020; Putri, 2017) This constitutional recognition demonstrates that indigenous peoples have an important position in the national legal system and in the management of the territories and natural resources they have controlled for generations.

One of the important elements in the life of indigenous communities is the customary territory which is the living space for the community. (Aulia et al., 2023; Pareke & Arisandi, 2020). Customary territories are not only understood as geographical spaces, but also as social, cultural, and economic spaces where the lives of customary law communities take place. Within these territories are various resources such as customary land, customary forests, and other natural resources managed based on customary law. The rights of customary communities to manage these territories are known as customary rights, namely the authority held by customary law communities to utilize and regulate the use of natural resources in their territories for the survival of their communities. (Jabarudin & Karmila, 2022; Simamora et al., 2023).

However, in practice, conflicts or disputes often arise between indigenous communities and the government regarding territorial boundaries. These conflicts are generally caused by differing perspectives on determining territorial boundaries. Indigenous communities tend to define territorial boundaries based on history, traditions, and inherited knowledge passed down from their ancestors. In contrast, the government determines territorial boundaries through administrative and technical approaches, such as mapping the area using precise measurements and coordinates. (Fuzain, 2023; Lubis, 2022; Sumaya, 2025) These differing approaches often create uncertainty and trigger territorial disputes between indigenous communities and the government.

Several previous studies have discussed various forms of conflict related to indigenous peoples' rights to their territories. Research on customary land in Bali shows that weak legal recognition of customary land can create legal uncertainty for indigenous communities. Other research on land disputes between indigenous communities and plantation companies shows that ignoring customary rights in granting land use rights can trigger prolonged social and economic conflict. (Khoirudin et al., 2021; Meiranda et al., 2023; Tsurayya et al., 2024). In addition, research on boundary disputes between administrative regions shows that boundary conflicts can be resolved through mediation mechanisms until a final central government decision is made.

However, limited studies specifically address disputes between indigenous communities and the government over village territorial boundaries from a legal-analytical perspective, particularly by integrating legal pluralism and conflict theory frameworks. This indicates a clear research gap in understanding how competing legal systems interact in administrative boundary conflicts and how these interactions influence conflict dynamics and resolution mechanisms.

Based on this background, this study aims to legally analyze the dispute between indigenous communities and the government regarding territorial boundaries in Marampa Village, Rongkong District, North Luwu Regency. This study also aims to identify the factors causing the dispute and analyze the supporting and inhibiting factors in the process of recognizing the Rongkong community's customary territory. Therefore, this study is expected to provide academic contributions to the development of customary law studies and provide practical recommendations for resolving customary territory conflicts in Indonesia.

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METHOD

Research Design

This study uses a qualitative approach with a descriptive design to analyze disputes between indigenous communities and the government regarding territorial boundaries. This approach was chosen because the research aims to understand the social and legal phenomena that occur within the context of community life in depth. This study also employs a normative and historical juridical approach, namely by examining laws and regulations related to the recognition of indigenous communities and tracing the historical development of territorial boundary conflicts that have occurred. With this design, the study seeks to systematically describe the dynamics of disputes between indigenous communities and the government and the process of resolving them within the applicable legal framework.

Participants

Participants in this study consisted of indigenous community members and government officials from Marampa Village, Rongkong District, North Luwu Regency. Informants were selected using purposive sampling, based on specific criteria to ensure data relevance and depth.

The selection criteria included:

1. Individuals directly involved in or affected by the territorial boundary dispute;
2. Traditional leaders with knowledge of customary territorial history and practices;
3. Village government officials responsible for administrative boundary determination;
4. Community leaders who understand both customary and formal governance systems.

The use of purposive sampling was justified because this study requires information-rich participants who possess direct experience and authoritative knowledge related to the conflict. This approach ensures that the data collected reflects both customary and governmental perspectives, allowing for a more comprehensive and balanced analysis.

Instruments

The primary instrument in this research is the researcher herself (human instrument), who plays a role in collecting and analyzing data directly in the field. To support the data collection process, this study utilized several data collection techniques, namely observation, in-depth interviews, and documentation. Observations were conducted to understand social conditions and conflict situations occurring in the community. In-depth interviews were conducted with traditional leaders, village government officials, and community members involved in territorial disputes to obtain more detailed information. Meanwhile, documentation was used to collect data in the form of archives, policy documents, and records related to territorial boundaries and recognition of indigenous communities.

Data Validation (Trustworthiness of Data)

To ensure the validity and reliability of the data, this study applied several data validation techniques:

1. Source triangulation

Data were collected from multiple sources (indigenous leaders, government officials, and community members) to compare and verify information obtained from different perspectives.

2. Technique triangulation

Data were gathered using various methods (observation, interviews, and documentation) to ensure consistency across different data collection techniques.

3. Member checking

The researcher returned the interview results and interpretations to several key informants to confirm the accuracy of the information and avoid misinterpretation.

4. Prolonged engagement and persistent observation

The researcher engaged sufficiently with the research setting to gain a deeper understanding of the context and to ensure that the data reflect real conditions.

5. Peer debriefing

Discussions with colleagues or experts were conducted to review the research process and findings, ensuring analytical rigor and reducing researcher bias.

These validation strategies enhance the credibility, dependability, and confirmability of the research findings.

Data Analysis

Data analysis was conducted using a descriptive qualitative analysis approach through three main stages: data reduction, data presentation, and conclusion drawing. In the data reduction stage, researchers selected and categorized data from observations, interviews, and documentation relevant to the research focus. Next, the data was presented systematically in the form of narrative descriptions to facilitate understanding of the dispute between indigenous communities and the government regarding territorial boundaries. The final stage was drawing conclusions through interpretation of the presented data.

The data analysis process flow in this study is shown in Figure 1, which describes the analysis stages starting from data reduction, data presentation, to drawing conclusions continuously.

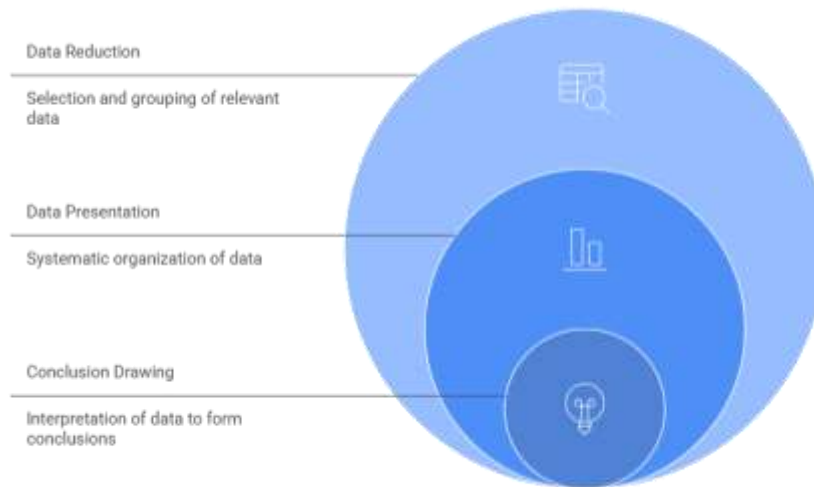


Figure 1. Data analysis process

RESULTS AND DISCUSSION

Result

This study finds that disputes between indigenous communities and the government in Marampa Village, Rongkong District, North Luwu Regency, are fundamentally shaped by conflicting approaches to determining territorial boundaries. While indigenous communities define territorial boundaries based on historical narratives, customary practices and ancestral inheritance, the government relies on administrative and technical approaches, including formal mapping and legal documentation. This divergence creates a structural gap in how territory is understood and legitimised by each party, which is the main cause of conflict.

The study also found that administrative changes, particularly village expansion, significantly contribute to boundary uncertainty. The reconfiguration of administrative regions has altered previously recognised territorial boundaries, leading to overlapping claims between indigenous communities and government authorities. This suggests that boundary disputes are not static, but evolve alongside changes in governance, thereby intensifying tensions over territorial legitimacy.

Furthermore, this study finds that limited communication and coordination between stakeholders exacerbates conflict dynamics. Indigenous communities are often not actively involved in the process of determining boundaries, resulting in policies that do not fully take into account customary perspectives. This exclusion can lead to a perception of marginalisation and weak recognition of indigenous rights, thereby reinforcing social tensions between the two parties.

Additionally, this study reveals that conflict resolution efforts remain procedural rather than substantive. Although deliberation and participatory mapping have been initiated, these efforts are not yet supported by robust legal frameworks or consistent policy implementation. Consequently, the resolution process tends to be temporary, lacking long-term certainty regarding the recognition of customary territories.

Overall, the findings suggest that territorial boundary disputes between indigenous communities and the government are driven by a combination of epistemological differences, administrative changes and limitations in governance, which together determine the persistence and complexity of the conflict.

Discussion

The research results show that the dispute between indigenous communities and the government regarding territorial boundaries is influenced by differences in approaches to determining territory. Indigenous communities use a historical and traditional approach passed down through generations, while the government uses an administrative approach through formal territorial mapping. (Jemarut et al., 2022; Laimeheriwa & Wargadinata, 2020; Sopian et al., 2023) These differing approaches have led to uncertainty regarding territorial boundaries, which has subsequently sparked conflict between the two parties. These findings indicate that boundary conflicts are not solely geographical in nature but also involve social, cultural, and legal aspects inherent in the lives of indigenous communities.

In addition, this study also shows that the lack of communication and coordination between the government and indigenous communities can exacerbate the existing conflicts. (Harniwati, 2024; Tutuhaturunewa et al., 2023; Waluyo, 2023) When indigenous communities are not actively involved in the boundary-defining process, the resulting policies often do not fully reflect local interests. Therefore, resolving territorial conflicts requires a participatory approach involving various stakeholders to produce fair and sustainable agreements for all stakeholders.

These results are consistent with previous studies in Indonesia that highlight similar patterns of conflict. For example, research on customary land disputes in Bali demonstrates that weak legal recognition leads to legal uncertainty for indigenous communities. Similarly, conflicts between indigenous communities and plantation companies in Kalimantan show that the neglect of customary rights in land-use allocation often results in prolonged socio-economic tensions. In Papua and other

regions, conflicts involving state-led development projects also illustrate how top-down governance approaches can trigger resistance from indigenous communities. Compared to these studies, the present research offers a more specific contribution by focusing on village administrative boundary disputes, an area that has received relatively limited scholarly attention.

Implications

The implications of this research indicate that recognizing indigenous peoples' territories requires a more inclusive and participatory legal approach. The government needs to strengthen policies that accommodate the existence of indigenous communities and ensure that the boundary determination process is transparent and involves the communities directly. This will minimize territorial conflicts and enable more equitable and sustainable management of natural resources.

Research contribution

This research contributes academically to the development of customary law and territorial conflict studies, particularly regarding the relationship between indigenous communities and the government in determining territorial boundaries. It also enriches the literature on customary territorial conflicts by providing a legal analysis of the causes of conflict and efforts to resolve them. Furthermore, this research can serve as a reference for future researchers interested in examining customary territorial conflicts from a legal and public policy perspective.

Limitations

This study has several limitations, primarily related to its scope, which focuses on a single location: Marampa Village, Rongkong District, North Luwu Regency. Furthermore, the study used a qualitative approach, making the results more descriptive in nature and unable to be broadly generalized to other regions with different characteristics.

Suggestions

Based on the research findings, it is recommended that the government and indigenous communities improve communication and cooperation in the process of determining territorial boundaries. The government is also expected to strengthen policies that recognize and protect indigenous territories. Furthermore, further research could examine indigenous territorial conflicts using a broader approach, for example through a comparative approach across regions or using different research methods to gain a more comprehensive understanding of indigenous territorial conflicts in Indonesia.

CONCLUSION

This study concludes that the dispute between indigenous communities and the government regarding territorial boundaries in Marampa Village, Rongkong District, North Luwu Regency, is primarily caused by differences in approaches to boundary determination. Indigenous communities determine boundaries based on history, tradition, and ancestral knowledge, while the government uses an administrative approach through mapping areas with clear and measurable boundaries. This difference has led to uncertainty regarding territorial boundaries, which has subsequently triggered conflict between the two parties.

Furthermore, the conflict was influenced by several other factors, such as the expansion of village areas, a lack of coordination between the government and indigenous communities, and a lack of government attention to the recognition of indigenous territories. This situation led to differing interpretations of what constitutes the Rongkong community's indigenous territory.

Conflict resolution efforts have been undertaken through deliberations between indigenous communities and the government, as well as through participatory mapping of indigenous territories. However, this resolution process still requires clearer policy and regulatory support from the government to ensure optimal recognition of indigenous territories and minimize future territorial conflicts.

AUTHOR CONTRIBUTION STATEMENT

AS, played a role in the research conceptualization, data collection, data analysis, and writing the initial draft of the manuscript. Ab contributed to the formulation of the research methodology, academic supervision, and review and editing of the manuscript. AM, played a role in validating the research concept, strengthening the legal analysis, and revising and finalizing the manuscript before publication.

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