

Recognizing Indigenous Legal Standing in Forest Administration: Advancing Sustainable Management of Customary Forests in Indonesia

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ABSTRACT:

Background: Although the Constitutional Court of Indonesia ruled in Decision No. 35/PUU-X/2012 that customary forests are no longer categorized as state forests, the absence of a specific law recognizing indigenous legal status continues to create legal ambiguity. This regulatory gap weakens the legal protection of indigenous peoples and affects the sustainability of forest management practices rooted in traditional knowledge and land stewardship.

Aims: This study seeks to explore two key objectives: first, to evaluate the necessity of passing the Indigenous Peoples Bill as a legislative instrument to secure indigenous forest rights; second, to investigate the significance of indigenous community engagement in promoting long-term, sustainable management of customary forests.

Methods: Using a doctrinal legal research approach, the study is guided by the sociological jurisprudence framework and Arnstein's Ladder of Citizen Participation theory. The analysis incorporates qualitative case references from multiple regions across Indonesia, including Java, Kalimantan, Sumatra, Sulawesi, and Papua, offering a diverse perspective on customary forest governance.

Result: The research highlights ongoing inconsistencies in the legal framework that restrict indigenous authority over ancestral forests. In many regions, participation by indigenous communities remains limited to consultative levels, failing to reach the stages of power-sharing or partnership. Regions with greater community involvement tend to exhibit stronger outcomes in forest preservation and ecological balance.

Conclusion: There is an urgent need for formal legal recognition of indigenous peoples through the ratification of the Indigenous Peoples Bill. Strengthening indigenous participation and legal empowerment is essential to ensuring justice, environmental resilience, and the harmonization of customary practices with national forest governance policies.

Keyword:

Citizen Participation; Customary Forests; Indigenous Peoples; Legal Recognition; Sustainable Forest Management.

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INTRODUCTION

Indonesia possesses one of the world's richest forest ecosystems, which are intricately linked to the cultural and economic lives of indigenous peoples. These communities have historically governed forest areas using traditional rules passed down through generations. Their local wisdom supports ecological balance and resource sustainability. However, national forestry policies have long failed to formally recognize their legal rights (Aggarwal et al., 2021; Rodríguez-de-Francisco et al., 2021). The Forestry Law No. 41 of 1999 classified customary forests as part of state forests, limiting community control (Affandi et al., 2021; Harada et al., 2022). This has contributed to tenure insecurity and marginalized indigenous forest governance. As a result, many communities have faced resource disputes and the erosion of traditional authority. These conditions have weakened efforts toward inclusive and sustainable forest management.

A significant legal shift occurred with the Indonesian Constitutional Court's decision No. 35/PUU-X/2012, which excluded customary forests from the state forest category. This ruling affirmed that indigenous peoples are rightful owners of customary forest lands. The decision was welcomed as a breakthrough for indigenous rights and forest justice. Nevertheless, the ruling's practical enforcement remains weak and inconsistent across regions (Dewey & Di Carlo, 2022; Kelemen & Pavone, 2023). Many local governments lack the mechanisms or political will to apply it fully (Criado & Villodre, 2021; Liu et al., 2023). Meanwhile, there is no national legal framework that provides structured guidelines for indigenous recognition. In this legal vacuum, indigenous claims continue to be challenged by state institutions and corporate interests. The gap between constitutional affirmation and ground-level implementation remains wide.

Customary forests play a critical role in biodiversity conservation and climate resilience. Their traditional governance systems are rooted in norms of collective responsibility and restricted use (Guttmann, 2021; Piazza, 2021). Without legal clarity, communities cannot effectively protect these areas from external threats. In many cases, government-issued permits or concessions overlap with ancestral territories (Putri & Ehsonov, 2024; Sopaheluwakan et al., 2023). This creates conflict, legal confusion, and environmental degradation. Communities with no legal standing struggle to defend their land rights. The erosion of traditional authority further undermines ecological stewardship.

While some local governments have issued recognition through regional regulations, the coverage remains patchy and selective (Hu & Lin, 2022; Xie & Yuan, 2023). Certain communities have pursued recognition through litigation, but such routes are often complex and inaccessible (Lund, 2023; Notess et al., 2021). Others remain unrecognized despite providing historical and cultural evidence of land tenure. The fragmented legal landscape results in inconsistent protection across regions. Recognition often depends more on political will than legal entitlement. Such uncertainty limits the security of indigenous tenure. It also prevents the development of sustainable, community-based forest governance systems. A national legal solution is urgently needed to address this disparity.

At the international level, instruments such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) affirm indigenous rights to land and participation (Mainville & Joynt, 2025). Indonesia has expressed its commitment to these principles, yet integration into national legislation remains incomplete. The Indigenous Peoples Bill (RUU Masyarakat Hukum Adat) represents an

opportunity to institutionalize these rights. Despite inclusion in several legislative agendas, the bill has yet to be passed (Browne et al., 2021; Peay, 2021). Political delays and policy prioritization have obstructed its progress. Meanwhile, indigenous groups continue to experience displacement and legal exclusion. The absence of this legislation creates a void in the legal protection of traditional communities. Its ratification is crucial to harmonizing Indonesia's legal system with its constitutional and international commitments.

Another pressing issue lies in the quality of indigenous participation in forest policy and management (Niedziałkowski & Chmielewski, 2023; Zhunusova et al., 2022). Although policies mention community involvement, the actual engagement is often symbolic (Csurgó & Smith, 2021). Communities are usually consulted without being granted decision-making power. The concept of meaningful participation requires deeper institutional reform and power redistribution. Arnstein's Ladder of Citizen Participation offers a framework to analyze the levels of community involvement. Many indigenous groups remain at the lower rungs of this ladder, with limited control over forest governance. Strengthening participation means elevating indigenous peoples as equal partners. This shift is necessary for both justice and sustainability.

The exclusion of indigenous knowledge from forest governance undermines ecological resilience and adaptive management (Cotroneo et al., 2021; Tran et al., 2025). Evidence shows that forests managed under customary law often remain in better condition than those managed by external entities (Kurniasih et al., 2021; Wicaksono et al., 2022). Yet, state-centric governance models have sidelined these practices. With rising threats of deforestation and climate change, including indigenous perspectives becomes not just ethical but essential. Sustainable forest management cannot occur without local ownership and commitment. Centralized governance models are insufficient for addressing local realities. Empowering indigenous communities is a strategic path toward resilience. Therefore, legal and institutional transformation is necessary.

This research topic is particularly relevant due to its multifaceted nature involving law, ecology, culture, and governance. The intersection of indigenous rights, legal recognition, and participatory forest management presents both theoretical and practical challenges. While many studies focus on local cases, few address this issue from a national and interdisciplinary perspective (Mokski et al., 2022; Peek & Guikema, 2021). By combining sociological jurisprudence with participation theory, this study offers new insights (Buckel et al., 2024; Helberger et al., 2022). It also responds to real-world policy gaps, contributing to national and global discourse. The findings are relevant for scholars, policymakers, and practitioners working in law, forestry, and indigenous rights. Exploring how recognition and participation shape sustainability makes this study timely and impactful. For these reasons, the topic deserves critical academic attention.

Recent research has increasingly acknowledged the importance of indigenous knowledge in forest conservation and climate adaptation strategies. Budiman & Oue (2025) underscore how traditional ecological practices in Central Java demonstrate resilience to climate change impacts. Their study highlights the importance of integrating these practices into formal management frameworks. Mayastuti & Purwadi (2025) extend this view by analyzing how legal recognition for indigenous women strengthens community resilience. They argue that gender-inclusive policies are essential for supporting broader environmental justice. Stevens et al. (2025) explore how local

communities manage relationships with wildlife in forested areas. Their work suggests that successful conservation requires attention to local cultural dynamics. These findings confirm that ecological sustainability depends not only on policy but also on respecting customary wisdom.

In South Asia, the role of sacred forests in cultural life is brought into focus by Mahaseth et al. (2023). They examine how religious beliefs shape forest protection in Nepal and India, yet remain underappreciated in national policies. Greenaway et al. (2023) advocate for multi-stakeholder collaboration to improve tree biosecurity and forest health. Their research argues that science and local knowledge must operate in synergy. Meanwhile, Bezerra et al. (2023) document how Brazilian farmers perceive plant diversity in their environment. They reveal that community members play a direct role in monitoring biodiversity changes. Such insights point to the need for integrating cultural perspectives in environmental planning. Ignoring these views can lead to conservation failure and community disengagement.

On the legal front, regulatory inconsistency has been a major challenge for customary forest management. Siagian (2023) notes that Indonesia's regulatory landscape for indigenous land is fragmented and unclear. His research calls for improved legal harmonization between central and local authorities. Gupta et al. (2022) illustrate similar problems in India, where forest rights legislation faces local implementation barriers. Their case study reveals that formal rights often remain inaccessible to indigenous communities. Zannini et al. (2022) assess sacred sites in Italy and argue for stronger cultural integration in forest governance. They propose more inclusive frameworks that balance legal protection with heritage preservation. These studies emphasize that without legal clarity, indigenous claims are vulnerable to contestation. Stronger laws must be complemented by culturally grounded enforcement.

Water rights represent another domain of contestation and opportunity for indigenous recognition. Troell & Keene (2022) examine how fragmented land-water regulations disadvantage rural communities in Sub-Saharan Africa. Their findings show that recognizing water tenure is essential to sustaining local livelihoods. van Koppen (2022) explores these dynamics further through community-based water governance models. She highlights how legal frameworks grounded in local knowledge produce more effective outcomes. In Mexico, Díaz et al. (2021) document how indigenous groups assert territorial authority through autonomous governance. Their example shows the potential of self-rule in enhancing community control over natural resources. These findings link legal pluralism to improved environmental resilience. Institutional frameworks must reflect both statutory and traditional systems.

Conflict resolution is another focus in forest policy studies. Tarigan & Karuniasa (2021) examine social forestry schemes in Indonesia as a tool for managing land disputes. Their research finds that engaging communities in dialogue contributes to lasting agreements. Pokorny et al. (2021) assess agroforestry models in Peru and their role in forest stability. They argue that informal settlers, when supported by state policy, can help preserve ecological boundaries. Such community-driven solutions require formal acknowledgment to succeed. These examples support the case for participatory conflict resolution mechanisms. Without inclusive legal backing, local innovations remain fragile. Therefore, state engagement must extend beyond supervision to partnership.

Legal standing and procedural justice are critical for advancing indigenous claims. Rompegading & Maemanah (2021) present a case in which the Matteko community pursued legal recognition in Indonesia's Constitutional Court. Their analysis reveals the procedural barriers faced by indigenous litigants. Aggarwal et al. (2021) identify systemic delays in tenure reform that undermine policy credibility. They argue for policy acceleration to support long-term forest goals. In Mexico, Sierra-Huelsz et al. (2020) find that although ecological knowledge is acknowledged in law, its application remains limited. They suggest that law must not only recognize but also enable traditional systems to function. Legal empowerment is necessary for environmental justice. Implementation must be consistent and community-informed.

The application of technology in participatory mapping is explored in several studies. Hidayat et al. (2023) demonstrate how participatory GIS helps clarify land boundaries for indigenous groups in West Java. Their work underscores the value of technology in legal advocacy. Arizona et al. (2019) investigate how NGOs facilitate legal recognition for customary forests. They find that civil society plays a key role in mediating between indigenous groups and state institutions. Sloan et al. (2019) discuss how development pressures in Borneo often ignore customary claims. Their research warns of the ecological and social costs of infrastructure that bypass indigenous voices. These studies emphasize that technology and activism must align with policy change. Empowerment tools are only effective within supportive legal frameworks. In summary, literature across multiple contexts confirms that indigenous legal recognition and active participation are essential for sustainable forest governance. Studies from Indonesia, Africa, and Latin America all point to the need for stronger institutional frameworks. Legal pluralism, participatory mapping, gender inclusion, and local knowledge are recurring themes. Empowering customary communities means acknowledging their authority and aligning legal systems accordingly. Weak implementation continues to limit the potential of progressive laws. Future research must explore models that harmonize customary and statutory approaches. Community-centered governance is not only fair but also effective. Policymakers should ensure that indigenous voices are central—not peripheral—to forest futures.

Discussions on indigenous rights and involvement in forest governance have gained increasing relevance, yet certain critical dimensions remain underexplored. Much of the available research has focused on specific regions or communities without connecting these insights to broader legal frameworks or national-level policies. The lack of a clear and unified legal structure continues to be a significant barrier in securing indigenous control over customary forests. Moreover, participation by indigenous peoples in forestry-related decisions is often treated as a formality, with limited investigation into whether such involvement holds actual influence. Customary governance systems, though deeply rooted in local traditions, frequently exist without formal recognition within national legal structures. This disconnect has contributed to recurring land conflicts, limited access to justice, and the marginalization of traditional institutions. Despite constitutional developments in some countries, the absence of supporting legislation has resulted in inconsistent implementation and unclear institutional responsibilities. As a result, a comprehensive study is needed to examine how legal recognition, participatory practices, and sustainable forest governance can be effectively integrated, particularly in contexts involving indigenous communities.

This study is designed to examine the necessity of establishing a national legal mechanism that formally acknowledges indigenous communities and their rights to manage customary forests. It aims to analyze how the current legal gap affects the protection of indigenous territories and influences forest governance outcomes. A key objective is to understand the nature and extent of indigenous involvement in policymaking related to forest management, especially whether such participation is substantive or merely symbolic. The research adopts a legal and sociological perspective to assess institutional conditions that limit the integration of traditional practices into official governance systems. It is expected that the absence of comprehensive legislation contributes to the weakening of customary land tenure and restricts pathways to justice for indigenous communities. In addition, the study proposes that stronger, more inclusive forms of participation are closely linked to better environmental outcomes and improved equity in governance. This research ultimately seeks to offer practical recommendations to harmonize legal pluralism and participatory models within national forest policy. By doing so, it hopes to support efforts toward building forest management systems that are inclusive, resilient, and culturally responsive.

METHOD

Research Design

This research applies a qualitative approach that integrates both normative and empirical perspectives. The normative dimension involves the systematic examination of legal materials such as regulations, court decisions, and legislative drafts concerning indigenous forest rights. Meanwhile, the empirical component focuses on field-based data to understand how indigenous communities participate in forest governance. By combining these two perspectives, the study aims to uncover how legal principles are implemented in practice. The research is framed using sociological legal theory and a participatory model that evaluates community involvement in policymaking. A multiple-case study strategy is used to examine several regions with active customary forest claims. This design supports in-depth analysis of contextual variations and policy applications across different localities. Through this approach, the study aims to produce nuanced insights into both legal frameworks and real-world governance experiences.

Participant

The study involves selected informants from indigenous communities, government institutions, and civil society organizations. Indigenous participants were chosen based on their engagement in customary forest management or leadership roles within their communities. Officials from local and central government bodies contributed perspectives on regulation and implementation of indigenous rights. Representatives from NGOs were included due to their experience in advocacy and legal support related to indigenous land claims. Participants were selected through purposive sampling to ensure they have direct relevance to the study's themes. The research covered various geographical regions to reflect the diversity of legal and participatory experiences in Indonesia. All participants were informed about the research goals, and their consent was obtained prior to data collection. Ethical considerations were upheld by ensuring confidentiality

and voluntary participation. This selection strategy enabled the collection of balanced and diverse viewpoints.

Instrument

Data collection relied on three main tools: semi-structured interviews, document analysis, and limited observation. Interview protocols were designed to gather views on the effectiveness of indigenous participation and the status of legal recognition. Document analysis involved reviewing laws, policy drafts, constitutional court rulings, and advocacy reports. Where possible, observation was conducted during public meetings, consultations, or community-led forest discussions. The instruments were tested in advance to refine question clarity and relevance. Each tool was designed to be adaptable, allowing the researcher to explore emerging themes while maintaining consistency. The combination of tools allowed for triangulation, strengthening the reliability of findings. Data collection was carried out over a planned period, with follow-ups used to clarify or verify responses. All instruments supported the study's objective of connecting legal frameworks with community experiences.

Data Analysis

The collected data were analyzed using both legal interpretation techniques and thematic analysis. Legal texts were examined to identify structural inconsistencies, normative gaps, and their implications for indigenous forest governance. Interview transcripts were reviewed and coded based on emerging themes related to participation, legal status, institutional responsiveness, and forest control. The coding process was inductive, allowing categories to develop naturally from the data. Data organization and analysis were supported by software tools to ensure consistency and clarity. The theoretical framework on levels of participation was used to interpret the quality and influence of indigenous engagement in governance. Cross-case comparisons helped reveal differences and similarities between various regional contexts. Findings were validated through data triangulation and rechecking with key informants when needed. Throughout the process, attention was given to maintaining analytical transparency and depth.

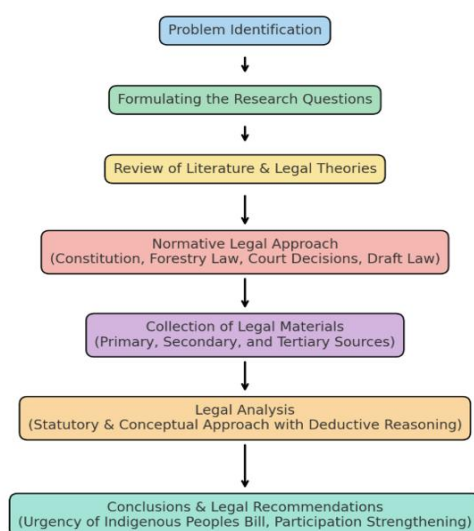


Figure 1. Flowchart of Legal Research Methodology

RESULTS AND DISCUSSION

Results

This study uncovers three primary challenges in the governance and legal recognition of customary forests in Indonesia. First is the lack of a comprehensive national regulation that explicitly outlines the recognition and protection of indigenous land rights. Second, participation by indigenous communities in forest-related policymaking remains limited and often lacks substantive authority. Third, the implementation of Constitutional Court Decision No. 35/PUU-X/2012 has been inconsistent at the local government level, leading to fragmented recognition processes. Although the Constitutional Court decision legally reclassified customary forests as distinct from state-owned forests, its enforcement has been weak due to the absence of specific legal instruments such as the Indigenous Peoples Bill (RUU MHA). As a result, many officials still refer to the outdated Forestry Law No. 41/1999, which categorized all forests—including customary ones—as state-controlled. This legal ambiguity has created confusion and caution among regional authorities, who often avoid issuing formal recognition due to lack of procedural clarity.



Figure 2. Status Of Customary Forest Before and After Decision

Findings also show that the majority of participation by indigenous communities is symbolic. Public consultations are frequently conducted without any transfer of decision-making power. As a result, communities may be “heard” but are rarely “heeded.” In several cases, even when local regulations (Perda) are issued, actual implementation remains subject to political discretion. The absence of national guidelines leads to highly variable levels of legal protection, depending on region and political climate. Additionally, the process of formal recognition remains bureaucratically convoluted. There is no single national institution responsible for verifying and recording customary land claims, resulting in overlapping authority and delays. This makes indigenous territories vulnerable to competing land claims and tenure insecurity.

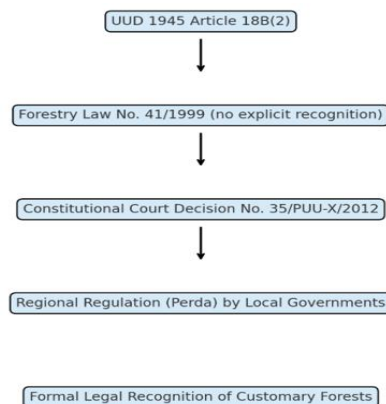


Figure 3. Legal Recognition Flow of Customry Forests

In conclusion, the results highlight the urgency of establishing a clear legal framework and an inclusive governance model that recognizes indigenous rights as legally binding and operational—not just rhetorical. Legal recognition must be accompanied by institutional readiness and a standardized participatory mechanism to ensure justice and sustainability.

Discussion

Indonesia continues to struggle with aligning its legal and institutional frameworks to accommodate indigenous forest governance. Although the Constitutional Court provided a foundation by recognizing customary forests as distinct from state forests, the absence of a clear law like the RUU MHA has limited practical application. As emphasized by Siagian (2023), this regulatory gap creates legal confusion and weakens state accountability. Local authorities face uncertainty in issuing recognition due to the absence of procedural mandates. Consequently, legal protection for indigenous territories remains partial and selective. The constitutional promise enshrined in Article 18B (2) has yet to be realized on the ground. This highlights the need to move beyond symbolic recognition toward operational legal certainty. Without such progress, legal pluralism in forest policy will remain theoretical.

Participation by indigenous communities also falls short of meaningful engagement. According to Arizona et al. (2019), most involvement in forest decision-making is consultative, without any actual influence on policy outcomes. Such token participation reflects what Arnstein terms “non-participation” disguised as inclusion. Communities may be invited to forums but rarely hold authority over licensing or land-use decisions. This dynamic perpetuates power imbalances and hinders bottom-up forest management. To enable authentic participation, legal mechanisms must redistribute authority, not merely acknowledge presence. Policies should aim for partnership and shared control, not mere representation. Otherwise, participation will continue to serve as a formality, not empowerment.

The inconsistencies across legal documents further complicate implementation. Indonesia’s constitutional provisions, forestry laws, judicial decisions, and legislative drafts all reference indigenous rights—but with varying interpretations. Local agencies often struggle to harmonize these instruments, leading to policy conflict and implementation delays. As a result, indigenous communities navigate a fragmented system with no unified point of access. This disjointed legal environment undermines institutional efficiency and fosters uncertainty. A consolidated legal structure is essential to streamline processes and clarify jurisdiction. The diagram below

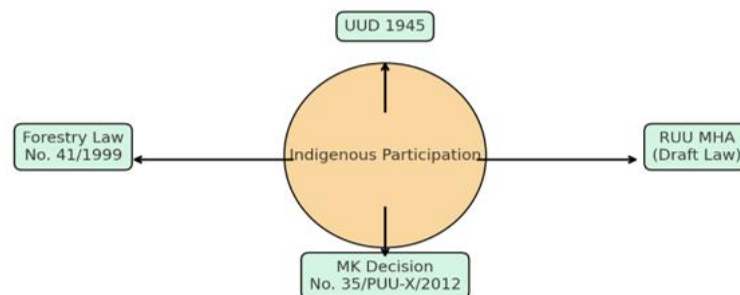


Figure 4. Legal Instruments and Indigenous Participation

Other barriers include technical limitations in land identification and mapping. Research by Budiman and Oue (2025) illustrates that participatory mapping improves tenure clarity and enhances community trust. However, such efforts are often ad hoc and reliant on NGO or academic involvement. A national system for validating and institutionalizing these maps is still absent. Consequently, many indigenous claims remain unofficial and are easily overridden by external actors. Legalizing these tools would strengthen the legitimacy of community-managed territories. Courts and state agencies must be required to accept participatory maps as evidence. Without such integration, indigenous tenure remains legally fragile. The exclusion of indigenous governance from conservation planning also undermines ecological outcomes. Sierra-Huelsz et al. (2020) argue that traditional knowledge systems contribute to biodiversity and resilience if recognized and empowered.

Unfortunately, state policies tend to favor centralized and extractive models. As a result, community-based conservation efforts receive little support or recognition. Programs aimed at sustainability often bypass indigenous actors altogether. This practice contradicts both international standards (e.g., UNDRIP) and Indonesia's own legal commitments. Integrating customary governance into national strategies could promote more effective forest stewardship. It is not only a matter of justice—but also of ecological necessity. Regional autonomy has not translated into consistent protection of indigenous rights. Rompegading and Maemanah (2021) found that local governments show significant variability in recognizing indigenous communities.

Some provinces have enacted Perda that protect customary land, while others remain inert. This disparity results in unequal access to justice based on geography. A national legal mechanism is needed to standardize recognition while allowing regional flexibility. Legal fragmentation fosters dependence on political will rather than rule of law. This makes rights contingent rather than guaranteed. Harmonizing local and national laws would help address these asymmetries. Delays in passing the RUU MHA reveal broader institutional reluctance. As noted by Mayastuti and Purwadi (2025), indigenous issues are consistently deprioritized in favor of investment-focused legislation such as the Omnibus Law.

This imbalance reflects the dominance of economic over human rights considerations in policy-making. Without strong legislative action, indigenous territories remain susceptible to displacement and resource exploitation. The ratification of RUU MHA would help restore balance by recognizing collective land tenure and institutionalizing participation. It would also align national laws with international human rights frameworks. The time for political commitment is long overdue. Legal justice for indigenous peoples must be more than aspirational rhetoric. In closing, secure tenure and inclusive governance are foundational for sustainable forest management. Aggarwal et al. (2021) stress that forest policies cannot succeed without addressing land rights and participation.

Indigenous communities must be seen not just as stakeholders but as co-governors. Legal pluralism should be reflected in policy implementation—not just court decisions. The RUU MHA provides a legislative pathway toward coherence, recognition, and empowerment. Its enactment would symbolize a shift from declarative to enforceable rights. It would also mark Indonesia's

transition toward a more just and sustainable future. True forest reform begins with recognizing who the rightful guardians of the forest really are.

Implications

This study sheds light on several critical implications for forest governance, indigenous rights, and legal reform in Indonesia. First, it reinforces the urgency of ratifying the Indigenous Peoples Bill (RUU MHA) to give legal force to constitutional protections that have existed only in principle. Without this legislation, indigenous communities will continue to experience tenure insecurity and conflict with state and private entities. Second, the findings imply that indigenous participation must be elevated beyond token consultation and embedded into decision-making structures. A shift toward inclusive governance would support both justice and environmental effectiveness. Third, recognizing customary practices such as rotational land use and sacred forest zones could provide a model for sustainable forest management. Integrating indigenous knowledge systems would also align national policy with global standards, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Lastly, strengthening legal recognition would not only fulfill human rights obligations but also contribute to long-term climate resilience and biodiversity conservation. These implications demonstrate that inclusive forest governance is not only ethical—it is essential for national development.

Limitations

Although this research offers valuable insights, several limitations must be acknowledged. The study employs a normative legal method, which relies heavily on literature and document analysis rather than empirical fieldwork. As a result, it does not capture the lived experiences or social dynamics within indigenous communities. The analysis also focuses on national-level legislation and judicial decisions, which may overlook variations at the local level. Additionally, the research does not include quantitative data or case-specific metrics that could enrich its findings. The political and economic dimensions influencing the delay in legislative progress—such as lobbying pressures or bureaucratic resistance—are not explored in depth. Gender, generational, and cultural perspectives within indigenous governance structures are also absent. Moreover, because it is not based on interviews or observations, the study may not fully reflect current policy implementation challenges. These limitations suggest that future studies should adopt mixed methods to offer a more complete understanding.

Suggestions

In response to the findings, several practical recommendations are proposed. First, policymakers should prioritize the passage of the Indigenous Peoples Bill (RUU MHA) to create a binding legal basis for recognizing and protecting customary forests. Second, national and local governments should develop technical guidelines for verifying, registering, and mapping indigenous territories. Third, legal frameworks must mandate the involvement of indigenous communities in all stages of forest management, from planning to enforcement. Fourth, training programs should be launched to improve the capacity of both indigenous leaders and government personnel. Fifth, participatory mapping should be integrated into formal land administration systems to prevent overlapping claims. Sixth, performance indicators should be developed to track the effectiveness of

indigenous recognition and participation efforts across regions. Finally, researchers and institutions should engage more directly with indigenous communities to incorporate their voices and knowledge into academic discourse and policy design. These recommendations aim to transform recognition from a legal formality into a functional, rights-based governance model.

CONCLUSION

Although Constitutional Court Decision No. 35/PUU-X/2012 formally reclassified customary forests as separate from state forests, this study finds that the absence of a dedicated legal framework—particularly the delayed enactment of the Indigenous Peoples Bill (RUU MHA)—has left indigenous forest tenure in a legally ambiguous and vulnerable position. Recognition remains inconsistent and dependent on local discretion rather than national guarantees. Participation of indigenous peoples in forest governance continues to be superficial, confined to consultative roles without meaningful influence on decisions that directly affect their territories. The findings also reveal a lack of synergy among various legal instruments and institutions, resulting in fragmented implementation and limited accountability. Customary practices such as participatory mapping and traditional land stewardship, though ecologically valuable, are yet to be fully recognized and integrated into formal governance systems. Therefore, achieving equitable and sustainable forest management requires not only legislative reform but also institutional transformation that ensures indigenous communities are actively involved as equal partners. Ratifying the RUU MHA and embedding participatory mechanisms into national policy are necessary steps toward legal certainty, environmental justice, and long-term resilience. In this light, securing indigenous forest rights is not merely an act of legal compliance, but a foundation for inclusive and democratic environmental governance.

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