

THE LEGAL CONCEPTION OF WANA COMMUNITIES OVER ENVIRONMENTAL CONSERVATION AFTER GOVERNMENT ISSUED CONCESSION OF PALM PLANTATION IN CENTRAL SULAWESI

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ABSTRACT

This study is intended to identify and explain the legal conception, attitudes and behavioral patterns over environmental conservation of the Wana indigenous peoples before and after the government issued some concession of palm plantation investment and to find the legal principles underlying the legal behavior patterns of the Wana indigenous peoples towards the environment. The research method used is sociological juridical which is equipped with an anthropological approach through tracing the legal facts that apply in society. In the life of the Wana indigenous people, there are social values that are used as the basis for building effective tips in environmental conservation efforts. Their close relationship with the environment and natural resources, indigenous peoples through the concept of pangale conservation which is considered not to be able to damage the environment. However, after investment in oil palm plantations obtained concessions above and around the living space of the wana indigenous people, their perceptions gradually shifted due to economic pressure and pressure as well as government policies that tend to side with the owners of capital.

(Keywords: *legal conception; wana communities; concession; environmental conservation*)

INTRODUCTION

Investment in the plantation sector is a choice between environmental sustainability and economic growth. The green revolution is irrelevant to the massive opening of plantation areas, because the balance of nature is disturbed. Almost all regions of Indonesia are experiencing similar problems including Central Sulawesi. On the other hand, community members who live and depend on forest resources with their local wisdom experience restrictions on access to what actually belongs to them (Bakker, 2018; Waltert et al., 2005).

On the other hand, the forest or the outskirts of the forest has created a harmonious relationship between the indigenous Wana people and their

environment. The customary law that lives in the Wana tribal community with regard to local wisdom protects and preserves the environment while taking the benefits in the form of forest products. The harmonious relationship is framed by values that are consciously obeyed by them. (Humaedi, 2014).

Government intervention in the form of a number of economic and social development policies such plantation and mining investment concessions created tension within the indigenous Wana tribe. The problems that have been studied are the attitudes and behavior patterns of the wana tribe towards environmental conservation and the principles of the wana tribal

customary law regarding the environment. (Spiegel, 2012)-(Mehring et al., 2011)-(Priyo Purnomo & Anand., 2014).

The Regional Regulation of the Province of Central Sulawesi Number 2 of 2022 Concerning the Implementation of Business Licensing articles 5 (1) and (4) states, 'Implementation of Business Licensing is carried out to improve the investment ecosystem and business activities. The basic requirements for Business Permits as referred to in paragraph (2) letter b include: a. suitability of space utilization activities; b. environmental approval; and c. building approval and certificate of proper function". This is in accordance with the instructions of Article 3 of Government Regulation Number 6 of 2021 concerning the Implementation of Business Licensing in the Regions, Regional Governments have the authority to carry out risk-based business licensing.

Before the regulation was enacted, there were a number of regulations that made it easier for investors to obtain land concessions for plantations and mining. Such regulation as Investment Law No. 25 of 2007, Plantation Law No. 18 of 2004, Regional Government Law No. 32 of 2004, and Mining Law No. 4 of 2009. These provisions are very friendly to investment in plantations and mining (Niță, 2015; Semedi & Bakker, 2014; Thamrin, 2007).

The consequences, is several parts of Central Sulawesi have become private concession areas. Most of these concessions exceed maximum limits and overlap with community-owned land. However, this cannot be resolved peacefully because the investors have documentary evidence while the indigenous people only show physical evidence in the form of plants, fences and other signs.

In Tojo Una-Una Regency and North Morowali Regency, it was identified that there had been several changes and or environmental destruction in forest areas and nature reserves. This happened, whether it was planned as a government program in the

form of plantation and mining permits or carried out individually or in groups such as; illegal logging (*illegal logging*), forest clearing for agricultural land and others (Humaedi, 2014).

The clearing of forest areas has been going on since 1975 until now. In general, the area consists of primary forest which is very important for holding or capturing water (catchment area) on mountain slopes in the upstream area of the Bongka sub-watershed, Tojo Una-Una district. (Andika Dhika, 2016). The same thing happened in the forest area of North Morowali district. These two areas are only samples from several areas that have experienced damage to forest areas that are actually protected under forestry law (Undang-Undang RI. No. 5 Tahun 1990 Tentang Konservasi Sumberdaya Alam Hayati Dan Ekosistemnya, 1990; Undang-Undang RI No. 41 Tahun 1999 Tentang Kehutanan, 1999).

Environmental destruction is a violation of the statutory provisions in the field of environmental protection and management (Law No. 32 of 2009). Even though it is known that there are violations of statutory provisions, government resources so far have used more technical approaches so that structural problems as the main problem have been ignored. Meanwhile, kearifan local masyarakat ada suku Wana tentang prinsip-prinsip hukum konservasi lingkungan secara perlahan bergeser akibat kebijakan pemerintah tersebut (Rosana, 2019)-(Law Number 32 of 2009 Concerning Protection and Management of Environment, 2009).

RESEARCH METHODS

The research method used is sociological juridical which is equipped with an anthropological approach through tracing the legal facts that apply in society. The wana tribe was chosen as the sample because they have a number of habits towards the environment that are still maintained or maintained. The habit of the wana tribe to take care of their forest environment has

become a hereditary tradition so that it has become a culture and has even become a customary law.

This study described various legal issues and facts and other phenomena related to the legal conception of the Wana tribe in carrying out environmental conservation after some concession of palm plantation issued, and then analyze them in order to obtain a complete and comprehensive picture of the problems studied in order to find the right solution. (Langbroek et al., 2017)- (Lacey, 1996).

Data collection techniques that used in this study are observation, in-depth interviews and focus group discussions. Observations were made on community activities, especially those related to conservation environment while in-depth interviews are conducted with certain parties, such as focus group discussions.

The data obtained is processed, grouped, and qualified as data relevant to the research objectives. Data analysis was carried out qualitatively to explain the problems that had been found previously.

RESULTS AND DISCUSSION Plantation Development and Deforestation Potential

Central Sulawesi is one of the provinces that is blessed with abundant forest resource potential, both in terms of the area of forest area and biodiversity. Based on the Decree of the Minister of Forestry Number: 869/Menhut-II/2014 dated 29 September 2014 concerning Forest and Water Conservation Areas in Central Sulawesi Province covering an area of \pm 4,274,687 ha or 65.23% of the provincial area. Meanwhile, based on Wallace's regional division, Central Sulawesi Province is included in the transition zone between the western zone and the eastern zone, which is considered to have high diversity and endemism (Hamka et al., 2012; Swenson et al., 2011; Waltert et al., 2005).

Table 1. Planted Area and Production of Large Estate by Kind of Commodity and Regency/Municipality, 2016

Regency/ Municipality	Rubber Planted Area (Ha)	Production (Ton)	Palm oil Planted Area (Ha)	Production (Ton)
1	2	3	4	5
Banggai	-	-	10 344,80	15 209,00
Morowali	-	-	10 194,75	23 447,93
Donggala	-	-	6 891,00	35 600,00
Tolitoli	-	-	2 372,00	-
Buol	-	-	16 988,35	42 849,15
Morowali Utara	1 726,00	992,09	39 443,20	118 185,50
Total	1.726,00	992,09	86.234,10	235.291,58

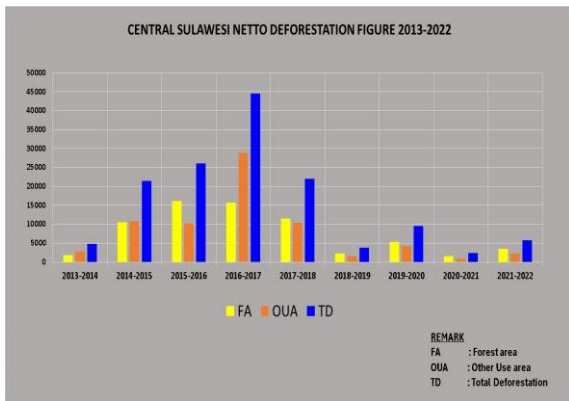
Source : Plantation and livestock Government Service of Sulawesi Tengah Province

Note : Planted area = Plants Not Produce + Plants Produce + Old / Damaged Plants

There are 86,234.10 hectares planted area of palm oil since 2016 where it covers six regencies. Based on this data, it is known that there is clearing of plantation areas which shifts the boundaries of forest areas so that the area of forest cover is reduced. This happened because forest product management permits obtained by some forest product management companies which were also involved in the plantation sector were utilized by replacing tree plantations with oil palm plantations.

The practice of expanding oil palm plantation areas is not only through replacing tree planting but also by shifting forest area boundaries to expand plantation areas. This happened in the Morowali district and Banggai district, which caused a number of problems both for the environment and the security and safety of the community members who live around the river basin where materials and wood residues are carried by water during heavy rain. Meanwhile, the plantation company is not responsible for the emergence of these environmental problems. Likewise, the competent authority did not carry out an investigation into the parties deemed to be the cause of the problem.

Figure 1. Figures of net deforestation in Central Sulawesi



Sources: Central Statistic Indonesia/modified

The rate of deforestation in the Central Sulawesi region, both within forest areas and outside forest areas, tends to increase every year. The government's policy of encouraging investment by relaxing regulations, especially regarding the use of the edges of forest areas as areas for other uses (APL), apparently goes beyond area boundaries. In some areas, oil palm plantations even exceed the area stated in their business permits. Meanwhile, residents of the community who live around the edge of the forest area have been pressed for generations because the boundaries of the plantation area are included in their land (BPS Indonesia & Lahay, 2022; Forest Watch Indonesia, 2019; Wicaksono, 2022).

Table 2. Data on Area Size and Productivity of Palm Oil Plantations in Central Sulawesi
Source: Central Statistics Data, 2019.

No	Regency	Area (hectare)	Production TBS (Ton)	Production TBS (Ton/Ha)
1	Banggai Kepulauan			
2	Banggai	27.144	35.192	1.30
3	Morowali	20.843	83.338	4.00
4	Morowali Utara	46.238	13.694	0.29
5	Poso	6.443	1.048	0.16
6	Donggala	19.396	18.694	0.96
7	Tolitoli	3.780	1.010	0.27
8	Buol	28.324	12.370	0.43
	Amount	152.184	165.346	0.98

It can be said that the Central Sulawesi region is one of the rapidly growing oil palm plantation centers. Even though the total area is only around 152,184 hectares, problems related to forest areas and land owned or controlled by community members occur in almost all oil palm plantation locations. The status of rights of oil palm plantation companies over areas controlled in several areas overlaps with community rights and/or applicable laws and

regulations (Myers, 2017; Ostrom, 2012; Reerink & Reerink, 2016).

The strategic position of forest resources in the context of regional development has two main functions, namely the first is the role of forests in economic development, especially in providing goods and services that contribute to national, regional and community economic development. Second is the role of forests in preserving the environment by maintaining the balance of water, soil and air systems as the main elements of environmental carrying capacity in the life support system.

Data on the area of oil palm plantations over a period of decades, hundreds of hectares of land in Central Sulawesi contain various types of plants. Various biodiversity lives there. Now, these lands only contain one plant, namely oil palm. In Central Sulawesi, there are 178 land use rights (HGU) specifically for palm oil plantations for 16 companies with an area of 128,265 hectares. The HGU is spread across seven districts, namely, Buol, Tolitoli, Donggala, Poso, Morowali, North Morowali and Banggai (SK Menteri KLHK No.6747/MENLHK-PSKL/KUM.1/12/2016 Tentang Penetapan Hutan Adat Wana Posangke, 2016; Law Number 32 of 2009 Concerning Protection and Management of Environment, 2009; Yasmi et al., 2009).

Whereas on data from the Indonesian Central Statistics Agency (BPS), deforestation in Central Sulawesi within and outside forest areas from 2013-2020 reached 131,945.0 hectares. On average every year, 18,849.3 hectares of forest are lost. Quite large deforestation occurred because there were 331 mining and plantation business permits with an area of 1,382,711.43 hectares or 22.60% of the 6,117,275 hectares of land area of this province.

Based on supply chain data from Trase, the average production of crude palm oil (CPO) in Central Sulawesi is 553,469.94 tons per year starting from 2018-2021. Behind the large CPO production, there are forest areas and even conservation areas that have become victims. Identification of the

Kompas Caring for Forests Foundation (Komiu), of the 16 palm oil companies in Central Sulawesi, there are three companies that have penetrated forest areas including conservation areas for two decades. The three companies are PT Kurnia Luwuk Sejati (KLS), PT Sinergi Perkebunan Nusantara (SPN), and PT Pasangkayu.

In the Forest Peoples Program report, TuK Indonesia, Pusaka, Walhi Riau, Walhi Jambi, and Walhi Central Sulawesi published in 2021 noted that the three companies turned out to be direct or indirect suppliers to six multinational companies that had the 'green' label. They have a commitment to sustainability or adopt a zero deforestation, no peat expansion, no exploitation (NDPE) policy.

The Legal Conception of the Wana Tribe in Conducting Environmental Conservation

The Wana tribe as a native tribe has lived in the Tojo Una-Una Regency for generations. The Lipu where Tau Taa Wana lives is the smallest social unit of the Wana tribe, which usually consists of several families. The average family is related by blood (direct descendants). The Tau Taa Wana farming system still adheres to a shifting system, but with a certain rotation over a period of several years. In that rotation, a pattern will be formed to return to the point that was previously opened so that practically there is currently almost no clearing of new fields by clearing the forest.

The Wana people practice pangale. The value of this local wisdom is explained so that it is realized and continues to be preserved. Pangale is the division of forest based on the designation. There are forest areas that can be used for plantations, some cannot be managed because they are considered sacred. The local wisdom preserves the forest.

Traditional rituals and traditional arts in locations that are believed to be the resting places of these spirits, by Tau Taa Wana Bulang serve as places for Kapali

(abstinence) to be treated carelessly. And that's where the rituals of worship (main traditional ceremonies) are usually held or addressed. As far as is known, the main purpose of the traditional rituals performed by Tau Taa Wana Bulang.

Asking for the protection and safety of the soul or healing of disease to Pue (God the Creator) through the intercession of Lamba So, Malindu Maya and, Malindu Oyo as well as Rate and Walia. Expressing gratitude to Pue for the sustenance and safety that has been given. I ask for permission or permission from Lamba So, Malindu Maya and Malindu Oyo as well as Rate and Walia for the activities that will be carried out by Tau Taa Wana Bulang in the place where the spirits reside. Giving thanks to the guardian spirits who have guarded and did not interfere with their activities.

The Tau Taa Wana tribe in the customary forest area of the Morowali Nature Reserve inhabits the valleys and hills along the Salato River. Administratively, the Wana Posangke customary area is included in Taronggo Village, North Bungku District, North Morowali Regency. The pattern of grouped (communal) settlement has so far identified 14 settlement (lipu) units, namely Vyautiro, Pu'mbatu, Sumbol, Likubae, Vatungkaya, Vomboyombe, Pantol, Pattujalanjo, Latampe, Vatuno'a, Sankiyoe, Posanke, Rapambavang. against the prohibition of logging in the vicinity of the national park is only known from the Ranger (Forest Police). That the forest of the national park and its surroundings is prohibited to be encroached and whoever violates it will be subject to sanctions (punishments).

In fulfilling their daily needs, the Wana people are very dependent on agricultural land, namely rice fields and fields. The Wana people have an agricultural pattern that implements a system of moving from one place to another. The Wana tribe opened the forest by burning it and then worked it to farm for 1-2 years. After several planting periods, the land will be left for 3 years to

restore soil fertility. In addition to rice and crops, the people of the Wana tribe have cultivated patchouli plants. Non-Timber Forest Products that are used by the Wana community are resin for sale and rattan for their own needs.

The lives of the Wana people are highly dependent on the wisdom of the natural environment around them. Therefore, they strongly believe in the existence of a spirit (spirit) that guards or maintains every stretch of land and forest. Any environmental damage or changes in the natural cycle that do not run as usual, are believed to be a sign of the guard's anger.

The Wana people practice pangale. This local wisdom is explained its value to be realized and continue to be preserved. Pangale is the division of forests based on allocation. There are forest areas that can be used for plantations, there are also those that cannot be managed because they are considered sacred. The local wisdom maintains the sustainability of the forest.

The indigenous people of the Togean Islands, Tojo Una-una Regency also have the concept of pangale. They divide the pangale into two, namely the pangale rajagai and the pangale pilivu. If it has been opened first it is called navu and when navu has been left it becomes yopo.

People living in Banggai, Tojo Una-una, and Morowali districts, also know the pangale system which is a sustainable forest and land management system. Similarly in North Morowali Regency, North Bungku subdistrict of Tarorango village, especially in Lipu Salaki and Lipu Sabado. The Wana Tao Taa Wana tribe is very unique. They lived nomadically or moved around in the forest area of the Morowali Nature Reserve for centuries with local wisdom or customs. Like other inland tribes, the Wana Tribe also carries out a lifestyle that is symbolically related to efforts to maintain harmonious relations with their ancestors. One thing that stands out the most from these efforts is to keep every inch of land inherited by their ancestors.

In the belief of the Wana Tribe, the land (*tana poga'a*) created by Pue (God) is nothing but the place of their first ancestor's life. So, the land where they live today is the land that the Pue gave to their ancestors, which is then inherited by the Orang Wana today to be preserved. If the land is damaged or changes function, then the Pue and their ancestors will be angry and immediately bring about natural disasters such as landslides and forest fires. In everyday life, the Wana tribe call their ancestral land "*tana ntautua*" or the land of their ancestors (Yayasan Sahabat Morowali, 1998).

The determination to maintain the tana ntautua also gave birth to symbolic implications which for the Wana Tribe have become a kind of customary law that must be fulfilled. In the belief of the Wana Tribe, trees function as glue for the ancestral land. If the trees are cut down excessively, the soil will no longer stick together, which can lead to natural disasters.

Thus, in interpreting the function of trees, the Wana have similarities with conservationists who also consider trees to function as soil adhesives. It's just that they both have different reasons. If the conclusions of the conservationists refer to modern ecology, then the conclusions of the Wana Tribe refer to the story of the kaju paramba'a.

The Influence of Palm Plantation Investments Toward Local Communities Conception

In Central Sulawesi, there are 178 land use rights (HGU) specifically for oil palm plantations of 16 companies with an area of 128,265 hectares. The HGU is spread over seven regencies, namely, Buol, Tolitoli, Donggala, Poso, Morowali, North Morowali and Banggai. Worse, there are oil palm plantations that are pushing into forest areas including protection and conservation and this continues to happen (Forest Watch Indonesia, 2019; Wicaksono, 2022).

This condition occurs in several regions of Indonesia. Based on a spatial

analysis of oil palm planting in Indonesia from satellite imagery mapping conducted by Greenpeace together with TheTree Map, it was found that 3,118,804 hectares of oil palm were planted in forest areas, which violated national forestry laws. A total of 469 plantation companies each planted more than 50 hectares of oil palm in forest areas, while the rest were independent community plantations. This number, when compared with the total coverage of national oil palm released by the Ministry of Agriculture in 2019, is 16.38 million hectares.

The conversion of primary forest into oil palm is one of the biggest contributors to Indonesia's greenhouse gas emissions. At the same time, the Indonesian government plans to reduce greenhouse gases by 29% by 2030 based on a business-as-usual scenario. Forest areas cannot be utilized except those designated as production forests. Planting oil palm in forest areas is illegal as stipulated in Forestry Law No. 41 of 1999.

The Job Creation Law changes the provisions in many existing regulations, including Law No. 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. The grace period is given with a longer duration, which is three years after its promulgation, and replaces the previously imposed criminal sanctions with administrative fines or cancellation of permits. The opportunity for forest destruction is getting bigger because the Job Creation Law provides an opportunity for various companies that already have RSPO and ISPO certification to get involved, "in an alarming number".

RSPO (Roundtable on Sustainable Palm Oil) is a non-profit certification body that brings together stakeholders from all sectors of the palm oil industry and aims to realize sustainable palm products. Meanwhile ISPO (Indonesian Sustainable Palm Oil) is sustainable palm oil certification which is an initiative of the Government of Indonesia through the Ministry of Agriculture.

Nearly 100 RSPO member companies own more than 100 hectares of oil palm plantations in forest areas each; eight companies own more than 10,000 hectares each. Meanwhile, ISPO-certified companies have a total of 252,000 hectares of oil palm plantations in forest areas. The ISPO scheme also specifically prohibits operations in protected areas, but Greenpeace said it found 10 ISPO-certified palm oil concessions occupying protected forests and conservation areas.

In Central Sulawesi there are 26,062.72 hectares of oil palm plantation concessions included in the forest area in Morowali Regency, this is suspected to be the cause of flooding in Lembo District, North Morowali Regency. The forest area is divided into 4,500.72 hectares of Protection Forest (HL), 15,774 hectares of Production Forest (HP), and Conversion Production Forest (HPK). 16,294 hectares, 4,500 hectares of Limited Production Forest (HPT), and nature reserve and nature conservation areas (KSA/KPA). 768 hectares.

Meanwhile, the area of oil palm planted in the forest area reaches 5,012 hectares which is divided into 616 hectares of Protected Forest (HL), 1,164 hectares of Production Forest (HP), and 1,164 hectares of Conversion Production Forest (HPK). 3,089 hectares. Limited Production Forest (HPT) 173 hectares, APL 39,813 hectares and Body of Water (river body) 18 hectares. On June 20 2019 a flood occurred which submerged thousands of residents' houses in Korompeli Village, Wawopada, Ronta, Pontangoa, Lembo Raya District, North Morowali Regency. Land tenure based on oil palm plantation permits in North Morowali Regency reached 173,264 hectares or 70% of the area for other uses (APL) with pure oil palm plantations reaching 41,618 hectares.

Based on the identification of the Kompas Care Forest Foundation (Komiu), out of 16 palm oil companies in Central Sulawesi, three companies have penetrated into forest areas including conservation areas

for two decades. The three companies are PT Kurnia Luwuk Sejati (KLS), PT Sinergi Perkebunan Nusantara (SPN), and PT Pasangkayu.

Subagyo, Section Head of Region II, Sulawesi Regional Forestry and Environment Law Enforcement Agency said that of the three companies in this paper, only PT KLS was reported to have encroached on forest areas including conservation areas. Meanwhile, there are no reports regarding PT SPN and PT Pasangkayu.

In the Forest Peoples Program report, TuK Indonesia, Pusaka, Walhi Riau, Walhi Jambi, and Walhi Central Sulawesi, which was published in 2021, noted that the three companies in this article turned out to be direct or indirect suppliers to six multinational companies with 'green' labels. They have sustainability commitments or adopt a zero deforestation, zero peat, zero exploitation (NDPE) policy. These international companies are Unilever, PepsiCo, Nestle, AAK, Wilmar and Cargill.

Tens of years ago hundreds of hectares of land in Central Sulawesi contained various types of plants. Various biodiversity live there. Now, these lands contain only one plant, namely oil palm. In Central Sulawesi, there are 178 land use rights (HGU) specifically for oil palm plantations of 16 companies with an area of 128,265 hectares. The HGU is spread over seven regencies, namely, Buol, Tolitoli, Donggala, Poso, Morowali, North Morowali and Banggai.

Worse, there are oil palm plantations that are pushing into forest areas including protection and conservation and this continues to happen. Loss of forest cover or deforestation, is one of the impacts that arise when opening this oil palm plantation. That has happened in Central Sulawesi in the last 20 years.

Based on data from the Indonesian Central Statistics Agency (BPS), Central Sulawesi's net deforestation within and outside forest areas from 2013-2020 reached

131,945.0 hectares. On average every year, there are 18,849.3 hectares of forest lost. Deforestation is quite large because there are 331 mining and plantation business permits with an area of 1,382,711.43 hectares or 22.60% of the province's 6,117,275 hectares of land area.

Based on supply chain data from Trase, the average production of crude palm oil (CPO) in Central Sulawesi is 553,469.94 tons per year from 2018-2021. Behind the quite large CPO production, there are forest areas and even conservation areas that have become victims. Identification of the Kompas Concern Forest Foundation (Komiu), out of 16 palm oil companies in Central Sulawesi, three companies have penetrated into forest areas including conservation areas for two decades. The three companies are PT Kurnia Luwuk Sejati (KLS), PT Sinergi Perkebunan Nusantara (SPN), and PT Pasangkayu.

The findings are based on the results of Sentinel Satellite Imagery by compiling time series data resulting from the overlaying of plantation permits from the three companies. The identification results also show that from 2000-2020, the gross deforestation due to land clearing for the expansion of oil palm plantations from the three companies reached 31,204 hectares with an average of 1,486 hectares per year.

Bakiriang Wildlife Sanctuary (SM) did not escape deforestation because it was turned into an oil palm plantation of around 3,532.46 hectares. About 1,077 hectares of that amount are new clearings from 2019-2021. Around 931 hectares are existing oil palms, and 1,524 hectares have not been identified with certainty, but it is suspected that they could be young palms. SM Bakiriang, which originally had an area of 12,500 hectares, is now reduced to 12,309.80 hectares due to encroachment and conversion to oil palm plantations. In fact, the area has a fairly high diversity of flora and fauna such as maleo and anoa. It also has lowland rain forest ecosystem types, mountain forests, and secondary forests.

The influence of the investment in the plantation sector is felt by members of the indigenous Wana tribe. Their space for movement and living space is decreasing so that the behavior of some of them has also changed from being a guard and caretaker of the forest environment and forest products to becoming a destroyer and even carrying out unlawful harvesting.

Nonetheless, the Wana people in general still believe in the forest environment as their living space. So that the habit of looking after and caring for the forest is maintained even though the pressure is felt to be getting stronger both within the community environment and from within their own environment.

A number of forest environmental management principles are maintained and complied with as legal norms. In the belief of the Wana Tribe, the land (tana poga'a) created by Pue (God) is nothing but the place of their first ancestor's life. So, the land where they live today is the land that the Pue gave to their ancestors, which is then inherited by the Orang Wana today to be preserved. If the land is damaged or changes function, then the Pue and their ancestors will be angry and immediately bring about natural disasters such as landslides and forest fires. In everyday life, the Wana tribe call their ancestral land "tana ntautua" or the land of their ancestors (Yayasan Sahabat Morowali, 1998).

The determination to maintain the tana ntautua also gave birth to symbolic implications which for the Wana Tribe have become a kind of customary law that must be fulfilled. In the belief of the Wana Tribe, trees function as glue for the ancestral land. If the trees are cut down excessively, the soil will no longer stick together, which can lead to natural disasters

CONCLUSIONS

In the life of the Wana indigenous people, there are social values that are used as the basis for building effective tips in environmental conservation efforts. This

kind of culture generally grows and develops in the life of indigenous peoples where the dependence of its members on the natural environment is still very strong. Under these conditions, unique social values are well preserved and are not too difficult to socialize. The tradition of managing natural resources by certain indigenous peoples in the region can be used as an important indicator of efforts to manage natural resources by the community. The Wana people also know what to do and what not to do, or what is forbidden according to their cultural perceptions and customs. This is usually manifested in their attitudes and behavior every day in relation to their natural environment.

The influence of the entrance of investment in the form of plantation concessions based on government policy has at least a real impact on the life of the Wana indigenous people, they no longer have enough space to fulfill their needs because part of the forest area is already owned by investors. But they still stick with the principles of environmental balance. In fulfilling their daily needs, they manage and utilize natural resources that are passed down from generation to generation in their forest area as the rights of the people, namely the hamlet. Local wisdom is born from human experience in the use and management of forest resources as customary rights. Their close relationship with the environment and natural resources, indigenous peoples through trials, continue practices that are considered not to be able to damage the environment. These practices are usually based on a few simple rules but guarantee the long term use of natural resources.

BIBLIOGRAPHY

- Andika Dhika. (2016). *Masyarakat Adat Tau Taa Wana Menanti Perda Perlindungan*. Mongabay.
<https://www.mongabay.co.id/2016/06/26/>
- Bakker, L. (2018). Agrarian Justice and Indonesian Law. *SHS Web of Conferences*, 54, 03020.

- <https://doi.org/10.1051/shsconf/20185403020>
- BPS Indonesia, B. I., & Lahay, S. (2022). *Angka Deforestasi Netto Sulawesi Tengah* (p. 3). Badan Pusat Statistik. https://public.flourish.studio/visualisation/11273353/?utm_source=embed&utm_campaign=visualisation/11273353
- Forest Watch Indonesia, F. (2019). *Angka Deforestasi Sebagai "Alarm" Memburuknya Hutan Indonesia* (p. 18). The Asia Foundation. www.fwi.or.id
- Hamka, M. A., Azima, A. M., & Saad, S. (2012). Ethics Issues on Land Services Reformation in Indonesia. *Asian Social Science*, 8(6), 175–183. <https://doi.org/10.5539/ass.v8n6p175>
- Humaedi, M. A. (2014). Tradisi Pelestarian Hutan Masyarakat Adat Tau Taa Wana Di Tojo Una-Una Sulawesi Tengah. *Penelitian Hutan Dan Konservasi Alam*, 11(1), 91–111.
- Lacey, N. (1996). Normative reconstruction in socio-legal theory. *Social and Legal Studies*, 5(2), 131–157. <https://doi.org/10.1177/096466399600500201>
- Langbroek, P., van den Bos, K., Thomas, M. S., Milo, M., & van Rossum, W. (2017). Methodology of legal research: Challenges and opportunities. *Utrecht Law Review*, 13(3), 1–8. <https://doi.org/10.18352/ulr.411>
- Mehring, M., Seeberg-Elverfeldt, C., Koch, S., Barkmann, J., Schwarze, S., & Stoll-Kleemann, S. (2011). Local institutions: Regulation and valuation of forest use—Evidence from Central Sulawesi, Indonesia. *Land Use Policy*, 28(4), 736–747. <https://doi.org/10.1016/j.landusepol.2011.01.001>
- Myers, R. (2017). Claiming the forest: Inclusions and exclusions under Indonesia's 'new' forest policies on customary forests. *Land Use Policy*, 6, 205–213. <http://dx.doi.org/10.1016/j.landusepol.2017.04.039>
- Niță, M. A. (2015). Good Governance and Forest Exploitation in Romania. A Comparative Analysis. *Procedia Economics and Finance*, 32, 795–800. [https://doi.org/10.1016/s2212-5671\(15\)01464-1](https://doi.org/10.1016/s2212-5671(15)01464-1)
- Ostrom, E. D. H. C. (2012). Property in Land and Other Resources. In E. D. H. C. Ostrom (Ed.), *Property in Land and Other Resources*. Lincoln Institute of Land Policy.
- Priyo Purnomo, E., & Anand., P. B. (2014). The Conflict of Forest Tenure and the Emergence of Community Based Forest Management in Indonesia. *Journal of Government and Politics*, 5(1), 20–31. <https://doi.org/10.18196/jgp.2014.0003>
- Reerink, G. O., & Reerink, G. O. (2016). *Tenure security for Indonesia's urban poor; A socio-legal study on land, decentralisation, and the rule of law in Bandung* (Issue January). Leiden.
- Rosana, E. (2019). Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat. *Cultural Evolution*. <https://doi.org/10.7551/mitpress/9894.003.0005>
- Semedi, P., & Bakker, L. (2014). Between Land Grabbing and Farmers' Benefits: Land Transfers in West Kalimantan, Indonesia. *Asia Pacific Journal of Anthropology*, 15(4), 376–390. <https://doi.org/10.1080/14442213.2014.928741>
- SK Menteri KLHK No.6747/MENLHK-PSKL/KUM.1/12/2016 Tentang Penetapan Hutan Adat Wana Posangke, (2016).
- Spiegel, S. J. (2012). Governance Institutions, Resource Rights Regimes, and the Informal Mining Sector: Regulatory Complexities in Indonesia. *World Development*, 40(1), 189–205. <https://doi.org/10.1016/j.worlddev.2011.05.015>
- Swenson, J. J., Carter, C. E., Domec, J. C., & Delgado, C. I. (2011). Gold Mining in the Peruvian Amazon: Global Prices, Deforestation, and Mercury Imports. *PLoS ONE*, 6(4).

- <https://doi.org/10.1371/journal.pone.0018875>
- Thamrin, T. S. (2007). The Management of Conflicts over Natural Resources A case study from the Lore-Lindu National Park , Central Sulawesi , Indonesia. *STORMA Discussion Paper Series*, 22, 1–40.
- Undang-Undang RI. No. 5 Tahun 1990 Tentang Konservasi Sumberdaya alam Hayati dan Ekosistemnya, UUKSDE (1990). www.djpp.depkumham.go.id
- Law Number 32 of 2009 Concerning Protection and Management of Environment, UUPPLH (2009).
- Undang-Undang RI No. 41 Tahun 1999 Tentang Kehutanan, UUKH (1999).
- Waltert, M., Mardiasuti, A., & Mühlenberg, M. (2005). Effects of deforestation and forest modification on understory birds in Central Sulawesi, Indonesia. *Bird Conservation International*, 15(3), 257–273.
<https://doi.org/10.1017/S0959270905000432>
- Wicaksono, R. (2022). *Deforestasi ilegal dan pelanggaran hak atas tanah di Sulawesi*. Lakuna Nusantara Media.
<https://betahita.id/kanal/type/6>
- Yasmi, Y., Guernier, J., & Colfer, C. J. P. (2009). Positive and negative aspects of forestry conflict: Lessons from a decentralized forest management in Indonesia. *International Forestry Review*, 11(1), 98–110.
<https://doi.org/10.1505/ifor.11.1.98>