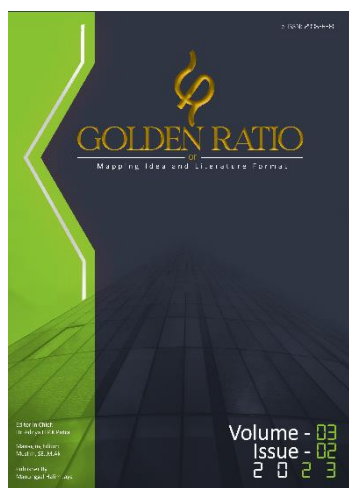




Received: January 11, 2023

Revised: March 18, 2023

Accepted: June 30, 2023

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MAPPING IDEA & LITERATURE FORMAT

The Role of Customary Law in Natural Resource Management: A Comparative Study between Indonesia and Australia

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Abstract: Natural resource management is crucial for sustainable development, especially in regions abundant in biodiversity and natural assets. Nations worldwide face the challenge of managing their resources effectively while promoting economic growth, social justice, and environmental conservation. Customary law plays a significant role in resource governance, particularly in countries like Indonesia and Australia, where indigenous communities have deep-rooted connections to the land and its resources. This comparative study explores the role of customary law in natural resource management in Indonesia and Australia. Both countries possess diverse ecosystems and substantial indigenous populations, offering valuable insights into the interaction between customary and state legal systems in resource governance. In Indonesia, customary law, known as adat, influences resource management practices, albeit with variations in recognition and integration into formal legal frameworks. Conversely, in Australia, the colonization process has disrupted traditional governance structures, leading to ongoing struggles for indigenous rights and recognition. By examining case studies, legal frameworks, and policy initiatives in both countries, this study aims to identify challenges and opportunities for integrating customary law into broader governance frameworks and promoting more equitable and sustainable resource management practices. Additionally, this comparative analysis contributes to scholarly debates on the role of customary law in contemporary legal systems and its implications for environmental governance, indigenous rights, and social justice. Interdisciplinary perspectives from legal studies, anthropology, environmental science, and development studies offer valuable insights for policymakers, practitioners, and indigenous communities striving for more inclusive and effective resource management approaches.

Keywords: Natural Resource Management, Customary Law, Indonesia, Australia, Indigenous Communities.

JEL Classification Code: K11, K32, Q23, Q56

1. INTRODUCTION

Natural resource management is a critical aspect of sustainable development, particularly in regions rich in biodiversity and natural assets. Across the globe, nations grapple with the challenge of effectively managing their natural resources while balancing economic development, social justice, and environmental conservation. In this context, customary law emerges as a significant factor influencing resource governance, especially in countries like Indonesia and Australia, where indigenous communities have long-standing connections to the land and its resources. The role of customary law in natural resource management has garnered increasing attention in academic and policy circles due to its potential to complement or conflict with formal legal frameworks established by the state. Understanding how customary law operates within the broader legal landscape is essential for devising effective and inclusive resource management strategies that respect the rights and traditions of indigenous peoples while promoting sustainability.



This comparative study seeks to explore the role of customary law in natural resource management, focusing on Indonesia and Australia as case studies. Both countries are characterized by diverse ecosystems and significant indigenous populations, providing fertile ground for examining the interplay between customary and state legal systems in resource governance. In Indonesia, a country known for its vast archipelago and rich biodiversity, customary law, or adat, has deep historical roots and continues to shape resource management practices in many regions. Indigenous communities often rely on adat norms and institutions to govern access to and use of natural resources, including land, forests, and marine resources. However, the extent to which adat law is recognized and integrated into formal legal frameworks varies across different regions and levels of government, leading to complex dynamics and sometimes conflicts between customary and state laws.

The role of customary law in natural resource management is a complex and multifaceted issue, particularly in Indonesia and Australia. In Indonesia, customary land law, while important, is often unwritten and can lead to conflicts (Bola, 2017). The distribution and revenue sharing of natural resources is a key concern, with the role of customary villages being highlighted (Yasa & Arya, 2021). The concept of indigeneity has been used to strengthen community rights in natural resource struggles (Afiff & Lowe, 2007). Sustainable forest management practices, based on customary law, have been identified in the Bayan community (Harly, 2023). In Australia, the legal framework for Indigenous Land Management is crucial, but there is a need for a more cohesive approach (Boag, 2016). The challenges of customary land policy in Indonesia, including disputes and lack of synchronization, have been highlighted (Marta et al., 2019). The operational rules and institutional design principles in customary fisheries management arrangements have been examined in Indonesia, Papua New Guinea, and Mexico (Cinner et al., 2012).

Australia, with its diverse indigenous cultures and unique ecosystems, presents a contrasting but equally intriguing case. Indigenous Australians have maintained strong connections to their traditional lands and waters for tens of thousands of years, developing intricate systems of customary law to regulate resource use and conservation. However, the colonization process and subsequent imposition of Western legal systems have disrupted traditional governance structures and marginalized indigenous rights, leading to ongoing struggles for recognition and land rights. By comparing the experiences of Indonesia and Australia, this study aims to shed light on the strengths, weaknesses, and potential synergies between customary and state legal systems in natural resource management. By examining case studies, legal frameworks, and policy initiatives in both countries, we can identify key challenges and opportunities for integrating customary law into broader governance frameworks and promoting more equitable and sustainable resource management practices.

Furthermore, this comparative analysis will contribute to broader scholarly debates on the role of customary law in contemporary legal systems and its implications for environmental governance, indigenous rights, and social justice. By synthesizing insights from legal studies, anthropology, environmental science, and development studies, this study seeks to offer interdisciplinary perspectives on the complex dynamics of resource governance in diverse cultural and institutional contexts. Ultimately, the findings of this study can inform policymakers, practitioners, and indigenous communities seeking to develop more inclusive and effective approaches to natural resource management. By recognizing the legitimacy of customary law and fostering dialogue between indigenous and state authorities, we can work towards more resilient and equitable resource governance systems that benefit both present and future generations.

2. Literature Review Procedure

Natural resource management stands as a pivotal issue globally, particularly in countries rich in biodiversity like Indonesia and Australia. Amidst modern legal frameworks, customary laws persist as significant determinants in resource governance, influencing conservation efforts and community livelihoods. This literature review delves into the role of customary law in natural resource management, focusing on Indonesia and Australia. By examining the similarities and differences in how customary laws operate within these contexts, this study aims to provide insights into effective strategies for integrating customary practices into contemporary resource management approaches.

Customary law represents the traditional practices, norms, and beliefs developed by indigenous communities over generations. In both Indonesia and Australia, indigenous peoples have long relied on customary laws to regulate resource use, ensuring sustainability and community well-being. These laws often encompass intricate systems of governance, incorporating cultural rituals, oral traditions, and community consensus in decision-making processes. Despite the prevalence of customary laws, both Indonesia and Australia have undergone significant legal transformations, with modern statutory frameworks increasingly dominating resource governance. However, the recognition of customary rights has gained traction in recent decades, reflecting a growing acknowledgment of indigenous knowledge and rights within legal systems. In Australia, landmark legal cases such as *Mabo v Queensland* (2021) have paved the way for the recognition of native title, affirming the validity of indigenous land tenure systems. Similarly, in Indonesia, the Constitutional Court's decision in the *Marga* case (1992) reaffirmed the rights of indigenous communities over customary forests, challenging the hegemony of state control.

Despite these legal advancements, challenges persist in effectively integrating customary laws into contemporary resource management practices. In both countries, issues such as conflicting legal frameworks, inadequate institutional support, and limited recognition of indigenous rights hinder the full realization of customary governance systems. Moreover, rapid socio-economic changes and environmental degradation further exacerbate these challenges, threatening the sustainability of customary resource management practices. However, amidst these challenges lie opportunities for collaboration and innovation. Recognizing the value of indigenous knowledge systems, various initiatives have emerged to empower indigenous communities in resource management. Collaborative governance approaches, such as co-management arrangements and joint decision-making processes, have shown promise in bridging the gap between customary and statutory systems. Additionally, advancements in technology and participatory mapping tools offer new avenues for integrating indigenous knowledge into resource planning and monitoring efforts.

A comparative analysis of Indonesia and Australia reveals valuable lessons for enhancing the role of customary law in natural resource management. While both countries grapple with similar challenges, their approaches to recognizing indigenous rights and integrating customary practices differ significantly. Australia's legal framework, characterized by the recognition of native title and the establishment of Indigenous Protected Areas, exemplifies a more advanced stage of indigenous rights recognition compared to Indonesia. However, Indonesia's recent legal reforms signal a shifting paradigm towards greater recognition of customary rights, albeit with implementation challenges. The role of customary law in natural resource management remains a complex yet vital aspect of governance in Indonesia and Australia. While modern legal frameworks continue to shape resource governance, the integration of customary practices presents opportunities for more inclusive and sustainable management approaches. By learning from comparative experiences and addressing existing challenges, policymakers can work towards creating an enabling environment that respects and upholds the rights of indigenous communities while safeguarding precious natural resources for future generations.

The table 1 provides a comprehensive overview of various scholarly works that investigate the legal frameworks and practices surrounding customary land and natural resource management in Indonesia. Each study contributes valuable insights into the complexities and challenges inherent in integrating customary laws with contemporary legal systems. M. Bola's (2017) study underscores the importance of reflecting the values of customary land law in Indonesia's land administration to mitigate conflicts. It highlights the difficulty in proving old rights derived from customary land law and the influence of the Dutch land registry system on current land administration practices. Putu Gede Arya Sumerta Yasa (2021) delves into the issues of revenue sharing and natural resource management in Indonesia, emphasizing the potential role of customary villages in addressing regional management challenges. The study also explores the concept of financial balance between the government and local governments, reflecting a legal pluralism perspective.

S. Afiff and C. Lowe (2007) examine the political discourse surrounding the formation of indigenous communities in Indonesia, particularly in the context of natural resource struggles. Their study reveals a shift from using "class" to "indigeneity" as a means of strengthening community rights, reflecting evolving political dynamics. Lalu Harly's (2023) research focuses on sustainable forest

management practices based on customary law within the Bayan community. The study demonstrates the effectiveness of customary law in preserving forests and providing economic, social, and cultural benefits to local communities. T. Akimichi (1995) provides insights into community-based resource management practices in Indonesia, emphasizing the role of indigenous marine resource management systems in sustainable resource use and conflict avoidance. The study highlights the importance of regulatory measures and the significant role of local government in resource management.

Carly May Boag's (2016) comparative study explores legal frameworks facilitating indigenous land management in Australia and Indonesia. The research underscores the importance of effective legal frameworks in promoting environmental justice and meaningful participation in decision-making processes. A. Marta, U. Suwaryo, Affan Sulaeman, and Leo Agustino's (2019) study addresses the policy dilemmas surrounding customary land in Indonesia. It emphasizes the need for stakeholder participation and policy reconstruction to resolve disputes and ensure the protection and recognition of customary land rights.

The study by Cinner et al. (2012) delves into the institutional designs of customary fisheries management arrangements in Indonesia, Papua New Guinea, and Mexico. It highlights the critical flexibility and autonomy present in customary institutions, enabling adaptive management. However, these institutions often lack interactions with larger organizations, potentially hindering their ability to address common pool resource challenges. Djayaputra (2021) explores environmental law in Indonesia, emphasizing its interconnectedness with global commitments and the government's obligation to manage natural resources. The study underscores the importance of strategic efforts to regulate resource management based on principles of harmony and sustainability. Rauf (2020) discusses customary forest management in Indonesia's Bengkalis region, noting its partial and uncertain nature due to a lack of clear tools for determining customary forests. The study highlights the historical significance of customary forest management and the challenges it faces in the current legal framework.

Wright (2012) examines the impact of Indonesia's domestic REDD legal framework on indigenous land tenure, highlighting the lack of security for indigenous peoples' customary land rights. The study underscores the need for land tenure reforms to ensure secure customary land tenure and protect indigenous rights. Prasajo (2015) explores the role of customary law in Indonesia's legal system, emphasizing its alignment with multicultural principles and advocating for its integration within the legal framework. The study suggests considering Restorative Justice systems as an alternative for positioning customary law within Indonesia's legal system. Budiman et al. (2020) discuss the coexistence of customary land tenure systems and state laws in Indonesia's Mutis area, highlighting the challenges and policy methods to harmonize legal pluralism. The study emphasizes the importance of recognizing traditional land tenure for effective forest policy and sustainable resource management.

Lanini et al. (2018) analyze the influence of customary law principles on natural resource exploration and conservation in Indonesia's Lore Lindu region. The study underscores the potential encroachment on local communities' territories and the need to recognize indigenous contributions to conservation efforts. Jesayanto Jaya et al. (2021) categorize solutions for resolving land-use conflicts over customary lands in Indonesia, emphasizing the importance of considering various factors and historical contexts in conflict resolution. Bettinger et al. (2014) explore the strategic articulation of indigeneity and environmentalism in Indonesia, highlighting the grassroots movement supporting customary communities' revitalization. The study aims to move beyond simplistic conceptions of indigenous peoples and environmentalism.

Hamzah (2016) critiques Indonesia's legal policy in natural resource management, emphasizing the importance of legislation to ensure access and sustainability. The study raises concerns about the shift towards free market competition and the neglect of people's participation in decision-making processes. Spiertz and Wiber (1999) discuss the challenges in natural resource management, including conflicting rules and the preference for private property over common property. The study provides case studies from Western and non-Western countries to illustrate these challenges. Ifrani et al. (2019) propose sustainable forest management solutions based on indigenous practices, highlighting the benefits of forest management through local culture. The study addresses problems arising from the

absence of legal protection for customary rights and advocates for indigenous involvement in forest management.

Lanini et al. (2021) explore customary law's effectiveness in protecting natural resources in Indonesia's national park, highlighting its role in resolving legal violations and maintaining ecological balance. Safitri (2017) examines legal gaps in the recognition of customary land in Indonesian forest areas, emphasizing factors contributing to delays in recognition and the influence of law, politics, and economic interests. Urano (2014) discusses the failure of agrarian reforms to secure land rights for local farmers in East Kalimantan, Indonesia, and proposes third-party intervention to strengthen local land rights. Craig and Gachenga (2010) propose legal pluralism as a more effective context for recognizing indigenous customary law in water resource management, highlighting the need for sustainable resource management.

Mohamed-Katerere (2001) examines the status of customary law in Zimbabwe's communal lands, highlighting discrepancies between formal and informal norms and their impact on environmental governance. Overall, the literature mapping reveals a rich tapestry of research exploring the intricacies of customary law and its implications for natural resource management in Indonesia and beyond. These studies offer valuable insights into the challenges, opportunities, and complexities inherent in integrating customary practices within contemporary legal frameworks. These studies offer valuable insights into the complex interplay between customary laws, modern legal frameworks, and natural resource management in Indonesia, highlighting the need for collaborative approaches and policy innovations to address existing challenges effectively.

3. Conclusion and Proposition

Based on the interpretation and narration of the previously discussed table, which examined the role of customary law in natural resource management: a comparative study between Indonesia and Australia, several hypotheses can be formulated as follows:

Hypothesis 1: Integrating customary land law values into Indonesia's land administration system could mitigate conflicts arising from competing land claims. This hypothesis suggests that by aligning contemporary land administration practices with customary land law values, it may be possible to reduce disputes over land ownership and usage rights.

Hypothesis 2: Customary villages in Indonesia have the potential to play a significant role in addressing regional management challenges related to natural resource management and revenue sharing. This hypothesis proposes that empowering customary villages and incorporating their perspectives into regional management strategies could lead to more effective and sustainable resource management practices.

Hypothesis 3: Evolving political dynamics in Indonesia are shaping the discourse surrounding indigenous communities, with a shift towards emphasizing "indigeneity" as a means of strengthening community rights, particularly in the context of natural resource struggles. This hypothesis suggests that political factors influence the conceptualization and recognition of indigenous rights, with implications for resource governance and social justice.

Hypothesis 4: Sustainable forest management practices based on customary law within local communities can effectively preserve forests and provide economic, social, and cultural benefits. This hypothesis posits that indigenous practices embedded in customary law offer viable solutions for managing natural resources while supporting local livelihoods and cultural heritage.

Hypothesis 5: The recognition and integration of customary law principles into legal frameworks have the potential to enhance environmental justice and promote meaningful participation in decision-making processes related to land and resource management. This hypothesis

suggests that legal pluralism, which acknowledges and incorporates customary laws alongside formal legal systems, can lead to more inclusive and effective governance arrangements.

These hypotheses provide a broad framework for further research and exploration into the dynamics of customary law, legal pluralism, and natural resource management in Indonesia and other contexts. They highlight the interconnectedness of legal, political, social, and environmental factors shaping resource governance and community livelihoods.

Table 1. Mapping Literature

Title	Authors	Year	Abstract Summary	Main Findings	State Of the Art	Novelty
Legal Standing of Customary Land in Indonesia: A Comparative Study of Land Administration Systems	M. Bola	2017	The values of customary land law contained in its principles are expected to be reflected in the land administration in Indonesia.	The main findings include the difficulty in proving old rights derived from customary land law, the significant role of customary land law, and the influence of Dutch's land registry system on land administration in Indonesia.	The "state of the art" in M. Bola (2017) revolves around the challenges of proving land ownership by customary land, the difficulty in proving old rights derived from customary land law, and the importance of reflecting the values of customary land law in land administration to reduce conflict. The role of the government in creating a conducive condition in the land sector is also highlighted.	The novelty in M. Bola (2017) lies in its emphasis on incorporating the values of customary land law into the land administration system, the role of the government, and the comparison of land registration systems between Indonesia and the Dutch.
Distribution and Revenue Sharing of Natural Resources in Indonesia: Autonomous Region and Legal Pluralism Perspective	Putu Gede Arya Sumerta Yasa	2021	The existence of customary villages in Bali may serve as a solution in addressing the issue of regional management on natural resources along with its potential benefits.	The main findings are related to the issues of revenue sharing and natural resource management in Indonesia, the potential role of customary villages in addressing regional management issues, and the concept of financial balance between the government and local governments.	The state of the art in Putu Gede Arya Sumerta Yasa (2021) revolves around the challenges and issues related to the arrangement of revenue sharing and natural resources based on decentralization in Indonesia, emphasizing the need for proportionality in fund distribution and the potential role of customary villages in addressing regional management issues. The paper also highlights the importance of appropriate exploitation of natural resources for community benefit and the significance of financial balance between the government and local governments. Furthermore, it underscores the synergy between national government, regional governments, and customary villages as reflecting legal pluralism.	The novelty in Putu Gede Arya Sumerta Yasa (2021) lies in the examination of revenue sharing and natural resources based on decentralization, the analysis of regional autonomy from a legal pluralism perspective using Bali as an example, and the proposal that the existence of customary villages may serve as a solution to address regional management on natural resources.

Claiming Indigenous Community: Political Discourse and Natural Resource Rights in Indonesia	S. Afiff, C. Lowe	2007	The formation of communities as customary or indigenous was a response to the possibilities and limitations of political discourse in Indonesia.	The main findings of the paper are the utilization of "indigeneity" to empower communities in natural resource struggles, the political nature of the formation of communities as customary or indigenous, and the strategies employed to assert residents' rights over specific lands.	The "state of the art" in S. Afiff, C. Lowe (2007) is the use of "indigeneity" as a political solution to strengthen community rights in natural-resource struggles in late Suharto-era Indonesia. This concept was employed to affirm residents' rights in specific cases and is contrasted with the historical use of "class" as a unifying factor in land struggles.	The novelty in S. Afiff, C. Lowe (2007) lies in the shift from using "class" as a unifying factor in land struggles to using "indigeneity" as a means to strengthen community rights in natural-resource struggles in Indonesia. This shift reflects a response to the possibilities and limitations of political discourse in Indonesia.
Sustainable Forest Management from the Perspective of Customary Law in Indonesia: A Case Study in the Bayan Community	Lalu Harly	2023	The customary law approach used by the Bayan community is an example of sustainable forest management practices that run well.	The aim was to explore sustainable forest management practice from the perspective of customary law in Bayan village, Indonesia. The chapter identified major problems arising from biased forest management laws and demonstrated the potential of forest management through awiq-awiq for the long-term benefit of the local people.	The "state of the art" in Lalu Harly (2023) is the exploration of sustainable forest management practices based on customary law in the Bayan community in Indonesia, highlighting the potential benefits and effectiveness of customary law in preserving forests and providing economic, social, and cultural benefits to local communities. The paper also identifies major problems arising from forest management laws biased towards benefits for forest concessionaries and emphasizes the importance of addressing these issues for effective forest management.	The novelty in Lalu Harly (2023) lies in its focus on exploring and demonstrating the effectiveness of sustainable forest management practices based on customary law, particularly within the Bayan community, and the involvement of the local community in the regulation of forest management.
Indigenous Resource Management and Sustainable Development: Case Studies from Papua New Guinea and Indonesia	T. Akimichi	1995	The significant role of local government as an important agency for resource management as well as social integration is illustrated in the cases of Papua New Guinea and Indonesia.	The main findings of the paper are the examination of regulatory measures for sustainable resource use, the significant role of local government in resource management and social integration, and the importance of indigenous marine resource management systems in	The "state of the art" in T. Akimichi (1995) is the use of community-based resource management practices, particularly sasi, in the Maluku area of eastern Indonesia for controlling the harvesting of various resources. It also emphasizes the communal regulation regarding access to particular resources, the	The novelty in T. Akimichi (1995) lies in the examination of the roles of customary practices, particularly the sasi system, in marine resource management under changing socio-economic conditions in Papua New Guinea and Indonesia. It also emphasizes the authority of local government in decision-making

				sustainable resource use and conflict avoidance.	intensification of harvesting sedentary shells due to increasing demand for trochus shells, and the significant role of indigenous marine resource management systems in sustainable resource use, conflict avoidance, and dispute litigation.	regarding resource management practices.
A Comparative Study of the Legal Frameworks Facilitating Indigenous Land Management in Postcolonial Societies: Indigenous Australia and Indonesian Adat Law	Carly May Boag	2016	Effective legal frameworks for Indigenous land management promote environmental justice by meaningful participation in environmental decision making from a regional to an international scale.	The main findings include the importance of an effective legal framework for ILM in promoting environmental justice, the presence of legal frameworks for ILM in Australia and Indonesia, and the need for a comparative study to understand policy strategies for Indigenous peoples in the Asian-Pacific region.	The "state of the art" in Carly May Boag (2016) is the presence of regional, national, and international legal frameworks promoting Indigenous Land Management (ILM) in both Australia and Indonesia, as well as the need for a more cohesive and integrated approach to environmental governance. The paper also suggests the importance of a comparative study of different legal frameworks to determine the best way forward for Indigenous peoples in the Asian-Pacific region.	The novelty in Carly May Boag (2016) lies in the emphasis on promoting environmental justice through legal empowerment, meaningful participation, acknowledgment of cultural differences, and equal distribution of environmental benefits, as well as the call for a comparative study of different legal frameworks surrounding ILM to identify the best way forward for Indigenous peoples in the Asian-Pacific region.
Dilemma of customary land policy in Indonesia	A. Marta, U. Suwaryo, Affan Sulaeman, Leo Agustino	2019	The policy dilemma of customary land in Indonesia will continue to occur if the government does not involve the participation of indigenous people and groups of interest in the policymaking process of customary land regulation.	The main findings are: - Uncovering customary land policy dilemmas and exploring strategies to reconstruct customary land policies in Indonesia. - Policy dilemma in the regulation of customary land due to disputes arising from governance by customary law and national law, lack of synchronization and harmony between sectoral laws and the Basic Principles of Agrarian Law, and absence of policies at the local level	The "state of the art" in A. Marta, U. Suwaryo, Affan Sulaeman, Leo Agustino (2019) is the policy dilemma in the regulation of customary land in Indonesia, which requires a synergy between government institutions and stakeholders, as well as the participation of indigenous people and groups of interest in the policymaking process.	The novelty in A. Marta, U. Suwaryo, Affan Sulaeman, Leo Agustino (2019) lies in its exploration of the policy dilemmas surrounding customary land in Indonesia and the proposed strategies for policy reconstruction, emphasizing the need for synergy between government institutions and stakeholders as well as the participation of indigenous people and interest groups in the policymaking process.

				regarding the protection and recognition of customary land. - Persistence of the policy dilemma without the involvement of indigenous people and groups of interest in the policymaking process.		
Institutional designs of customary fisheries management arrangements in Indonesia, Papua New Guinea, and Mexico	Joshua E. Cinner, Xavier Basurto, Pedro Fidelman, John Kuange, Rachael Lahari, Ahmad Mukminin	2012	Customary institutions examined generally lacked key interactions with organizations operating at larger scales.	The main findings of the study are: - Almost 3/4 of the cases in the study had clearly defined boundaries and membership, despite the difficulty in defining boundaries around marine resources. - All of the customary institutions were able to make and change rules, indicating a critical degree of flexibility and autonomy necessary for adaptive management. - The customary institutions generally lacked key interactions with organizations operating at larger scales, potentially hindering their ability to confront common pool resources challenges.	The "state of the art" in this paper involves an examination of operational rules and institutional design principles in long-enduring customary fisheries management institutions in three countries, along with the identification of important trends and the need for future research.	The novelty in this paper lies in its approach of using design principles as a starting point to understand institutional diversity in customary governance regimes, and in emphasizing the need for future research to explore the relationship between specific institutional designs and social and ecological outcomes in commons property institutions.
Analysis of Natural Resources Management in Indonesia: Environmental Law Perspective	Gunawan Djayaputra	2021	Environmental law in Indonesia cannot be separated from an understanding of the development of global commitments.	The main findings of the paper emphasize the interconnectedness of environmental law in Indonesia with global commitments, the government's obligation to manage natural resources, and the critical issue of natural resource management in Indonesia.	The "state of the art" in Gunawan Djayaputra (2021) revolves around investigating and analyzing natural resource management in Indonesia from an environmental law perspective. It emphasizes the need for strategic efforts by the government to regulate natural resource management based on principles of harmony between social, environmental, and economic interests, as well as justice and environmental sustainability. The	The novelty in Gunawan Djayaputra (2021) lies in its emphasis on the interconnectedness of natural resource management at both local and global levels, the relationship between environmental problems and human activities, and the importance of principles of environmental management in the legal system. The paper also highlights the need for comprehensive research to investigate laws and regulations related to natural

					study also highlights the importance of understanding global commitments and regulations related to natural resource management policies in Indonesia. The paper emphasizes the critical issue of managing natural resources and the environment, particularly in the context of human activities and their impact on ecosystems. Furthermore, it underscores the significance of community involvement and adherence to prevailing laws and regulations in natural resource management.	resource management policies in Indonesia.
The Concept of Customary Forest Management in Indonesia: A Case in Bengkalis, Indonesia	M. A. Rauf	2020	The current customary forest management in the Datuk Laksamana Raja in the Sea region is very partial.	The main findings of the paper are: - The recognition of Indigenous forests in the Territory of the Raja Datuk Laksamana Raja in the Sea is based on historical approaches and has been continued by his descendants. - Current customary forest management in the region is partial and lacks clear tools for determining customary forests by the state, leading to uncertainty in the status of these customary forest rights.	The "state of the art" in M. A. Rauf (2020) involves the establishment of customary forest management in Indonesia, the struggles of indigenous peoples to balance state regulations, the historical significance of Grandfather King Admiral in the Sea, and the partial and uncertain status of customary forest rights in the Datuk Laksamana Raja in the Sea region. The study uses a sociological legal research method to analyze these aspects.	The novelty in M. A. Rauf (2020) lies in the emergence of customary forest management as a new history in forest management in Indonesia, as well as the historical approach inherent in the recognition of Indigenous forests and the partial and uncertain nature of current customary forest management.
Indigenous People and Customary Land Ownership Under Domestic Redd Frameworks: A Case Study of Indonesia	Glen Wright	2012	The absence of security of tenure for indigenous people by Indonesia's domestic REDD legal framework is likely to result in poor protection of customary land rights	The main findings of the paper are that the domestic legal framework in Indonesia provides very little security of tenure to Indigenous People, likely resulting in poor protection of customary land rights under the REDD mechanism. Land tenure reforms are necessary as a matter of	The "state of the art" in Glen Wright (2012) is the interaction between domestic legal frameworks implementing the REDD mechanism and customary land ownership in Indonesia, with a focus on the lack of security of tenure for Indigenous	The novelty in Glen Wright (2012) lies in its exploration of the shortcomings in Indonesia's domestic REDD legal framework regarding the security of tenure for Indigenous People and the potential impact on customary land rights under the REDD mechanism. It emphasizes the

			under the REDD mechanism.	priority to ensure secure customary land tenure and protect Indigenous People.	People and the need for land tenure reforms.	need for land tenure reforms to ensure secure customary land tenure and protect Indigenous People.
Indigenous Community, Customary Law and Multiculturalisme In Indonesia	Z. Prasajo	2015	Customary law is part of the state law in Indonesian legal system for the prosperity of society based on equality before the law and justice in accordance with the ideals of the nation.	The main findings of the paper are: - Long-standing effort to revive customary law in indigenous communities in Indonesia, reflecting multicultural principles. - The role of customary law in a multicultural society should be aligned with Indonesia's history and can potentially be positioned within a Restorative Justice system. - The law should be a tool to resolve problems in a just and fair way, returning all issues to the perspective of the law for the common good.	The state of the art in Z. Prasajo (2015) revolves around the awareness and efforts to revive customary law in indigenous communities in Indonesia, particularly in West Kalimantan. It emphasizes the need to align the role of customary law with the history and legal system of Indonesia and suggests considering Restorative Justice systems as an alternative for placing the position of customary law in a multicultural nation today. The paper also highlights the importance of finding a proper format for the position and role of customary law in the Indonesian legal system for the prosperity of society based on equality before the law and justice in accordance with the ideals of the nation.	The novelty in Z. Prasajo (2015) lies in its exploration of ongoing efforts to revive customary law in Indonesia, aligning it with multicultural principles, proposing alternative approaches such as Restorative Justice systems, and emphasizing the significance of cultural resistance through customary law.
Another Law in Indonesia: Customary Land Tenure System Coexisting with State Order in Mutis Forest	imam Budiman, T. Fujiwara, N. Sato, D. Pamungkas	2020	Traditional reward and punishment systems regarding extracting non-timber forest products, grazing livestock, and preventing forest fires were working well for sustainable forest management.	-	The state of the art in this paper is the coexistence of customary land tenure system and state laws in the Mutis area, emphasizing the importance of understanding traditional land tenure for effective forest policy and the challenges faced in managing conservation areas. The paper also highlights the need for flexibility in operating or revising state laws to harmonize society between state and people.	The novelty in this paper lies in its focus on the historical territorialization process in the Mutis area, the clarification of the traditional land tenure system (suf), and the discussion of challenges related to managing forests sustainably and policy methods to harmonize legal pluralism. The paper also highlights the coexistence of the suf with the state system and the recent discussions to recognize the suf

						in the formal legal order. The emphasis on legal pluralism and its importance in managing forest resources sustainably and harmonizing society between the state and people adds to the novelty of the study.
The Formation of Customary Law Related to the Use of Natural Resources in the Lore Lindu Region	A. Lanini, Sulbadana Sulbadana, Aminuddin Kasim, M. Nahar, S. Surahman	2018	Customary law as a beneficial rule to conserve the natural resources in Lore Lindu region can be assumed.	Customary law principles influence the use of natural resources, but state intervention has diminished its beneficial role in conserving natural resources. Customary law related to forest conservation is part of the values in the lore lindu region.	The state of the art in this paper revolves around the influence of customary law principles on the exploration and conservation of natural resources in the Lore Lindu region, including the impact on local communities and the recognition of indigenous contributions to conservation efforts. The paper also highlights the potential encroachment and loss of area experienced by local communities due to delimitation of the national park.	-
The Categorization of Solutions for Indigenous People In Customary Land-Use Conflicts In Indonesia	Daniel Jesayanto Jaya, R. Hidayah, Diya Ul Akmal, Anjulin Yonathan Kamlasi	2021	-	The main findings of the paper are the influence of human need for land on land use behavior, the categorization of solutions for resolving conflicts over customary lands, and the factors involved in the categorization of land-use conflict solutions.	The "state of the art" in the paper involves recognizing customary land in Indonesian law, discussing implementation irregularities, and categorizing solutions for resolving land-use conflicts over customary lands. It emphasizes the need to consider various aspects such as resolution process, distribution of land use, changes in land use, mapping, and involvement of disputing parties.	The novelty in the paper lies in its comprehensive approach to categorizing solutions for resolving land-use conflicts over customary lands, considering various angles and historical contexts.
The Art of Contestation and Legitimacy:	K. Bettinger, M. Fisher, W. Miles	2014	A grassroots movement supports the revitalization of	The paper's main findings are the discussion of the grassroots movement supporting the	The "state of the art" in K. Bettinger, M. Fisher, W. Miles (2014) involves discussing Indonesia's status as a	The novelty in K. Bettinger, M. Fisher, W. Miles (2014) lies in its exploration of the strategic



Environment, Customary Communities, and Activism in Indonesia			customary communities and their traditional systems of social organization (adat) since the fall of the authoritarian Suharto regime in 1998.	revitalization of customary communities and their traditional systems of social organization in Indonesia since 1998, as well as the portrayal of indigenous people as environmentally benign. It also seeks to move beyond the simplistic conflation of indigenous peoples and environmentalism by understanding the strategic articulation of indigeneity and environmentalism.	"megadiverse" country, historical tensions over natural resource access, the grassroots movement supporting customary communities, the portrayal of indigenous people as environmentally benign, the influence of political processes on indigenous systems, the emergence of a national indigenous rights movement, international factors contributing to the indigenous movement, and potential challenges facing the movement in the future. The chapter aims to move beyond the simplistic conflation of indigenous peoples and environmentalism by understanding the strategic articulation of indigeneity and environmentalism.	articulation of indigeneity and environmentalism in Indonesia, moving beyond the simplistic conflation of indigenous peoples and environmentalism. It also discusses the grassroots movement supporting the revitalization of customary communities after the fall of the authoritarian Suharto regime.
Legal Policy of Legislation in the Field of Natural Resources in Indonesia	Herdiansyah Hamzah	2016	The legal policy of natural resources tends to move towards free market competition.	The main findings are the emphasis on the importance of legislation in the field of natural resources, the shift towards a pro-market approach, and the need for legal policy to reflect the interests of the people as a whole.	The "state of the art" in Herdiansyah Hamzah (2016) emphasizes the urgency of legislation in the field of natural resources to ensure access and sustainability for future generations. It raises concerns about the shift towards free market competition, potential removal of the State's role in resource management, and neglect of people's participation in law-making processes, leading to elitist and unresponsive legal policies.	The novelty in Herdiansyah Hamzah (2016) lies in its emphasis on the urgency and significance of legislation in natural resource management for the benefit of the people and future generations, as well as its critique of legal policies moving towards free market competition and the lack of firmness, independence, and people's participation in decision-making.
The role of law in natural resource management.	J. Spiertz, M. Wiber	1999	Governments and organizations have responded to increasing pressure on scarce natural resources by	The main findings of the paper are the challenges arising from conflicting rules in response to pressure on natural resources and the preference for private property over	The "state of the art" in J. Spiertz, M. Wiber (1999) involves discussing the challenges in natural resource management, including conflicting rules, the failure to realize policy	The novelty in J. Spiertz, M. Wiber (1999) lies in its comprehensive investigation of the responses of governments and organizations to increasing pressure on scarce natural

			creating a multiplicity of, and occasionally conflicting, rules.	common property as a core problem in resource management.	objectives, and the preference for private property over common property. The authors provide case studies from both Western and non-Western countries to illustrate these issues.	resources, the preference for private property over common property as a core problem, and the inclusion of case studies from both Western and non-Western countries, covering a diverse range of resource management topics.
Forest Management Based on Local Culture of Dayak Kotabaru in the Perspective of Customary Law for a Sustainable Future and Prosperity of the Local Community	Ifrani, Abby, Barkatullah, Nurhayati, Said	2019	Forest management through the local culture can be beneficial for the local community.	Forest management through the local culture, such as the Bera system in Dayak Kotabaru, can benefit the local community by promoting the production of farms and gardens, maintaining naturally fertile soil, and ensuring sustainable forests with less deforestation.	The "state of the art" in Ifrani, Abby, Barkatullah, Nurhayati, Said (2019) is the current challenges in forest management in Indonesia, the need for a good forest government system, and the importance of giving indigenous peoples a more critical role in forest management. It also discusses the drawbacks of permits given to the private sector for forests in possession of indigenous peoples and suggests that forest management through local culture can be beneficial for the community.	The novelty in Ifrani, Abby, Barkatullah, Nurhayati, Said (2019) lies in its focus on formulating sustainable forest management solutions and sanctions for forest destruction based on indigenous practices, addressing the problems arising from the absence of legal protection for customary rights, and proposing forest management through local culture as a beneficial and sustainable approach.
The Effectiveness of Customary Law to Protect Natural Resources in The National Park in Central Sulawesi	Agus Lanini Et.al	2021	Customary law principles are still a source for environmental or related law.	- The purpose of this research is to understand and explain the principles of customary law concerning natural resources in the national park and to assess the effectiveness of customary law in protecting these resources. - The relationship between local communities and the environment surrounding the forest is characterized as a mutual benefit or symbiosis mutualism. - Despite the existence of state laws for protecting natural resources, legal violations still occur, and customary law plays a role in solving these	The state of the art in Agus Lanini Et.al (2021) involves an exploration of customary law principles concerning natural resources in the national park, highlighting their effectiveness, the mutual benefit between local communities and the environment, intensified exploitation due to economic pressure, traditional wisdom concepts among indigenous people, constraints in implementing state law, and the importance of customary law in setting prohibitions and restrictions for natural resource protection.	-

				problems and maintaining the balance of nature.		
Dividing the Land: Legal Gaps in the Recognition of Customary Land in Indonesian Forest Areas	Myrna Asnawati Safitri	2017	The absence of a clear national policy toward the recognition of indigenous territories induced local governments to play safe by not recognizing indigenous territories in Indonesian forests for decades before December 2016.	- The legal recognition of indigenous peoples' rights on land and forest did not result in the successful reclaiming of indigenous peoples' customary land from "state forests" due to gaps between government commitments, laws, and development plans, as well as the influence of law, politics, and economic interests of bureaucracy. - Dualism of government authority over land tenure prevented adequate protection of indigenous rights, and inconsistency of national laws and the absence of a clear national policy induced local governments to continue granting licenses for mega projects for natural resource extraction. - The dynamics of advocacy and lawmaking concerning customary forests in Indonesia and the relevance of the Philippines-Indonesia nexus for learning and sharing on behalf of indigenous peoples' advocacy were also discussed.	The state of the art in Myrna Asnawati Safitri (2017) revolves around the delay in the recognition of indigenous communities' customary forests in Indonesia, highlighting factors such as gaps between government commitments, laws, and development plans, the influence of law, politics, and economic interests, dualism of government authority over land tenure, inconsistency of national laws, and the absence of a clear national policy. The paper also discusses the dynamics of advocacy and lawmaking concerning customary forests in Indonesia and the relevance of the Philippines-Indonesia nexus for learning and sharing on behalf of indigenous peoples' advocacy.	The novelty in Myrna Asnawati Safitri (2017) lies in its discussion of the factors contributing to the delay in the legal recognition of indigenous peoples' rights in Indonesia, despite constitutional and court rulings in favor of such recognition. It also addresses the influence of law, politics, and economic interests on the recognition of indigenous territories, as well as the dualism of government authority over land tenure and the inconsistency of national laws. Additionally, it presents the dynamics of advocacy and lawmaking concerning customary forests in Indonesia.
Impacts of newly liberalised policies on customary land rights of forest-dwelling populations: A case study from East Kalimantan, Indonesia	Mariko Urano	2014	Agrarian reforms have failed to secure the land rights of local farmers living in forest areas since the fall of the authoritarian government in 1998.	The main findings are: - The greater discretion on the part of the local community to negotiate with large-scale oil palm estates has led to the abuse of power by local elites and territorial tensions between local communities. - State recognition of customary land rights does not automatically lead to	The "state of the art" in Mariko Urano (2014) is the examination of the failure of agrarian reforms to secure the land rights of local farmers in East Kalimantan, Indonesia, and the challenges associated with government recognition of customary land rights. The paper also highlights the abuse of power by local	The novelty in Mariko Urano (2014) lies in challenging the optimistic view that state recognition of customary land rights would automatically lead to the security of landownership of local farmers, highlighting the abuse of power by local elites, and emphasizing the need for third-party

				the security of landownership of local farmers, challenging the optimistic view of harmonious local communities. - The agrarian reform centred on communities' rights of control over land and natural resources is problematic, and third-party intervention is needed to assist communities in strengthening local land rights.	elites and territorial tensions between local communities resulting from greater discretion in negotiating with large-scale oil palm estates. It questions the optimistic view of state recognition automatically leading to the security of landownership and emphasizes the need for third-party intervention in strengthening local land rights.	intervention to assist communities in strengthening local land rights.
The Recognition of Indigenous Customary Law in Water Resource Management	D. Craig, Elizabeth Gachenga	2010	Legal pluralism is the more effective context for recognition of indigenous customary law for sustainable water resource management.	The main findings of the paper are the consideration of indigenous customary law in sustainable water resource management and the proposal of legal pluralism as a more effective context for its recognition.	The "state of the art" in D. Craig, Elizabeth Gachenga (2010) is the recognition of the role of indigenous customary law in sustainable water resource management and the proposal of legal pluralism as the more effective context for its recognition.	The novelty in D. Craig, Elizabeth Gachenga (2010) is the proposal of legal pluralism as a more effective context for recognizing indigenous customary law for sustainable water resource management, as opposed to functional recognition or other minimalist forms of recognition.
Participatory Natural Resource Management in the Communal Lands of Zimbabwe: What Role for Customary Law?	J. Mohamed-Katerere	2001	The status of customary law in Zimbabwe falls short of developments in international law.	The main findings are the questioning of accountability and representation between institutional systems and local communities, the role of the international legal regime in creating a framework for participation and defining fundamental principles for environmental objectives, and the demonstration that the status of customary law falls short of developments in international law, undermining environmental governance.	The "state of the art" in J. Mohamed-Katerere (2001) is the examination of the relationship between formal and informal norms and institutions in environmental decentralization initiatives within Zimbabwe's communal lands, the argument for the international legal regime creating a framework for participation and defining fundamental principles for the realization of environmental objectives, the exploration of the nature and status of customary law in Zimbabwe and its interaction with state institutions and formal rule systems, the consideration of whether the recognition of customary law is	The novelty in J. Mohamed-Katerere (2001) lies in its examination of the relationship between formal and informal norms and institutions in environmental decentralization initiatives within Zimbabwe's communal lands, and its argument about the international legal regime creating a framework for participation and defining fundamental principles for the realization of environmental objectives. It also emphasizes the discrepancy between the status of customary law and the level of participation provided for, in comparison to developments in

					fundamental to good governance and meaningful local level participation, and the demonstration that the status of customary law and the level of participation provided for falls short of developments in international law and seriously undermines environmental governance capable of realizing sustainable development objectives.	international law, and how this undermines environmental governance.
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