

# Certainty in the Management of Customary Community Forest Land in Western Seram District, Maluku

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## Abstract

The customary forest land-use system has changed because of changing land needs. Changes in the land make values and rules that apply to land weak. The purpose of this study was to describe the conventional land-use system for strengthening land rights. This study used the Participatory Action Research (PAR) approach by constructing a meaning construction together between the researcher and the community to produce explicit knowledge about the topic of this research. The results showed that various needs factors, values, norms, and customary rules, rights, and land access influenced the system of land use in indigenous peoples. The system is an inheritance that is utilized and maintained for the next generation to strengthen land rights and secure access to the sustainable use of forest land.

**Keywords;** Land, Indigenous Peoples, Rights, Access

## I. INTRODUCTION

Forest management by indigenous peoples in general still relies on traditional methods based on local wisdom that was developed from generation to generation. The traditional forest management by the community often causes various parties to worry about entrusting forest management to the community. However, these challenges regarding community capacity are often not followed up with community strengthening to maintain sustainable management of forest resources. Forest management by indigenous peoples has tried to protect the forest as the only source of livelihood that can be passed on to the next generation, which is actually a lesson for forest development with the community [1]

Various studies have explained that the system of forest land use by indigenous peoples in Maluku is known as the "dusing" system, which has proven that dusing can guarantee the fulfillment of the community's living needs in a sustainable manner.

In addition, dusing developed by the community with a system of planting agricultural crops and plantations among forest plants is categorized as a traditional agroforestry system. The dusing system formed with stratified plant strata has ensured that the ecological condition of the forest remains good. [2] Agroforestry systems are useful in addition to preventing the expansion of degraded land, conserving forest resources, improving agricultural quality and improving the intensification and diversification of silviculture. Farmers in various places in Indonesia have practiced this system for centuries, for example, the shifting cultivation system, mixed gardens in the land around the house (backyard) and pasture fields. The dusing system is not only an art of mixing timber and fruit trees with seasonal plants and or forest trees, but it is the art of making rural livelihoods more productive and attractive in the end. The definition of "attractive" is the ability to maintain good cultural values, certainty of land use, good land use system, increased income,

risk reduction and a balanced outpouring of labor, which leads to improved welfare and environmental improvement . [3] It was also said that Dusung should be made as an inseparable part of the rural development program, so that it can play an effective role and be more sufficient to meet the needs of farmers, both for subsistence purposes, cash income, and for services. The success of agroforestry should be assessed by including various factors, such as period, economic reward, fulfillment of living needs, biological productivity and sustainability.

Land use systems traditionally rely on all forms of knowledge, beliefs, understanding, or insights as well as customs or ethics that guide human behavior in life in ecological communities [4] All of this traditional knowledge is lived, practiced, taught, and passed down from one generation to another which at the same time forms patterns of daily human behavior, both towards fellow human beings and towards nature and the unseen. Based on the motivation of the farmers, they developed and tested traditional agroforestry system according to natural conditions and market needs or demands, and in line with the development of their experiences over the years from one generation to next generation. In a "traditional" system, the development of farming is usually only based on trial and error, without formal research or guidance from extension workers field officers. Based on the above background, this research intended to reveal various problems in the system of forest land use on indigenous peoples.[5] This issue must be proven by actions to strengthen indigenous peoples' land use systems in a sustainable manner. The aim of this research was to facilitate the process of strengthening the land use system of indigenous peoples. Specifically, this study aimed to build a construction of meaning between the community and researchers about the factors that influence the land use system and the form of strengthening the land use system of indigenous peoples.

## II. RESEARCH METHODS

The sustainable use of forest land by indigenous peoples determines the ownership certainty of indigenous peoples' land. [6] Customary ownership that has been built based on hereditary heritage is customary. The community is the main actor in the management of natural resources and in obtaining ecological and economic benefits. Communities are often only placed as objects of the natural resource management process and are often excluded from such management . [1] Ecological reasons are often the basis of these marginalization efforts and economic reasons from the community sometimes become the basis for unsustainable natural resource management efforts.

Strengthening rights and access to land based on customary systems strengthens the certainty of land use on indigenous peoples to take action in using forests sustainably [7] The certainty of land rights is not enough just perceptions because people may not realize the extent to which their rights are vulnerable or are being threatened [8] For this reason, measuring the certainty of land use rights accurately requires a combination of various factors.

Certainty for the implementation of the functions and roles of indigenous peoples in the management of forest resources will have a positive impact on environmental sustainability. Community participation will foster a sense of responsibility towards environmental sustainability and thus there is control over the management of forest resources. Strengthening of land use systems can prove the sustainability of indigenous peoples' forest management. Strengthening action is a learning process for forest land use systems for indigenous peoples. The research method used was Participatory Action Research with a qualitative approach [9] In conducting PAR, it includes three elements, namely research (to produce new knowledge), participatory (all people involved take responsibility for the process of making new

knowledge), actions (managing changes in people's lives for the better).

Data collection was carried out in Honitetu Village, Inamosol District, West Seram Regency, Maluku. Data collection was carried out by means of key informant interviews and iterative group discussions with the community. Field observation techniques were used as a form of community action to strengthen the results of interviews and discussions.

The scope of the data analysis includes the concept of community use of forest land based on existing customary systems and the concept of land rights. Certainty to land rights was then compared to access to land benefits [10]

Data analysis was performed using a qualitative descriptive approach proposed by [4] which was carried out interactively through a process of data reduction, data display, verification and conclusion.

### III. RESULTS AND DISCUSSION

#### General Description of the Honitetu Community and Indigenous Territories

Indigenous peoples are people who have rules, norms, and values that have been passed down by ancestors by speaking to the next generation to be implemented and obeyed according to the times. Rules, norms, values are formed in a customary institution that is recognized by all indigenous peoples (definition by Honitetu people). The term customary village at the research location is called "negeri". In this writing, we will use the word "negeri" instead of the village. The Regional Regulation (PERDA) of West Seram Regency has not yet regulated negeri. At the provincial level, a regional regulation has been established and strengthening institutional capacity in negeri

Honitetu is the capital of the Inamosol sub-district. Honitetu oversees 4 sub-villages, namely Imabatai, Sokowati, Ursana and Rumahtita. Previously, there were 5 sub-villages, but they had been divided into villages in 2010, namely Uraur Village. Although

administratively separated, Uraur Village still has rights in the Honitetu customary area. Honitetu region is located in the lowlands to the mountains with an altitude of 100-700 asl.

The social structure in Honitetu, starting from the bottom, namely family, the eye of family, kindred, soa, and negeri. The family is the smallest social structure whose members consist of father, mother, and child. the eye of family is a unilineal kinship group based on the principles of patrilineal relations. Honitetu previously adhered to matrilineal relations. Kindred is a bilateral kinship unit that includes families and the eye of family. The soa, or also called the clan, is a unit consisting of a number of houses that have a genealogical relationship or not. The negeri is a unity of indigenous peoples, which includes all kinship units.

#### Land Use System in Indigenous Peoples

The forest land used by Honitetu indigenous people is land owned by custom, land belonging to clan groups (soa) and land owned by individuals (families). The land use system is distinguished based on the customary community forest tenure system in Honitetu Village. The form of land use system in the Honitetu indigenous people is based on the use based on the inherited property of a family or the use on shared land (clan and custom). Besides land utilization based on ownership, the land use is also based on granting permits given by family or clan to be used by other parties.

#### Land Use of Customary Land

Customary territories (petuanan) for the Honitetu indigenous people constitute the overall control of the territory owned by the community as an ancestral heritage to be used by all indigenous people who occupy the area. The limit of customary land tenure by indigenous peoples is based on stories from generation to generation with natural boundaries marked and known by the community as a whole and also the surrounding community. The customary land management arrangement is on the

village leader called Raja, along with the customary staff managing together the utilization and management of the customary area. [6]

### **Land Use of Marga Group (Soa).**

The clan land (Soa) is land that is jointly owned by the clans joined in a group called soa. The State of Honitetu has 9 original clans that have clan lands. Clan land is customary land, which is divided into 9 clans. The boundaries of clan land between one clan and another are naturally limited. The regulation of clan land management is carried out by clan heads who are appointed by clan members in one soa. Management arrangements are usually carried out jointly based on consultation with all members of soa. Clan land generally consists of plants that grow naturally for further use by members of the clan, for example, fruits, sago, animals, and others. the use of forest products on clan lands is more subsistent for the needs of the clan members, not for sale.[11]

### **Use of Individual Land (Family)**

Forest land which is controlled by an individual (family) is land that has been managed by a particular family to be further utilized for the benefit of the family. Family land is part of clan land that is given to clan members to be cultivated by planting plantation crops such as cloves, nutmeg, cocoa, and fruits. If it has been planted with estate crops by one family (clan member), then the land belongs to the family. This land is usually referred to as business land. The decision to manage and use the land is the responsibility of the head of the family and their family members.

### **Land Use Patterns**

#### **Permanent land use**

Utilization that is done on a permanent basis is a process that takes place continuously on one particular land, even though there is a change of plants, the cultivated land is still the same. Changes in plantations on garden land are usually associated with the product produced, if there is a decrease in

production, the land will be planted with plants that support land fertility to ensure the sustainability of land use. [12]

The various reasons become the basis for maintaining land use permanently because the land is an ancestral heritage that must be maintained throughout the year.

### **The use of shifting land**

The shifting land use is a temporary utilization system to further utilize or open new land. The land is no longer used because there are no agricultural crops planted anymore. The shifting can also occur because the land is not planted with longevity plants so that the former garden land is left overgrown with bushes. If there is no new land that can be opened, the community will usually return to use the land for about 7-10 years after it is considered fertile enough to be planted again.

### **Factors that Influence Land Use Systems**

#### **Varied needs**

The life necessities of the people by increasing the number of people generally affect the increasing needs. The needs of the community in general are varied, so there is a need for additional income. Additional income can be done in various ways. However, indigenous peoples whose livelihoods depend on forest land try to develop more varied land use systems, namely by commercializing commercial plants. Types of plants that can generate large revenues are usually in the type of annual plants such as Cloves, Nutmeg, Chocolate, fruits, and others. This encourages the community to manage these plants on the cultivated land.[3]

#### **Customary values, norms and rules**

The land use system of indigenous peoples is influenced by the values of togetherness to utilize family, clan and customary land. The value of togetherness is often termed "eating together". This gives the meaning of caring between one another.

This can be seen in dusungdamar, which is owned by other clans with close access to reach. Clans that usually have remote access land are given the opportunity to harvest the resin. Commercial use is usually by sharing the results with the owner. Meanwhile, the use of subsistence usually applies to the type of fruit plants that are inherited from parents or ancestors. These values of togetherness form the norm of harmonious cooperative relations between families and groups. Values and norms form community obedience to the rules that apply to land use systems at the same time. For example, the rules made for land inheritance systems. A joint decision to divide land will usually avoid conflict. Communities will recognize each other's land, which belongs to another individual or group. The rules that affect land use are sasi. Sasi is a sign that the type of plants in the cultivated land should not be harvested before the opening of sasi. Sasi is a collective agreement that has been arranged since the ancestors to respect community ownership rights. The Sasi system seeks to maintain social life patterns through the distribution of benefits or results from the balanced use of natural resources [10]. Sasi is essentially an effort to maintain manners of community life, including efforts towards equitable distribution or income from the results of surrounding natural resources to all residents or local residents [13] For this reason, the existence of sasi greatly helps the community to optimally manage and utilize existing resources around the forest in order to improve community welfare. Compliance with sasi is a form of strengthening in the community land use system. This can be proven by the sasi system that has been applied from the past until now.

### **Land rights**

Communities claim that land rights represent individual or group ownership of land. The person entitled to the land has the authority to carry out various management activities on the land. The utilization of permanent land gives rise to various

rights, which becomes parts that are owned and done to the land. The rights are customary ownership rights, the right to manage the land, the right to use every plant in the land.

The right to use means the right of authority for every individual who owns it to take direct benefits from the goods or products produced on the land. The right to use is closely related to what, where, who and how these resources are utilized. These rights are grouped into two based on the objectives of the extraction results, namely commercial and subsistence. The right to use commercially is for every individual who aims to sell the extraction results. Meanwhile, the right to use subsistently applies to every individual who is limited by the amount of extraction for daily needs and not for sale. Management rights are understood as the right to develop and implement operational rules regarding the procedures for accessing and utilizing resources. The right of limiting, in the sense, this right holder has the authority to set qualifications or requirements that must be met by every individual who is permitted to participate in taking advantage of resources. The right of transfer is the right to be transferred to another party. The right owner has the authority to transfer rights. In practice, the right of transfer that occurs is the sale and purchase of land. De facto, the community already has a strong right, namely the right to transfer. This proves that the community is de facto recognized by local institutions as owners, so they have full rights to sell, transfer, inherit, exclude, manage, and utilize.

### **Access to land**

Access is the ability to benefit from something, including material objects, individuals, institutions and symbols [7] The access formulation will provide wider space for social relationships that can make people able to benefit from resources without focusing on ownership rights. Access allows others to benefit from resources even though they do not have rights. Communities understand that when they

have rights, they directly have access to benefits from the land

Benefits access to land owned by the community also exists in people in this country who do not have ownership rights to the land but can be given access to use the land, but with permission from the landowner. The factors that influence the acquisition of benefits are driven by actors who have the ability to access community land resources. In the context of customary land ownership, it is difficult for the community to obtain these factors, but after access through actors, the benefits are not only owned by the actor as a person who does not own land, but the indigenous people also get benefits, but the amount of benefits differs from the actor. Various factors affect the opening of access for outsiders to use community-owned land. The community's need for these factors proves that the system of forest land use cannot be separated from an outside power. However, for indigenous peoples, the power can work in a sustainable manner if there are cooperation and respect for the value of togetherness that is in the community.

#### IV. CONCLUSION

Lessons learned from the land use system reinforce the reason for paying attention to the maximum benefits received by indigenous peoples for land that is retained as their property. Indigenous peoples with land tenure systems that have been recognized for generations have strengthened land rights with various activities that have been carried out in the form of land use for gardening. For this reason, other actors who have the power to use land in indigenous peoples must pay attention to the rights to land owned by the community. Rights and access to land are two complementary variables to maximize the benefits to land. However, its implementation is inseparable from the norms and rules that have been built in the community in the form of togetherness and justice and respect for ancestral values. The act of strengthening the land use system provides a new commitment for the

community to organize and strengthen the customary system that functions to control the area and the potential of land for the preservation of forest use.

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