



Traditional Rights of "Ciptagelar" Indigenous Communities Post Recognition of the Ciletuh Sukabumi Geopark Area as a World Heritage

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Abstract. In 2018, Ciletuh Palabuhanratu Geopark in Sukabumi Regency received global recognition from UNESCO. UNESCO Global Geoparks are defined as integrated geographic areas where international geological sites and landscapes are managed with a holistic protection approach. The presence of customary law communities in forest areas is closely tied to forest management, with Article 37 of the Forestry Law specifically addressing customary forests. According to the Constitutional Court Decision No. 35/PUU-X/2012, it is anticipated that conflicts over forest status between indigenous peoples, the state, or companies will be resolved. However, the Ciptagelar Kasepuhan community still faces overlapping legal issues. This study examines (1) how the communal land of the Ciptagelar community is managed within the Ciletuh Geopark area, and (2) the rights of the Ciptagelar customary community in this area. The research employs a combination of normative and empirical methods, utilizing a Statute Approach, Analytical and Conceptual Approach, Case Approach, and Perceptual Approach. The findings indicate that while many regional regulations in various provinces and municipalities recognize Indigenous Peoples, those carrying out traditional practices risk losing their land due to the general provisions of the Job Creation Law, which prioritizes investment facilitation. The assurance of customary rights to manage their areas remains unclear when government actions conflict with the principle of public interest. To date, there are no specific laws and regulations that provide comprehensive protection for indigenous peoples' rights.

Keywords: Customary Rights, Customary Areas, Rule of Law

1 Introduction

1.1 Background

The assertion of land tenure by the state in the 1945 Act often harms indigenous peoples. Control by the state is defined as the authority to determine the function, and utilization of forests is in the hands of the central government. Article 33 paragraph (3) of the 1945 Constitution often becomes the basis for the government in making

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changes to the status of an area. As a result, pre-existing customary rights and management systems become meaningless, so that indigenous peoples no longer have ownership of the land and natural resources that were previously their source of livelihood, both spiritually and physically. The government should also pay attention to the 1945 Constitution Article 18B paragraph (2) which states: 2018 year Ciletuh Geopark Palabuhanratu, Sukabumi Regency, received global recognition from the United Nations Educational, Scientific and Cultural Organization (UNESCO). This recognition was only about three years after becoming a national geopark. UNESCO Global Geoparks are defined as integrated geographic areas where international geological sites and landscapes are managed with the concept of holistic protection, education and sustainable development through a bottom-up approach. Geopark was developed as an effort to protect world heritage with the concepts of conservation, education and community empowerment, as well as increasing the economy and welfare of local communities. It needs to be underlined that this concept from UNESCO is a global point of view, and for that it needs to be reiterated that this perception is not always the same as the point of view of indigenous peoples. If we look back, it is not uncommon at the national level to have different perceptions in empowering forest natural resources with indigenous peoples which has led to land conflicts. Even though the goals of global and national governance are positive goals, the perspective of the international community, the Indonesian government and the aspirations of the local community, have the same perception so that there is no overlapping of interests and indigenous peoples are not harmed by their noble rights either by local, national or regional governments. International and corporate.

The frenetic news of the government's success in obtaining recognition from UNESCO in the Ciletuh Geopark area has obscured the protection of the rights of indigenous peoples. The high level of community need for forest products often results in punishment for indigenous peoples due to changes in the status of areas that become conservation areas. The Ciletuh people generally use the forest as their source of life, and a source of housing. From an economic point of view, people are required to transform from an agricultural and plantation economic pattern to an agro-tourism economy and those who can't afford it are forced to flee to other areas due to criminal threats from the management of conservation areas by the state as stipulated in Articles 50 and 78 of Law No. 41 of 1999 which was amended by UU no. 11 of 2020.

The Ciptagelar Indigenous People are one of the indigenous peoples who inhabit the Ciletuh Geopark area. These indigenous peoples do not only believe in customary land as an economic source but also as a source of spirituality for the Kasepuhan community. One of the customary laws that apply in Kasepuhan Ciptagelar is the transfer of the Kasepuhan area which can be done at any time based on the inspiration received by the Kasepuhan Leader, because of its magical-religious nature so it cannot be predicted, which will impact on the shift in the Kasepuhan customary territory. These different backgrounds often lead to overlapping interests between indigenous peoples, central and regional governments and corporations(1). As happened earlier in 2009 land conflicts between indigenous peoples and the national government.

The existence of the Customary Law Community in the forest area will be related to the forest. Customary law communities in forest areas can use forests, even Article 37

of the Forestry Law regulates customary forests. Customary forest utilization is carried out by the relevant Customary Law Community, according to its function. Utilization of customary forests that have protection and conservation functions can be carried out as long as they do not interfere with their function(1). Since the issuance of the Constitutional Court Decision No. 35/PUU-X/2012, hereinafter referred to as the Constitutional Court Decision 35/2012 has replaced the word state contained in Article 1 point 6 so that it reads article 1 number 6, namely: "Customary forest is a "state" forest that is in the community's territory customary law". So that article 1 number 6 is meant to be "Customary forest is a forest that is in the territory of customary law communities."MK Decision No. 35/PUU-X/2012, based on the judicial review, it is hoped that there will be no more problems related to forest status between indigenous peoples and the state or companies. However, in reality, in the life of the Ciptagelar Kasepuhan community there is still overlapping forest status between customary forest and conservation forest in Mount Halimun Salak National Park.

1.2 Formulation of the Problem

1. How is the management of the customary land of the Ciptagelar community in the Ciletuh Geopark area ?
2. What are the rights for the Ciptagelar customary community in the Ciletuh Geopark area ?

2 Research Methods

In essence, this paper is the result of research using a combination of normative legal research or dogmatic law research or doctrinal research with empirical legal research. Then the approach method applied to discuss the problem is through statutory approach (Statute Approach), conceptual approach (Analytical and Conceptual Approach), case approach (Case Approach) and perceptual approach (perceptual approach). Then, from the point of view of its form, it is a research that combines evaluative research, diagnostic research and prescriptive research.

Techniquedata collection was carried out through library research and research in the field. Library research was conducted to obtain legal materials, both primary, secondary and tertiary. Primary legal materials are materials originating from laws and regulations, international conventions, relevant international agreements. Secondary legal material, consisting of doctrines, expert opinions which can be seen in law books and papers written by experts, essays by various lawmaking committees, results of legal research, bills and others that can provide explanations regarding primary legal materials. Besides that, tertiary legal materials are also studied, namely in the form of opinions or public opinion contained in magazines and newspapers, dictionaries, encyclopedias.

3 Discussion

3.1 Custom Society

The customary law community, according to Jawahir Thontowi, is (1) a group of people who have common ancestry (geneological), (2) live in a certain place (geographical), (3) have the same purpose in life regarding the customary law system which is obeyed and binding (5) led by by customary heads (6) the availability of a place where the administration of power can be coordinated (7) the availability of dispute resolution institutions both between indigenous peoples of different tribes and different tribes citizenship.

In the book *De Commune Trek in bet Indonesische*, FD Hollenmann conducts 4 (four) general characteristics of indigenous peoples:

The nature of religious magic is defined as a mindset based on people's beliefs about the existence of something sacred. Before society came into contact with the religious legal system, this religiosity was manifested in a phrological way of thinking, animism, and belief in the supernatural. Society must maintain harmony between the real world and the inner world (the unseen world). After the community became acquainted with the religious legal system, religious feelings were manifested in the form of belief in God (Allah). The community believes that every action, regardless of its form, will always be rewarded and punished by God according to the degree of change

Communal nature (Commun), society has the assumption that every individual, member of society is an integral part of society as a whole. It is believed that individual interests must be properly adapted to the interests of society because no individual is separated from society.

The concrete nature is defined as a pattern that is clear or obvious, indicating that every legal relationship that occurs in society is not carried out secretly or covertly.

The nature of cash (contact handling) implies participation, especially in fulfilling achievements that are given immediately/instantly. Every fulfillment of achievement is always accompanied by counter- achievement which is given immediately or directly. For example, in a sale and purchase agreement after an agreement is made, it is always accompanied by payment as a sign of completion (*panjer*). The constant principle does not only occur in buying and selling transactions but also in other matters such as marriage with the terms *pangjadi* (West Java) and *paningset* (Central Java) given by the groom to the bride in all its forms which are intended as the seriousness of the groom to carry out the marriage.

There are differences in the arrangement of Indigenous. Peoples in the 1945 Constitution before and after the amendment. In the 1945 Constitution before the amendment, customary community units were recognized automatically without any constitutional requirements as long as they existed. Unlike the case with the regulation of Customary Law Communities in the post-amendment 1945 Constitution which does not necessarily recognize the existence of Customary Law Communities because there are several constitutional requirements stipulated in article 18B paragraph (2) of the 1945 Constitution, namely (1). As long as still alive; (2) in accordance with the development of

society and the principles of the unitary state of the republic of Indonesia; (3). Regulated in the Act. Apart from being regulated in Article 18B paragraph (2) of the 1945 Constitution, recognition of Indigenous Peoples is also recognized in 28I paragraph (3) of the 1945 Constitution which states "cultural identity and rights of traditional communities are respected in harmony with the times and civilizations". Even though customary law communities are constitutionally recognized, in fact the rights of indigenous peoples are often violated by the government as well as non-government, especially in relation to customary land issues.

The rights of customary law communities include:

1. Constitutional rights and natural rights

The constitutional rights of indigenous peoples are constitutional recognition of the Republic of Indonesia for the existence of indigenous peoples. As Indonesian citizens, constitutional rights are inherent to every Indonesian citizen, including indigenous peoples. In general, constitutional rights. As for constitutional rights, among others, as set forth in Article 27 paragraphs 1, 2 and 3 of the 1945 Constitution, namely the right to equal position in law and government and the obligation to uphold the law and government without exception, the right to work and a life worthy of humanity, and rights and obligations to participate in efforts to defend the State. Then in Article 28 it is stated that the right to freedom of association and assembly, to express thoughts verbally and in writing and so on is stipulated by law, as well as in Article 29 paragraph (2) the right to embrace their own religion and to worship according to their religion and beliefs. In particular, the 1945 Constitution states the specificity of indigenous and tribal peoples. Based on Article 18B paragraph (2) of the 1945 Constitution, namely recognition and respect for MHA units and their traditional rights must be based on the following conditions: a) As long as they are still alive; 2) In accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia; 3) regulated in law. namely the recognition and respect for MHA units and their traditional rights must be based on the following conditions: a) As long as they are still alive; 2) In accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia; 3) regulated in law. namely the recognition and respect for MHA units and their traditional rights must be based on the following conditions: a) As long as they are still alive; 2) In accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia; 3) regulated in law.

2. Traditional Rights of indigenous peoples

The traditional rights of indigenous and tribal peoples in Indonesia are stipulated in several Indonesian laws and regulations, including: 1) Forest Management and Utilization Rights

In Law Number 41 of 1999 concerning Forestry it is explained that state forests are forests that are located on land that are not encumbered with land rights according to Law Number 5 of 1960, including forests that were previously controlled by customary law communities. called customary forest, clan forest, or other names. 2) Ulayat rights and customary land tenure The customary rights of indigenous peoples over water resources as stipulated in Law Number 7 of 2004 concerning Water Resources in Article 6 paragraph (3) are still recognized as long as there are still state control over

these resources. the water is administered by the Government and/or regional government while still acknowledging and respecting customary law community units and their traditional rights. 3) Right to Management of Fields or Plantations. The management of land rights for plantation businesses as stipulated in Law Number 18 of 2004 concerning Plantations must still pay attention to the ulayat rights of customary law communities, 4) Environmental Protection and Management In terms of environmental protection and management it is regulated in Article 63 paragraph (1) letter t which reads that the Government has the duty and authority to stipulate policies regarding procedures for recognition, the existence of indigenous peoples, local wisdom, and the rights of customary law communities related to environmental protection and management. Then in Article 63 paragraph (2) letter n it is also stated that the Provincial Government has the duty and authority to establish policies regarding procedures for recognizing the existence of customary law communities, local wisdom, and the rights of customary law communities related to environmental protection and management at the provincial level. At the Regency/City level as stipulated in Article 63 paragraph (3) letter k that the Regency/City Government has the duty and authority to implement policies regarding procedures for recognizing the existence of customary law communities, local wisdom, and the rights of customary law communities related to the protection and environmental management at the district/city level. 5) Management of Coastal Areas Article 61 paragraph (1) of Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands states that the Government recognizes, respects, and protects the rights of indigenous peoples, traditional communities, and local wisdom over the territory coasts and small islands that have been used for generations.

Apart from having traditional rights which are material in nature, the state also guarantees the traditional rights of MHA which are non-material in nature. Immaterial rights which are absolute rights include trademark rights, copyright rights, copyrights and so on. The immaterial rights attached to MHA include the following: 1) Copyrights, for example the copyrights on boat ornaments on Kei Island, which are the rights of natural persons known since ancient times. Likewise the copyright on the decoration on the sarong in Minangkabau which is still developing today, and so on. 2) The right to mention titles, Balinese people recognize titles that are closely related to the prevailing caste system. For men, the highest title is *Ida Bagus*, which is a title for people from the Brahmin caste. There are also titles *Cokorda*, *Dewa*, *Ngakan*, *Bagus*, *Gusti*, and so on. Meanwhile, those from the Sudra caste are known as *Pande*, *Kbon*, *Pasek*, and so on. In Javanese culture, especially in autonomous regions, special titles are also known related to heredity or social status in terms of position in society. There are terms *Bendara Raden Mas*, *Raden Mas*, *Kanjeng Raden Tumenggung*, and so on. Titles among the Javanese nobility are still used, especially in the palace environment. 3) The right to the wealth of oral traditions and literature. In Article 13 Paragraph (1) of the United Nations Declaration on the Rights of Indigenous Peoples it is explained that MHA have the right to update, use, develop and pass on to future generations history, language, oral traditions, philosophy, writing systems and literature, and to signify and use their own names for communities, places and people. 4) Rights to intellectual property, cultural heritage and traditional knowledge Article 31 Paragraph (1) of the United Nations

Declaration on the Rights of Indigenous Peoples explains that indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and expressions traditional cultural expressions, as well as their manifestations of knowledge, technologies and cultures, including human and other genetic resources, seeds, medicines, traditional games and performing arts. They also have the right to maintain, control, protect and develop intellectual property, cultural heritage, traditional knowledge

3.2 Customary Rights

According to Boedi harsono Ulayat rights are a series of authorities and obligations of a customary law community, relating to land located within their territory. In customary land there is no such thing as property rights, because each group of the adat has the right to use the land until it regenerates.

Recognition of Ulayat Rights is mentioned in the Indonesian constitution, the 1945 Constitution that is:

Article 18B paragraph (2) which reads as follows: "The state recognizes and respects customary law community units along with their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law" .

(Article 28 I paragraph (3) which reads: "Cultural identity and traditional community rights are respected in accordance with the times and civilization developments".

The Conception of Ulayat Rights In the UUPA can be found in Article 3 of the UUPA which formulates: "taking into account the provisions of Article 1 and Article 2 the implementation of customary rights and similar rights from customary law communities, as long as the reality still exists, must be in such a way such a way that it is in accordance with national and state interests, which are based on national unity and may not contradict higher laws and regulations." Furthermore, judging from the provisions of the elucidation of the UUPA in number II concerning the Fundamentals of the National Agrarian Law point (3) it is stated that in relation to the relationship between the nation and the earth as well as water and state power as referred to in Articles 1 and 2, then in Article 3 Provisions are made regarding customary rights of legal community units.

The elements that must be possessed by customary law communities in order to obtain customary rights include: subject rights, objects of rights and the existence of authority from the subject of rights over objects protected by law. Regarding the position of customary rights owned by customary law communities According to Maria SW Sumardjono Ulayat rights are not exclusive, this reason is to review the national interests referred to in article 3 of the BAL where empirical experience has been experienced by the Indonesian government regarding land owned by indigenous peoples for agricultural projects in South Sumatra before 1960

Neglect regarding the existence of Indigenous Peoples has been classified as a human rights violation as stipulated in Law Number 39 of 1999 concerning Human Rights in Article 6 it states: 1) In the framework of upholding human rights, the differences and needs of indigenous and tribal peoples must be considered and protected by law,

society, and government. 2) The cultural identity of indigenous and tribal peoples, including their rights to communal land is protected, in line with the times. When associated with the opinion expressed by Maria SW Sumardjono above, the urgency of the national interest must be concrete in achieving the common welfare of both the general public and indigenous peoples. It is very unfortunate that the state which has recognized the existence of indigenous peoples and their rights often denies it either through a juridical system that is of a legal substance or legal structure related to implementation by private officials, both the central government and regional governments, on the grounds that it is the territory of the state. If it is brought closer to the state as an agreement between the people and the founders of the state, then the existence of indigenous peoples certainly existed before the existence of the state. This concept was introduced by Thomas Hobbes with his social contract theory whereby people enter into agreements to regulate social behavior and represent the state. Thomas Hobbes's opinion is motivated by empiricism thinking which concludes that humans are driven by lust, One form of substantive denial is Law Number 41 of 1999 concerning Forestry, this Law states that all forests within the territory of the Republic of Indonesia and the natural resources contained therein are controlled by the state and customary forest declared as state forest

Based on the results of participating in a seminar held by IPPAT and INI Sukabumi Regency which was attended by the author and members with the speaker being the Head of the Sukabumi Regency Land Office namely Mr. B. Wijanarko, A.Ptnh., MM he explained that specifically for customary lands a certificate of granting rights can be issued provided that it has been legalized and recognized by the local regional government, where there really are indigenous peoples and their layout, activities and all activities related to adat are still being carried out, there is an institutional structure of the Cipta Tjang Community Customary Institution consisting of elders up to executors in each field, The customary rights must also have clear boundaries and the size of the land parcels. then with the fulfillment of all of the above it will be possible to issue a "Certificate of Communal Rights" in the name of CiptaGelar adat.

3.3 Opportunities and Challenges of Designating a Cultural Heritage Site by UNESCO

The crowning of Ciletuh Geopark as a world heritage site by UNESCO has both opportunities and challenges that must be considered by the government and the local community. Of course, obtaining recognition from international bodies such as UNESCO is a special thing for a region. The area will become famous, and attract the curiosity of the public to travel to the area. The advantage that is felt to be significant for the people of Ciletuh and its surroundings after UNESCO's designation as a geopark area is an increase in tourism visits. The progress of the tourism sector certainly accelerates the rotation of the local economy. The title of world heritage site increases the interest of the world community.

Theoretically, Cohen in Pitana divides the socio-cultural impacts of tourism with several impacts, namely: 1) Involvement of the local community more broadly; 2)

There is an interpersonal relationship with community members; 3) Basic social organization/institution; 4) migration between tourism areas; 5) mobility of people's social life; 6) The pattern of division of labor; 7) There is stratification and social mobility; 8) distribution of influence and power; 9) increase in social backwardness; and 10) Arts and customs

The challenge for the Ciletuh Geopark after its designation as a UNESCO world heritage is that increasing human activity in the area as a tourist destination has led to a reduction in the quality and quantity of forest areas in various world heritage sites. Moreover, the mass tourism that occurs at these sites also brings various negative impacts, including: over-utilization, increased conflict and crime, displacement of local residents, to the authenticity of the site. Interest in the site also by different parties, such as the government, local communities, and tourism entrepreneurs, can also lead to conflicts of interest over the area which can have an adverse impact on the site.

In a Tourism Concern report (2011)¹⁶, "Putting Tourism to Rights" stated that: the many human rights violations that occurred as a result of tourism across the world. These include forced relocation, illegal land acquisitions, pollution leading to ill health and loss of livelihoods, inequitable access to water and other scarce natural resources, cultural erosion, poor pay and working conditions, child labour, and sexual exploitation. Typically, these impacts are the hardest felt by the poorest and most vulnerable people in society. However, poverty leaves many without a voice, which means the human rights abuses they endure remain hidden

One of the case studies from daUNESCO site labeling is the Arabian Oryx Sanctuary (AOS) which is a former UNESCO world heritage site located in the desert and hills of Oman. The site focuses on the conservation of biodiversity, one of which is the Arabian Oryx (*Oryx leucoryx*) which was declared extinct in the wild in 1972. In 1982, the species was successfully bred in captivity in the United States through the Arabian Oryx Project (AOP) and through reintroduction program to restore the population in Oman (Turner, 2012). The Arabian Oryx, which was originally in captivity, began to visit the wild so that the total population increased to 450 individuals. Therefore, Al Wusta Wildlife Sanctuary declared the Arabian Oryx Sanctuary a protected area and was included in the UNESCO World Heritage List in 1994 because it was able to restore populations that had become extinct. Unfortunately, in 1996, the prestige of the Arabian Oryx due to the publication of websites actually became increasingly widespread looking for Oryx for the extraction of meat, skin and horns, as well as for the illegal trade. This caused the Arabian Oryx population to collapse. The population which reached 450 tails decreased drastically and left only 15% of the original population or around 65 tails with 4 pairs of broodstock. Its survival in the wild in the future is uncertain. In addition, the Government of Oman also reduced the area of the conservation area from 27,500 km² to 2. 824 km² due to the discovery of oil reserves so that most of the site is used for oil and gas exploration the host population or local residents who imitate activities. This is not in accordance with the conservation SOP agreed by the Government of Oman with the UNESCO World Heritage Committee so that this site became the first site to be removed from the UNESCO World Heritage List in 2007, according to the request of the Government of Oman.

In Indonesia Based on the IUCN (International Union for Conservation of Nature's) Red List, the Komodo dragon's conservation status has also increased from Vulnerable to Threatened (Endangered) due to the effects of climate change and human activities. Whereas previously the Komodo population was very stable even though it was limited to a not too large area. The tourism phenomenon is also experienced by the people of Labuan Bajo, West Nusa Tenggara where the government does not provide space for local communities to participate in tourism development; coastal area "zoning" policies that have an impact on limiting the movement of fishermen and affecting the livelihoods of local fishing communities; and in certain tourism business activities it actually creates new problems including: environmental damage, criminal acts,¹⁷. The challenges of tourism in the Ciletuh Geopark area include:

1. The government is more focused on pursuing aggregate economic growth nationally
2. Development in the economic field that tends to involve the private sector or corporations has a negative impact on corporate business practices for indigenous peoples who have the potential to be evicted and an environment that is no longer beautiful
3. The commercialization of traditional arts which will slowly reduce its authenticity, where people play an art which is usually for certain celebrations or special holidays of indigenous peoples specifically intended to entertain tourists
4. Demonstration effect, namely the habit of imitating the host population or local residents who imitate tourist habits, be it clothing, grammar and habits.
5. Premature departure to modernization is an attitude away from the customs and culture of indigenous peoples

3.4 Public Interests and Communal Rights of Indigenous Peoples

In customary law, public interests take precedence over private or individual interests. In other words, customary law is based on the concept of protecting public or communal interests²¹For example, in a customary law community, a person can inherit his parents' land, but the ownership of the land remains under the control of the community where he lives.²²This is because individuals and their assets are an integral part of the environment around them which can bring both good and bad to their environment.

Public interest is a limitation for indigenous peoples in utilizing their territory as stated in Article 1 paragraph 6 of Law no. 2/2012 namely; "that the public interest is the interest of the nation, state and society which must be realized by the government and used as much as possible for the prosperity of the people." 2/2012, namely: a. National defense and security; b. Public roads, toll roads, tunnels, railway lines, train stations and rail operating facilities; c. Reservoirs, dams, weirs, irrigation, drinking water channels, water drainage and sanitation, and other irrigation structures; d. Seaports, airports and terminals; e. Oil, gas and geothermal infrastructure; f. Power generation, transmission, substation, network and distribution; g. Government telecommunication and informatics network; h. Waste disposal and management sites; i. Government/local government hospitals; j. Public safety facilities; k. Government/regional government public burial places; l. Social facilities, public facilities and public green

open spaces; m. Natural and cultural reserves; n. Government/Regional Government/Village Offices; o. Arrangement of urban slum settlements and/or land consolidation, as well as housing for low-income people with rental status; p.s. Government/regional government education or school infrastructure; q. Government/regional government sports infrastructure; and r. Public market and parking lot Government/regional government public burial places; l. Social facilities, public facilities and public green open spaces; m. Natural and cultural reserves; n. Government/Regional Government/Village Offices; o. Arrangement of urban slum settlements and/or land consolidation, as well as housing for low-income people with rental status; p.s. Government/regional government education or school infrastructure; q. Government/regional government sports infrastructure; and r. Public market and parking lot Government/regional government public burial places; l. Social facilities, public facilities and public green open spaces; m. Natural and cultural reserves; n. Government/Regional Government/Village Offices; o. Arrangement of urban slum settlements and/or land consolidation, as well as housing for low-income people with rental status; p.s. Government/regional government education or school infrastructure; q. Government/regional government sports infrastructure; and r. Public market and parking lot Government/regional government education or school infrastructure; q. Government/regional government sports infrastructure; and r. Public market and parking lot Government/regional government education or school infrastructure; q. Government/regional government sports infrastructure; and r. Public market and parking lot

Relating to the public interest above communal rights, when referring to Article 5 of the UUPA it states that; "The agrarian law that applies to the earth, water and space is customary law, as long as it does not conflict with national and state interests", then on the basis of national unity, with Indonesian socialism and with the regulations contained in the BAL, it has the consequence that every thing regarding land and land including communal land must be in accordance with national and state interests. The existence of this law has reduced the existence of indigenous peoples in utilizing space to live and live in their territories that have been inhabited for decades before Indonesia even existed as a country. On behalf of the public interest, the government sidelines the rights of indigenous peoples to be used by the private sector or local non-traditional community groups and even foreign parties. Society is getting out of hand

Furthermore, viewed grammatically, it has adopted the concept of welfare justice. It is necessary to criticize the references from the welfare state which are present in this article which directly sacrifice the natural rights of these indigenous peoples. The customary rights of indigenous peoples are easily eroded for reasons of economic development and threats to the tourism economy. Consciously or unconsciously, in practice, this can threaten the territorial existence of the Ciptagelar customary community in official light. Massive development has narrowed the space for indigenous peoples to seek sources of income. People who are used to cultivating crops, gardening or farming have to give up the forest, which is usually a source of livelihood, to be narrowed down. The less space for sources of income has slowly changed the habitual patterns of indigenous peoples. Through the tourism economy, the presence of indigenous peoples with

defined territorial areas has made the area a museum of nature. The existence of indigenous peoples with cultural values is likened to the author's analogy with biological objects from the biological museum.

When approached with the concept of the welfare state or questioning the existence of the 5th (five) precepts, of course this is very far from expectations, because the welfare of the indigenous peoples is not sustainable. Slowly, systematically, members of indigenous peoples will leave their hometowns to participate in the flow of urbanization. The assumptions that the author describes are of course still in the possibility stage, but development projects, as well as the tourism economy, should be set aside from the territorial areas of indigenous peoples.

4 Closing

4.1 Conclusion

1. So far, there have been many regional regulations in regencies/cities and provinces that recognize Indigenous Peoples. The existence of these various Perda is threatened to be revoked by the government.
2. Indigenous Peoples who carry out their traditional work have the potential to lose their land. This happens because in general it is easy to invest through simplification of licensing. Meanwhile, on the other hand, the process of acknowledging Indigenous Peoples is still left to sectoral policies which are convoluted and eliminate each other.

4.2 Suggestion

1. The government, especially the Ministry of Agrarian Affairs and Spatial Planning, emphasizes more in its regulations that customary land title certificates are really specifically administered and special rules are made
2. Providing certainty of the rights and eligibility of indigenous peoples even though they have been guaranteed through laws and regulations in view of the recognition of UNESCO and the title of Kasepuhan Copyright adat and guaranteed that their lives will not be disturbed even though they are made regional tourist attractions which are legalized by the local government.

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