SRIWIJAYA Law Review

ISSN Print: 2541-5298
ISSN Online: 2541-6464

Editorial Office: Faculty of Law, Sriwijaya University
Jalan Srijaya Negara, Palembang, South Sumatra 30139, Indonesia.
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Website: http://journal.fh.unsri.ac.id/index.php/sriwijayalawreview

Countering Marginalisation: A Collaborative Governance Model for Regulating Indigenous Peoples' Land Rights Based on Local Wisdom

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Article

Keywords:

Collaborative Governance; Land Rights; Mandar Indigenous Peoples; Marginalisation; Urbanisation.

Article History
Received: Apr 9, 2026;
Reviewed: Jul 6, 2026;
Accepted: Jul 23, 2026;
Published: Jul 31, 2026.

DOI:
10.28946/slrev.v10i2.5951

Abstract

Before Indonesian independence, Mandar people in Mamuju Regency used kumah (shifting farming) to obtain land. Customary domains overlap with protected forest areas encompassing 60–70% of the regency, and their land rights are unrecognised. The 2025–2045 Mamuju RPJPD designates ancestral lands, including Rimuku, Tadui, and Bambu, as strategic zones for the region's Nusantara Capital support city, worsening the issue. This paper examines the legal status of customary land in these vital zones, explains how land-rights neglect marginalises the Mandar people, and proposes a collaborative governance approach grounded in Mandar local wisdom to preserve their land rights. The socio-legal approach that combines normative analysis of land regulations with empirical data from Focus Group Discussions and questionnaires with academics, the National Land Agency (BPN), and the Mandar community finds that marginalisation occurs systematically through three mechanisms: stagnant implementation of regional regulations in customary-law communities without a Regent's response. The study recommends a collaborative governance model that integrates Mandar values of sipakatau (mutual humanisation), sipakalebbi (mutual respect), sisallang (deliberation for consensus), and sipakaingge (mutual reminding) with accelerated recognition of customary land rights.

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INTRODUCTION

Customary law communities hold a special position in Indonesia's constitutional system. The Constitution recognises their traditional rights through Article 18B paragraph (2) of the 1945 Constitution, strengthened by Article 28I paragraph (3). Internationally, a gap exists between

indigenous peoples' rights in law and practice in Southeast Asia.[1] Recognition of indigenous peoples in the region still faces various challenges, particularly regarding land rights, customary law, and political autonomy.[2] The Constitutional Court of Indonesia, in Decision No. 35/PUU-X/2012, emphasised that customary law communities, as legal subjects with rights and obligations, must receive equal attention in the allocation of sources of life.

The Mandar people, an indigenous community in Mamuju Regency, West Sulawesi, inhabited the region before Indonesian independence. They have traditional land tenure systems passed through generations, including kumah (displaced farming), an integral part of local customary law. The Mandar territory spans areas, especially Rimuku, Tadui, and Bambu. They maintain customary institutions and the sanction system SEDAL, adhered to today, as stipulated in Government Regulation No. 23 of 2021 concerning the Implementation of Forestry.

The fundamental problem faced by the Mandar indigenous people is the overlap between customary territories and state forest areas. Data show that around 60-70% of Mamuju Regency is protected forest, with an additional 20% designated as other protected areas. Overlapping land claims between states and indigenous peoples are a source of persistent land conflicts in Indonesia.[3] Constitutional Court Decision Number 35/PUU-X/2012 emphasises that customary forests are not state forests. The Court stated that customary forests and customary law community rights reflect recognition of customary law as living law. However, in Lombok, recognition of customary land rights still faces structural and administrative obstacles. [4]

Mamuju Regency's urbanisation agenda complicates the situation. The 2025-2045 RPJPD outlines issues in transforming Mamuju into a city. Similar Indonesian phenomena pressured communities' land tenure.[5] Development inequality among Indonesian cities has triggered various social problems, including land conflicts.[6] Mamuju Regency's position as an industrial and food support area for the National Capital City (IKN) makes it a development priority. Rimuku, Tadui, and Bambu, customary Mandar areas, are designated strategic zones for new city development.

The *Indonesian Government* often invokes the doctrine of "public interest" to legitimise the forced acquisition of land, which ultimately benefits the political-business elite more than the

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1 'From the Global to the Local: The Development of Indigenous Peoples' Land Rights Internationally and in Southeast Asia', *Asian Journal of International Law* 6, no. 1 (January 2016): 46–88, https://doi.org/10.1017/S2044251314000356.

2 Isabel Inguanzo, 'The Rights of Indigenous Peoples in Southeast Asia: Recent Advances and Current Challenges', in *The Palgrave Handbook of Political Norms in Southeast Asia*, ed. Gabriel Facal, Elsa Lafaye de Micheaux, and Astrid Norén-Nilsson (Singapore: Springer Nature, 2024), 357–72, https://doi.org/10.1007/978-981-99-9655-1_21.

3 'Adat in Indonesian Land Law: A Promise for the Future or a Dead End?', *The Asia Pacific Journal of Anthropology* 20, no. 5 (October 2019): 416–34, https://doi.org/10.1080/14442213.2019.1670246.

4 Aryogito Nindyatmoko, Kristina Setyowati, and Rina Herlina Haryanti, 'Collaboration after Conflict: A Lesson from Collaborative Action in Customary Land Tenure Conflicts in Lombok, Indonesia', *Forest and Society* 6, no. 1 (February 2022): 294–310, https://doi.org/10.24259/fs.v6i1.14005.

5 Fadjar Hari Mardiansjah, Paramita Rahayu, and Deden Rukmana, 'New Patterns of Urbanization in Indonesia: Emergence of Non-Statutory Towns and New Extended Urban Regions', *Environment and Urbanization ASIA* 12, no. 1 (March 2021): 11–26, https://doi.org/10.1177/0975425321990384.

6 Saratri Wilonoyudho et al., 'Urbanisation and Regional Imbalances in Indonesia', *Indonesian Journal of Geography* 49, no. 2 (2017): 125–32, http://dx.doi.org/10.22146/ijg.13039.

local community.[7] Land transformation in Indonesia is among the fastest in modern history, triggering widespread conflict due to the conversion of agricultural land to plantations, mining, and residential areas.[8] In East Kalimantan, in the context of the development of the IKN, it was found that border urbanisation (*frontier urbanisation*) has led to displacement, livelihood shifts, and the contestation of the land rights of the indigenous people of Paser and Balik.[9] This situation provides an empirical picture of the potential impact in Mamuju Regency.

Mamuju Regency Regional Regulation Number 2 of 2023 on the Recognition and Protection of Customary Law Communities has been issued, but implementation remains far from expectations. Four customary law communities in Mamuju have been recognised through Regent's Decrees: Makaliki (No: 188.45/121/KPTS/I/2018), Kopeang (No: 188.45/122/KPTS/I/2018), Rantedoda (No: 188.45/123/KPTS/I/2018), and Bela (No: 188.45/124/KPTS/I/2018). These recognitions include area maps signed by the Regent. However, because proposed customary forests are in State Forest, they still await a Regulation recognising their existence.[10] This creates "half-hearted recognition," as local regulations remain formalities without protecting indigenous peoples' rights. BPN Mamuju Regency reports no customary lands, and registration grants rights rather than affirming customary rights. Identification under ATR/BPN Regulation Number 14 of 2024 has not been carried out.

Herein lies the legal problem underpinning this research: a gap between das sollen (what ought to be) and das sein (what actually is). Normatively, the state recognises customary law communities and their traditional rights through Article 18B paragraph (2), Article 28I paragraph (3) of the 1945 Constitution, Constitutional Court Decision Number 35/PUU-X/2012, and Mamuju Regency Regional Regulation Number 2 of 2023. Empirically, recognition remains unimplemented: no Regent's Decree determines the Mandar indigenous people, territory, or customary land in the region.

This phenomenon demonstrates the systematic marginalisation of the indigenous Mandar people's land rights within the urbanisation agenda. Rumpia [11] His study of the indigenous communities of Sikep and Rendu shows that marginalisation occurs through land grabbing, human rights violations, and lack of meaningful participation in environmental policy. It operates through stagnation in regulations recognising customary law communities, administrative requirements that do not accommodate indigenous characteristics, and exclusion from spatial planning. Regulation of the Minister of ATR/BPN Number 14 of 2024 requires proof of an

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7 Rebecca Meckelburg and Agung Wardana, 'The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia', *Land Use Policy* 137 (February 2024): 107017, https://doi.org/10.1016/j.landusepol.2023.107017.

8 Afrizal and Ward Berenschot, 'Land-Use Change Conflicts and Anti-Corporate Activism in Indonesia: A Review Essay', *Journal of East Asian Studies* 22, no. 2 (July 2022): 333–56, https://doi.org/10.1017/jea.2022.12.

9 'Frontier Urbanisation in East Kalimantan: Displacement, Livelihood Shifts, and Contested Development in Indonesia's New Capital', *International Journal of Sustainable Development and Planning* 20, no. 8 (2025), https://doi.org/10.18280/ijsdp.200834.

10 Nora Hidayati and Mega Dwi Yulyandini, 'Pelambatan Hutan Adat Pada Periode Kedua Pemerintahan Joko Widodo', Policy Paper, Jakarta: Perkumpulan HuMa Indonesia, 2020, https://rmibogor.id/pelambatan-hutan-adat-pada-periode-kedua-pemerintahan-joko-widodo/.

11 'Marginalisation of Adat Communities: Intersectionality of Land Grabbing, Human Rights, Climate Adaptation, and Human Mobility in Indonesia', in *Climate-Related Human Mobility in Asia and the Pacific: Interdisciplinary Rights-Based Approaches*, ed. Stellina Jolly, Nafees Ahmad, and Matthew Scott (Singapore: Springer Nature, 2024), 221–39, https://doi.org/10.1007/978-981-97-3234-0_13.

"unbreakable" community-land relationship, privileging “administrative legal certainty” over “social justice based on community relations” and leaving *sipakatau*, *sipakalebbi*, and *sisallang* unintegrated.

Collaborative governance offers a promising theoretical framework for land conflict resolution, involving one or more public institutions and non-state stakeholders in a formal, consensus-oriented, deliberative collective decision-making process.[12] An integrative framework that highlights the significance of system context, collaboration dynamics, and capacity for joint action.[13] *Collaborative governance* is effective in resolving various types of conflicts, including land conflicts, through building trust and joint decision-making.[14] However, the power imbalance among stakeholders is a major challenge to implementing *collaborative governance* to resolve natural resource conflicts.[15]

Legally, despite Indonesia's progressive constitutional and regional framework, failure to operationalise recognition instruments leaves the Mandar unprotected as regional transformation advances. This analysis marginalises threats in Mamuju Regency's agenda, where displacement affects indigenous peoples.[16] Without policy intervention, regional transformation could threaten indigenous peoples and local wisdom, trigger strategic land conflicts, and erase cultural heritage. Conflict resolution should combine legal approaches with Mandar wisdom in collaborative governance. [17]

What are the characteristics and status of customary lands in Mamuju Regency's development area? How does ignoring Mandar rights marginalise indigenous people? How can Mandar-based collaborative governance protect land rights?

Research on indigenous peoples’ land rights in Indonesia has been widely conducted; however, studies that specifically examine the mechanisms of marginalisation in the context of urbanisation and regional transformation agendas are still limited.[18] A bibliometric review of the

[12] ‘Collaborative Governance in Theory and Practice’, *Journal of Public Administration Research and Theory* 18, no. 4 (October 2008): 543–71, https://doi.org/10.1093/jopart/mum032.

[13] ‘An Integrative Framework for Collaborative Governance’, *Journal of Public Administration Research and Theory* 22, no. 1 (January 2012): 1–29, https://doi.org/10.1093/jopart/mur011.

[14] Cahyoko Edi Tando, Sudarmo Sudarmo, and Rina Herlina Haryanti, ‘Conflict Resolution in the Performance of Collaborative Governance: A Systematic Literature Review’, *Jurnal Ilmiah Peuradeun* 9, no. 1 (January 2021): 161–78, https://doi.org/10.26811/peuradeun.v9i1.486.

[15] Joshua Fisher et al., ‘Collaborative Governance and Conflict Management: Lessons Learned and Good Practices from a Case Study in the Amazon Basin’, *Society & Natural Resources* 33, no. 4 (April 2020): 538–53, https://doi.org/10.1080/08941920.2019.1620389.

[16] Michael M. Cernea and Julie K. Maldonado, eds, *Challenging the Prevailing Paradigm of Displacement and Resettlement: Risks, Impoverishment, Legacies, Solutions* (London: Routledge, 2018), https://doi.org/10.4324/9781315163062; Renée V. Hagen and Tessa Minter, ‘Displacement in the Name of Development. How Indigenous Rights Legislation Fails to Protect Philippine Hunter-Gatherers’, *Society & Natural Resources* 33, no. 1 (January 2020): 65–82, https://doi.org/10.1080/08941920.2019.1677970.

[17] Stephen T. Garnett et al., ‘A Spatial Overview of the Global Importance of Indigenous Lands for Conservation’, *Nature Sustainability* 1, no. 7 (July 2018): 369–74, https://doi.org/10.1038/s41893-018-0100-6.

[18] Bedner and Arizona, ‘Adat in Indonesian Land Law’; Ahmad Dhiaulhaq and John F. McCarthy, ‘Indigenous Rights and Agrarian Justice Framings in Forest Land Conflicts in Indonesia’, *The Asia Pacific Journal of Anthropology* 21, no. 1 (January 2020): 34–54, https://doi.org/10.1080/14442213.2019.1670243; Kathryn Robinson, ‘Can Formalisation of Adat Land Regulation Protect Community Rights? The Case of the Orang Asli Sorowako and the Karongsi’e/Dongi’, *The Asia Pacific Journal of Anthropology* 20, no. 5 (October 2019): 471–86, https://doi.org/10.1080/14442213.2019.1670247; Muhammad A. K. Sahide et al., ‘The Bureaucratic Politics of Conservation in Governing Land Conflict: A Typology of Capacities’, *MethodsX* 6 (January 2019): 2536–43, https://doi.org/10.1016/j.mex.2019.10.022.

indigenous land rights literature shows that issues concerning indigenous peoples' land rights in Latin America have attracted considerable academic focus. In contrast, the Southeast Asian region remains comparatively underdocumented.[19] Research integrating indigenous community wisdom into a collaborative governance framework for land conflict resolution remains rare. It integrates Mandar's wisdom, especially sipakatau, sipakalebbi, and sisallang, into collaborative governance for settlement. This aligns with recommendations emphasising trust, in which local wisdom serves as social capital that bridges power inequalities.[20] Second, research advances socio-legal approaches to customary land rights in Indonesia. Examining gaps between law on the books and in action in recognising indigenous communities, it critiques positivistic legal instrumentation and enriches literature on land-use conflicts in understudied areas [21]. Third, this research is expected to produce policy recommendations for the Mamuju Regency government to harmonise indigenous peoples' rights, including accelerating the implementation of the Regent's Decree on indigenous peoples and territories, revising the RTRW and RPJPD, and preparing mapping regulations grounded in local wisdom.[22]

RESEARCH METHODS

This study uses a socio-legal method that combines normative analysis of land regulations with an empirical study of field implementation. The approach examines law as written norms and as a social phenomenon interacting with political, economic, and cultural contexts. It is relevant for examining indigenous peoples' rights in Indonesia, where normative recognition often differs from implementation on the ground. The research was conducted in Mamuju Regency, West Sulawesi Province, focusing on strategic zones for new city development identified in the 2025-2045 Mamuju Regency RPJPD, including Rimuku, Tadui, and Bambu Villages. These locations were selected because they have long been inhabited by the Mandar indigenous people, with traditional land tenure based on kumah; are main targets of spatial transformation in Mamuju's urbanisation agenda, with potential for land conflict; and include overlaps between customary and state forest areas within extensive protected forest.

Data collection used two main sources: secondary data from documentation studies of laws, court decisions, and regional development planning documents, and qualitative data from a Focus Group Discussion (FGD). Regulatory analysis covered the 1945 Constitution, Basic Agrarian Law Number 5 of 1960, Government Regulation Number 23 of 2021, Government Regulation Number 43 of 2021, Ministerial Regulation of ATR/BPN Number 14 of 2024, and Mamuju Regency Regional Regulation Number 2 of 2023. Constitutional Court Decisions under review were No. 35/PUU-X/2012, No. 45/PUU-IX/2011, No. 95/PUU-XII/2014, and No. 181/PUU-XXII/2024. Planning documents analysed were the 2019-2039 Mamuju Regency RTRW and the Mamuju Regency RPJPD 2025-2045. To understand social problems in implementing customary

[19] 'Indigenous Land Rights: Where Are We Today and Where Should the Research Go in the Future?', *Settler Colonial Studies* 10, no. 2 (April 2020): 193–215, https://doi.org/10.1080/2201473X.2020.1726149.

[20] Heather Getha-Taylor et al., 'Collaborating in the Absence of Trust? What Collaborative Governance Theory and Practice Can Learn From the Literatures of Conflict Resolution, Psychology, and Law', *The American Review of Public Administration* 49, no. 1 (January 2019): 51–64, https://doi.org/10.1177/0275074018773089.

[21] Afrizal and Berenschot, 'Land-Use Change Conflicts and Anti-Corporate Activism in Indonesia'.

[22] 'Land Tenure and REDD+: The Good, the Bad and the Ugly', *Global Environmental Change* 23, no. 3 (June 2013): 678–89, https://doi.org/10.1016/j.gloenvcha.2013.02.014.

land law, the study used an FGD in Mamuju Regency in December 2025, involving 12 purposively selected informants with relevant expertise, experience, and involvement in land and indigenous peoples' issues. They included academics from local universities and Brawijaya University (3), representatives of the National Land Agency of Mamuju Regency (2), traditional leaders and Mandar culture observers (5), and local government representatives responsible for spatial planning (2). Structured questionnaires were also distributed to academic and Mandar indigenous informants to assess both conventional mediation and a collaborative governance model; responses were analysed thematically alongside the FGD data.

Data analysis integrated findings from the documentation study and FGD results. Normative analysis of laws and regulations used grammatical, systematic, and teleological interpretation to understand indigenous peoples' recognition and mechanisms protecting land rights. FGD data were analysed thematically to identify patterns of marginalisation experienced by the Mandar indigenous people in the implementation of land policies and spatial planning. Triangulation compared findings from sources to ensure validity and reliability. Integrating these approaches allowed researchers to identify gaps between legal norms and field practices and understand structural and cultural factors behind the marginalisation of indigenous peoples' land rights in the urbanisation agenda.

ANALYSIS AND DISCUSSION

The Concept of Customary Law Communities in the Indonesian Legal Framework

Customary law societies are legal entities recognised in the Indonesian constitutional system. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia recognises customary law communities and their rights, provided they still exist and accord with societal development and the principles of the Unitary State of the Republic of Indonesia. This recognition has not been regulated by law because the Draft Law on Customary Law Communities has not been passed. Government Regulation Number 23 of 2021 concerning Forestry defines customary law communities (MHA).

Since the Basic Agrarian Law of 1960, which states that land without a certificate is state land, indigenous peoples argue that their rights are based on collective recognition rather than certification. [23] This creates tensions between the state's legal system and customary land tenure. KPA reported 212 conflicts in 2022, involving 459 villages and affecting 346,402 indigenous households.[24]

Article 1 number 69 of Government Regulation Number 23 of 2021 identifies customary law communities by associations (rechtsgemeenschap), customary rulers, clear jurisdictions, legal institutions and tools, especially customary courts, and forest harvesting for daily needs. Article 235 lists five elements, including the collection of forest products.

The Constitutional Court Decision Number 35/PUU-X/2012 emphasises that customary law communities are constitutionally recognised as rights holders, with obligations. This decision

[23] Chairul Fahmi (Acehnese), 'The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia', *AlterNative: An International Journal of Indigenous Peoples* 20, no. 1 (March 2024): 157–66, https://doi.org/10.1177/11771801241235261; Iwan Permadi, 'A Socially Just Land Reform Model', in *Culture and International Law* (CRC Press, 2019), https://doi.org/10.1201/9780429426032-22.

[24] Konsorsium Pembaruan Agraria, *Bara Konflik Agraria: PTPN Tak Tersentuh, Kriminalisasi Rakyat Meningkat* (Konsorsium Pembaruan Agraria, 2023), https://www.kpa.or.id/publikasi/ptpn-tak-tersentuh-kriminalisasi-rakyat-meningkat/.

shifts the state's relationship with these communities from a centralised approach to one that recognises equal legal status. The lack of a legal framework guaranteeing the protection of indigenous peoples' rights worsens their vulnerability in natural resource governance disputes.[25] From July 2023 to June 2024, Kontras, an NGO focused on missing persons and violence victims, recorded 52 violence cases in natural resource conflicts by state officials. This data shows systemic governance failures, not isolated incidents, indicating that the absence of legal accountability mechanisms perpetuates impunity for rights violations. Regionally, the recognition of indigenous peoples' rights in Southeast Asia remains unequal.[26] The scope of these rights is largely determined by the unequal resonance of indigenous peoples' movements across the region, influenced by diverse political contexts. Despite a relatively progressive constitutional framework, Indonesia still faces significant implementation challenges.

Rights to Customary Lands: The Dynamics of Recognition and Protection

Customary rights of customary law communities over land are recognised in Article 3 of the UUPA, provided they align with national and state interests. Government Regulation Number 23 of 2021 reinforces this by allowing communities to apply to local governments for a determination of customary forest status. Constitutional Court Decision 35/PUU-X/2012 declares customary forests are within customary law communities' territories, not state forests. This has juridical implications, recognising customary forests as part of community territory and "living law," no longer state-controlled or regulated by the Government.

The latest achievements in the recognition of customary forests are shown through the Mukim Customary Forest Model in Aceh. World Resources Institute reports that through this model, eight customary forests have been established in Aceh by 2023, covering more than 20,000 hectares.[27] This law secures land rights for over 50,000 people from indigenous peoples and local communities. This model has been endorsed by Indonesia's Ministry of Environment and Forestry as a best practice that can be replicated in other regions.

The mechanism for determining customary forests under Articles 234 to 243 of Government Regulation Number 23 of 2021 includes applications from customary law communities, local government verification, team formation, field verification, and decisions by regional heads. This PP introduces Indicative Customary Forest Areas to recognise territories that lack administrative requirements.[28]

AMAN (Alliance of Indigenous Peoples of the Archipelago) said in its 2024 Year-End Notes that laws and policies are moving away from the goal of protecting Indonesians. The Job Creation Law, the new Criminal Code, the IKN Law, the Mineral and Mineral Law, and the Biological Natural Resources Conservation Law reflect the denial of indigenous peoples' rights. Neglecting

[25] Hafsah Aryandini and Abel Parvez, 'Community Based Forest Management License: The Urgency of Forest Management for Human Development in Indigenous Peoples', *Veteran Law Review* 6, no. 1 (May 2023): 14–33, https://doi.org/10.35586/velrev.v6i1.4686.

[26] Inguanzo, 'The Rights of Indigenous Peoples in Southeast Asia'.

[27] World Resources Institute, 'Indonesia's Indigenous and Community Groups Secure Legal Rights to Forests', 13 February 2024, https://www.wri.org/outcomes/indonesias-indigenous-and-community-groups-secure-legal-rights-forests.

[28] Istijab Istijab et al., 'Legal Protection of Forest Customary Rights in Land Procurement from the Mineral Mining Industry', *Brawijaya Law Journal* 9, no. 2 (October 2022): 165–81, https://doi.org/10.21776/ub.blj.2022.009.02.04.

ratification of the Indigenous Peoples Bill shows low willingness to recognise and protect indigenous rights.[29]

In Indonesia, 12 million hectares of customary land have been formally recognised, while about 62.4 million hectares claimed by indigenous communities remained unrecognised by the Government until 2024, according to BRWA. In the past 10 years, indigenous peoples faced 687 land conflicts covering more than 27 million hectares, with nearly 1,000 arrested or imprisoned for "obstructing national interests".

Theoretical Framework of Marginalisation in the Context of Development Policy

Indigenous marginalisation can be understood through two approaches: policy marginalisation, in which development policies ignore or subordinate indigenous interests, and legal marginalisation, in which formal legal frameworks fail to recognise or protect indigenous rights adequately.[30] Large-scale development projects marginalise indigenous peoples through structured mechanisms economically, socially, and culturally, threatening the sustainability of local identities and knowledge systems passed down through generations.[31]

Customary law communities face three forms of marginalisation: stalled recognition regulations, shown by the Indigenous Peoples Bill draft being delayed for more than a decade; unaccommodating administrative requirements; and exclusion from spatial planning, which often fails to involve indigenous peoples in decision-making.[32] "Public interest" legitimises forced land acquisitions benefiting the political-business elite. Such projects often serve corporate interests over the broader community, especially indigenous communities that have inhabited the territory for generations.[33]

Amnesty International's 2024 report to the UN Committee on Economic, Social and Cultural Rights documents violations against indigenous peoples on Rempang Island. On September 7, 2023, security forces took measurements for development, leading to clashes. Indigenous peoples were not meaningfully consulted on development or evictions.[34]

In agrarian conflicts in Nagari Air Bangis, West Sumatra, it was found that conflict resolution efforts that mainly rely on negotiation and mediation are often inadequate.[35] The study emphasises stronger policies balancing state development goals and indigenous peoples' rights. In IKN, a multi-spatial justice approach analyses potential implications of the land acquisition

[29] Aliansi Masyarakat Adat Nusantara, *Catatan Akhir Tahun Aliansi Masyarakat Adat Nusantara: Transisi Kekuasaan & Masa Depan Masyarakat Adat* (Jakarta: AMAN, 2024).
[30] Bedner and Arizona, 'Adat in Indonesian Land Law'.
[31] Leni Devinta and M. Nur Rofiq Addiansyah, 'Politik Peminggiran Masyarakat Adat Dibalik Pembangunan Ikn Nusantara', *Masyarakat Indonesia* 50, no. 2 (December 2024): 301–16, https://doi.org/10.55981/jmi.2024.8845.
[32] Rumpia, 'Marginalisation of Adat Communities'.
[33] Meckelburg and Wardana, 'The Political Economy of Land Acquisition for Development in the Public Interest'.
[34] Amnesty International, 'Indonesia Submission to the UN Committee on Economic, Social and Cultural Rights', Report, London, 2024, https://www.amnesty.org/en/wp-content/uploads/2024/01/ASA2175722024ENGLISH.pdf.
[35] Siti Hardi Yanti, 'State Power on Agrarian Conflict in Nagari Air Bangis, West Sumatera', *Journal of Governance and Social Policy* 6, no. 1 (June 2025): 164–80, https://doi.org/10.24815/gaspol.v6i1.43776.

process.[36] Land is not only seen as a property but also holds intrinsic value tied to the way of life and culture of indigenous peoples, thereby influencing their overall quality of life.

Collaborative Governance as a Conflict Management Framework

Collaborative governance emerged to address limits of traditional approaches to complex conflicts of interest. It is an arrangement where public institutions directly involve non-state stakeholders in formal, consensus-oriented, deliberative collective decision-making processes.[37] This concept emphasises the importance of the active involvement of all stakeholders in the policy process.

In development, a collaborative governance framework includes three dimensions: system context, including political, economic, and social conditions affecting collaboration; collaborative dynamics, including principled engagement, motivation, and joint action capacity; and institutional arrangements, leadership, knowledge, and resources. [38]

This concept was used in the study to analyse the implementation of the Complete Systematic Land Registration (PTSL) program in Pelalawan Regency.[39] The study found that multi-stakeholder collaboration varied in principled engagement, shared motivation, and joint action capacity, confirming that the success of collaboration depends on the quality of stakeholder interaction.

In the Mandar community of West Sulawesi, integrating local wisdom into collaborative governance is relevant. *Sipakatau* (mutual humanisation) recognises each party's dignity and rights in the collaborative process. *Sipakalebbi* (mutual respect) values differences and diverse perspectives. *Sisallang* (deliberation/consensus) reflects deliberative decision-making aligned with collaborative governance principles. *Sipakaingge* (reminding each other) promotes shared accountability and continuous learning. Trust-building is the main foundation of collaborative governance, developing among stakeholders over time through repeated interactions that demonstrate commitment and integrity.[40] In the context of the Mandar community, trust-building can be facilitated through customary mechanisms that have been historically tested for managing conflicts and building consensus.

Free, Prior and Informed Consent (FPIC) is a principle enshrined in international human rights standards that affirms everyone's right to self-determination and to pursue economic, social, and cultural development. UNDRIP, the Convention on Biological Diversity, and ILO Convention 169 support FPIC.

Although Indonesia has laws and regulations on indigenous peoples and natural resources (Agrarian Law, Forestry Law, Plantation Law, Mineral and Mineral Law, Fisheries Law), it has

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[36] Prischa Listiningrum et al., 'The Space Between Us: Questioning Multi-Spatial Justice in the Upcoming Indonesia's Capital', *Journal of Human Rights, Culture and Legal System* 3, no. 3 (November 2023): 706–30, https://doi.org/10.53955/jhcls.v3i3.169.

[37] Iwan Permadi, Diah Pawestri Maharani, and Zainal Amin Ayub, 'Averting Deforestation: Designing the Model of a Public Participation-Based Environmental Agreement of Shifting Functionality of Forest', *Journal of Indonesian Legal Studies* 8, no. 2 (November 2023): 707–52, https://doi.org/10.15294/jils.v8i2.68911.

[38] Emerson, Nabatchi, and Balogh, 'An Integrative Framework for Collaborative Governance'.

[39] Priyo Budi Maryoso, Rendi Prayuda, and Meita Istianda, 'A Study on the Implementation of a Complete Systematic Land Registration Program in Bunut Sub-District, Pelalawan District', *International Journal of Sociology and Law* 2, no. 2 (April 2025): 12–22, https://doi.org/10.62951/ijsl.v2i2.564.

[40] Getha-Taylor et al., 'Collaborating in the Absence of Trust?'

not adopted and harmonised the FPIC principle. In practice, FPIC in Indonesia is associated with high-carbon-stock forest recognition and certification schemes such as RSPO.

OHCHR (Office of the High Commissioner for Human Rights) affirms that FPIC is necessary in several important situations such as the adoption of legislation or administrative policies affecting indigenous peoples; the implementation of projects that affect indigenous peoples' rights to land, territories and resources including mining; relocation of indigenous peoples from their lands or territories; and storage or disposal of hazardous materials on the land or territory of indigenous peoples.

Spatial Planning Policy and Its Implications for Indigenous Peoples

The Mamuju Regency RTRW 2019-2039 provides a spatial planning framework that determines the allocation of space for various development functions. This planning document was then translated into the 2025-2045 RPJPD, which outlined the vision of transforming Mamuju into a supporting city for the IKN. This development vision has significant implications for land-use patterns and could affect areas managed by the Mandar indigenous people.

Government Regulation Number 43 of 2021 concerning the Settlement of Inconsistencies in Spatial Planning, Forest Areas, Permits, and/or Land Rights provides a mechanism for resolving overlaps among various land tenure regimes. It recognises that the mismatch between spatial planning, forest areas, and land rights is a complex problem and requires an integrated approach to resolution. However, its implementation still faces various challenges in the field. Overlapping land tenure in the Nusantara IKN area and high complexity in the relationship between various land claims are issues.[41] Similar conditions may also occur in Mamuju, given the customary land tenure structure that has not been fully integrated into the formal land administration system.

The phenomenon of frontier urbanisation in East Kalimantan in the context of IKN development.[42] Research conducted in villages in the official delineation of the IKN using surveys, interviews with 74 local and Government informants, and field observations (August 2023-March 2025) found that while state and corporate narratives present the IKN as a green and inclusive modernisation machine, communities that have historically depended on mining, plantations, and agriculture express ambivalence.

Informants from indigenous peoples emphasised loss of customary land rights through coercive acquisitions, inadequate compensation, and post-IKN land price inflation. State-corporation alliances facilitate this through eminent domain and speculative urbanism, with prices rising from 300 million IDR/hectare to billions. Indigenous peoples' resistance, including counter-mapping with trees and tombs, as well as legal challenges, shows contestation. Changes in the Nusantara IKN area until 2023 increased built area, reduced agricultural land, and highlighted impacts on populations, ecosystems, governance, participation, and conflict resolution.

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41 Iwan Permadi, Weny Almoravid Dungga, and Azhani Arshad, 'Ensuring Indigenous People's Rights Protection Through Normative Law in Land Acquisition for Indonesia's New National Capital City, Nusantara', *Jambura Law Review* 7, no. 1 (2025): 30–54, https://doi.org/10.33756/jlr.v7i1.24930; Rikardo Simarmata, 'Tumpang Tindih Penguasaan Tanah Di Wilayah Ibu Kota Negara "Nusantara"', *Veritas et Justitia* 9, no. 1 (July 2023): 1–33, https://doi.org/10.25123/vej.v9i1.6504.

42 'Frontier Urbanisation in East Kalimantan'.

In Indonesia's urbanisation process, major obstacles include limited resources, cultural diversity, and variations in institutional capacity.[43] These barriers hinder the implementation of innovative solutions that can effectively improve local governance and promote sustainable development progress. This is also true in Mamuju, which faces similar challenges in aligning the urbanisation agenda with the protection of indigenous peoples' rights.

Learning from IKN is highly relevant to understanding the potential for the marginalisation of society and Mandar customs within the Mamuju urbanisation agenda. The indigenous communities of Paser and Balik, for example, resisted relocation by asserting their sovereignty over ancestral lands. As stated by one of the members of the Paser indigenous community: "There are 30 households that are reluctant to be relocated. The choice given by the IKN authorities is undesirable because we live on our ancestral land. If we move, we will sever ties with our ancestors and their history. Compensation can never replace invaluable cultural bonds if severed." In the development of IKN, there are historical patterns of exclusion in large-scale development projects, and the risk of repeating similar patterns is identified.[44] This learning can be adapted to anticipate and prevent similar marginalisation amid Mamuju's urbanisation. An analysis of socio-spatial redistribution in the context of urban capital development reveals that rapid spatial transformation can create new inequalities if not managed with distributive and procedural justice.[45] These findings provide an analytical framework for understanding similar dynamics in Mamuju.

Characteristics and Status of Customary Lands in Strategic Development Areas

The Mandar people in Mamuju Regency are an indigenous community that has inhabited the area long before Indonesia's independence. The results of the FGD revealed that the Mandar people's traditional land tenure system was passed down from generation to generation through family lineage. As conveyed by the resource persons from cultural observers in the FGD:

> "There, in terms of the customary law system, the customary institutions exist, the customary sanctions are strictly called SEDAL. If the arrangement, what is the name, customary rights, land rights are what used to be called kumah... and it is recognised in their customary system that it is our right. Whoever the grandmother is, what are the descendants who will enter and it took place hundreds of years ago Indonesia was not independent, they are already there."

The practice of kumah (shifting farming) is an integral part of the traditional land tenure system of the Mandar indigenous people. Questionnaire data confirmed that land tenure in the Rimuku, Tadui, and Bambu areas was initially cultivated freely by the community before Indonesia's independence, then inherited from generation to generation. Specifically for the Rimuku area, the boundaries are from Jalan KS Tubun to Jalan Soekarno Hatta.

This characteristic meets the criteria for customary law communities as stipulated in Article 1 number 69 of Government Regulation Number 23 of 2021, which requires: the community is still in the form of a community, has an institutional customary ruler apparatus, has a clear

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[43] Nicolaus Petrus Likuwatan Werang, Maria Lusiana Florentin Werang, and Rizky Amalia Putri, 'Urban Governance and Sustainability Barriers in Indonesia: Tracking the Forward Policy Design', *Sustainable Urban Development and Environmental Impact Journal* 2, no. 2 (August 2025): 121–36, https://doi.org/10.61511/sudeij.v2i2.2025.2052.

[44] Sukapti and Martinus Nanang, 'Pembangunan Ibu Kota Nusantara: Akankah Mengeksklusi Masyarakat Lokal (Lagi)?', *Prosiding Konferensi Nasional Sosiologi (PKNS)* 1, no. 1 (August 2023): 35–39, https://pkns.portalapssi.id/index.php/pkns/article/view/7.

[45] Rangga Kala Mahaswa, Siti Murtiningsih, and Ari Bagus Panuntun, 'Ibu Kota Nusantara (IKN) Dan Redistribusi Sosiospasial: Perspektif Geografi Kritis', *Masyarakat Indonesia* 50, no. 2 (December 2024): 187–208, https://doi.org/10.55981/jmi.2024.8827.

customary legal territory, has legal institutions and tools that are still obeyed, and still holds forest product collection. However, this communal and shifting practice of land tenure has become an obstacle to the formal land registration system, which prioritises the certainty of boundaries and continuity of tenure.

There is a significant gap between de jure recognition and de facto reality. Normatively, Article 18B paragraph (2) of the 1945 Constitution recognises customary law communities and their traditional rights. Constitutional Court Decision No. 35/PUU-X/2012 affirms customary law communities as legal subjects of rights holders, and customary forests are not part of state forests. However, the BPN resource person in the FGD stated: "For the Mamuju Regency area itself, there has not been found any customary rights of customary law communities... formally, that there is none." This condition creates a "half-hearted recognition": the Mamuju Regency Regional Regulation Number 2 of 2023 concerning the Recognition and Protection of Indigenous Law Communities has been issued, but, as expressed in the FGD, "The Regional Regulation is only on paper because these lands are all claimed by protected forests." Data show that 60-70% of Mamuju Regency is protected forest, with an additional 20% designated as other protected areas, resulting in most areas historically controlled by indigenous peoples overlapping with state forest areas.

Based on the FGD, only three villages have customary land designations: Belak Kopeang, Kalumpang, and Bonehau Galungbang, and almost all of them are located within forest areas. Four customary law communities have been recognised through the Regent's Decree in 2018 (Makaliki, Kopeang, Rantedoda, and Bela), as shown on the attached regional map. However, because all customary forests are within the State Forest, the recognition has not been effectively implemented.

Marginalisation of Indigenous Peoples through Abandonment of Customary Land Rights

Marginalisation occurs through two interrelated mechanisms. First, the stagnation in implementing the MHA recognition Regional Regulation, which is not followed up by technical regulations and the mapping of customary territories. Second, the administrative requirements in the Minister of ATR/BPN Number 14 of 2024 concerning Customary Rights Land Registration require proof of an "uninterrupted" relationship between the community and its land. BPN resource person explained:

> "In the Ministerial Regulation ATR 14 of 2024, it is stipulated that there is a relationship between birth and mind hereditary and uninterrupted, so that's what we find difficult to prove in West Sulawesi because what is uninterrupted is that it is easiest for us to use technology from Google imaging, the claim in the 80s or 90s is already there, we check that it does not exist based on a blank image there."

Verification through satellite imagery cannot capture the complexity of communal and nomadic customary land tenure practices. The results of the academic questionnaire emphasised that this approach "prioritises 'administrative legal certainty' over 'social justice based on community relations', so that local wisdom values such as sipakatau, sipakalebbi, and sisallang have not been included in the substance of policy as a principle of conflict resolution."

The Mandar indigenous people have never been involved in the preparation of the 2019-2039 Mamuju Regency RTRW or the 2025-2045 RPJPD. Indigenous respondents in the questionnaire stated that they had "never" been involved in spatial planning deliberations. More worryingly, the 2025-2045 RPJPD mentions indigenous peoples with the phrase "if they still exist", which, as revealed in the FGD, shows the policymakers' assumption that indigenous peoples may no longer be relevant. Constitutional Court Decision No. 45/PUU-IX/2011 has

affirmed that the designation of areas without a process involving various stakeholders is an exercise of authoritarian Government, a principle relevant to spatial planning that ignores the existence of indigenous peoples.

The 2025-2045 Mamuju Regency RPJPD includes the transformation of the region into Mamuju City, a supporting area for IKN's industrial and food sectors. The Rimuku, Tadui, and Bambu areas, which the Mandar indigenous people historically controlled, were designated as strategic zones for the construction of new cities. Indigenous respondents expressed concern that "there is a threat to the existence of indigenous lands" and that "the erosion of local wisdom values and the existence of indigenous peoples will be lost."

In the FGD, several potential concrete conflicts were revealed, including in the Padangbaka area, which is used as a TNI firing range, where local communities cannot apply for certificates. Lessons from the development of the IKN are especially relevant to the study, which discovered that border urbanisation has caused displacement, changes in livelihoods, and land rights disputes among the indigenous peoples of Paser and Balik.[46] The doctrine of "public interest" is often invoked to legitimise land acquisitions that are ultimately more beneficial to the political-business elite than to the local community.[47]

Despite various forms of marginalisation, there have been positive developments in the legal protection of indigenous peoples through the Constitutional Court's decisions. The Constitutional Court's Decision Number 95/PUU-XII/2014 has protected people who have lived in the forest for generations and whose use is not intended for commercial purposes. The Court stated:

> *"*People who live for generations in the forest who need clothing, food, and board for daily needs by cutting down trees and can be proven not to be abused for the benefit of other parties (commercial) are not included in the prohibition... criminal sanctions cannot be imposed on him. There will be a paradox if, on the one hand, we recognise people who have lived in the forest for generations and need forest products, but, on the other hand, the community is threatened with punishment. On the contrary, the state must be present to protect such people."

The latest Constitutional Court decision Number 181/PUU-XXII/2024 strengthens this protection by stating that Article 17 paragraph (2) letter b and Article 110B paragraph (1) of Law 6/2023 concerning Job Creation are contrary to the 1945 Constitution as long as it is not interpreted as "exempt for people who live hereditary in the forest and are not intended for commercial purposes." In its deliberations, the Court affirmed:

> "In the context of 'commercial interests' used as an exception, the Court intended to be community plantation activities in forests that are only to meet the needs of daily life and not to be traded in exchange for profit. In other words, people who have lived for generations in the forest and need clothing, food, and board for their daily needs cannot be sanctioned... Therefore, as long as plantation activities carried out by communities who live in the forest and are not intended for commercial purposes do not need to obtain a business license from the central Government."

This decision is highly relevant to the condition of the Mandar indigenous people in Mamuju Regency, who face the overlap between customary territories and protected forest areas. Through this ruling, people who practice kumah (farming move) to meet their daily subsistence needs, not for commercial purposes, obtain constitutional protection and cannot be subject to criminal or administrative sanctions. The juridical implication of this ruling is that indigenous peoples' traditional agricultural and plantation activities within forest areas, as long as they are not

[46] Rijanta et al., 'Frontier Urbanisation in East Kalimantan'.
[47] Meckelburg and Wardana, 'The Political Economy of Land Acquisition for Development in the Public Interest'.

intended for commercial purposes, are constitutionally protected rights and do not require formal business licensing. In addition, this decision also addresses the complexity of overlapping customary lands and protected forest areas, without the need to reduce the extent of protected areas by revising the Mamuju Regency RTRW.

Mandar Local Wisdom Based Collaborative Governance Model

Collaborative governance is a governance arrangement in which public institutions involve non-state stakeholders in consensus-oriented and deliberative collective decision-making[48] facing fundamental challenges in Mamuju Regency. Academic resource persons in the FGD stated:

> "The concept of collaborative governance can be realised theoretically. But in implementation, no. Why did I say no? There is an overlap of interests. The interests of the indigenous people are A. The Government's interests are B. We have not seen the interests of the general public in this case of migrants."

The main challenges identified include: (1) power imbalances which according to the academic questionnaire is a fundamental weakness of conventional mediation; (2) overlapping interests between stakeholders; (3) the weak position of indigenous peoples in terms of access and formal legality; and (4) conventional mediation that has not touched the root of the problem in the form of the absence of formal recognition of customary territories.

To overcome these challenges, this study recommends integrating Mandar's local wisdom values, which can serve as social capital to bridge power-relation inequality.[49] Based on the FGD and questionnaire, the four relevant local wisdom values are integrated:

Table 1: meaning and application of local values of Mamuju

The Value of Local Wisdom	Meaning	Applications in Collaborative Governance
Sipakatau	Humanise each other; view a person as a whole human being	Recognition of equal positions between stakeholders; Assistance to Indigenous Peoples
Sipakalebbi	Mutual respect and dignity	Respect for the rights and identities of indigenous peoples in policy
Sisallang	Deliberation for consensus	Multi-stakeholder dialogue forum in conflict planning and resolution
Sipakaingge	Remind each other	Participatory monitoring and evaluation mechanism

Sources: Abdollah Abdollah and Mustakim Sulo [50]

Indigenous respondents explained the application of these values: "The concept of Sipakatau in the tradition of the Mandar people is to view a person as a human being, while sipakalebbi is mutual respect and dignity so that if there is a dispute the concept of Mandar customary law uses the settlement more." Traditional conflict resolution "is usually resolved through mediation by bringing together religious leaders, the government and law enforcement" demonstrating a

[48] Ansell and Gash, 'Collaborative Governance in Theory and Practice'.
[49] Getha-Taylor et al., 'Collaborating in the Absence of Trust?'
[50] Abdollah Abdollah and Mustakim Sulo, 'The Meaning of Sipakatau Sipakalebbi Sipakainge in Wajo (A Semantical Analysis)', *Tamaddun* 17, no. 2 (December 2018): 79–85, https://doi.org/10.33096/tamaddun.v17i2.16.

tradition of multi-stakeholder engagement that is in line with the principles of collaborative governance.

Based on the analysis of customary land characteristics, marginalisation mechanisms, and local wisdom values, this study recommends a collaborative governance model with four components:

Equalisation of Bargaining Positions (Based on Sipakatau Values)

Academic respondents in the questionnaire stated that collaborative governance "is actually a bit difficult, but possible, if the position is balanced, if given space, by first equalising the bargaining position between indigenous peoples and permit holders." Equalisation is carried out through: (1) legal assistance so that indigenous peoples understand their constitutional rights, including protection based on Constitutional Court Decisions 95/PUU-XII/2014 and 181/PUU-XXII/2024; (2) strengthening the capacity of customary institutions in negotiating; and (3) providing substantial participation space in decision-making. The value of sipakataubecomes a philosophical foundation in which each party is seen as an equal, a dignified human being.

Participatory Mapping (Based on Sipakalebbi Values)

Indigenous resource persons in the FGD emphasised, "The problem is that there is no mapping. For example, if the mapping is clear, which is recognised as a customary area, then which is the protected forest, and then which is the Government, if it is clear the points of the territory, it will reduce the conflict." Participatory mapping includes: (1) identification and documentation of indigenous territories based on traditional knowledge; (2) the active involvement of indigenous peoples in determining boundaries; and (3) integration of mapping results into RTRW. The value of sipakalebbi is the principle that the results of indigenous peoples' mapping are respected and incorporated into formal policies. Participatory mapping is also regulated in the Minister of ATR/BPN Number 14 of 2024. However, it must be carried out through third parties, such as research institutions or universities, to ensure there is no imbalance of interests and power in its implementation.

Acceleration of Legal Recognition (Based on Value of Sipakaingge)

These recommendations include: (1) the issuance of the Regent's Decree for the determination of indigenous peoples and their territories as mandated by GR 23/2021; (2) synchronisation of central and regional regulations; and (3) simplifying the administrative requirements for customary land registration to be more accommodating to the characteristics of customary land tenure. The value of sipakaingge (mutual reminding) is a participatory monitoring mechanism to ensure that legal recognition is implemented consistently.

Local Wisdom-Based Dialogue Forum (Based on Sisallang Values)

The establishment of a multi-stakeholder dialogue forum with the principle of sisallang (deliberation for consensus) which: (1) involves traditional leaders in land mediation; (2) prioritises the approach of local wisdom in conflict resolution; and (3) ensures that decisions are taken through deliberation. It is interesting to note that indigenous respondents preferred resolving conflicts with outside parties through the courts, demonstrating an awareness of the

importance of formal legal certainty. Therefore, dialogue forums need to be supported by legal mechanisms that guarantee the implementation of agreements.

This model aligns with an integrative framework that encompasses system context, collaborative dynamics, and the capacity for joint action. The integration of Mandar's local wisdom values provides a cultural context that strengthens the model's legitimacy and acceptability at the community level. With the support of constitutional protection through the Constitutional Court's decisions, this collaborative governance model based on local wisdom is expected to bridge the gap between normative recognition and the effective protection of the rights of the indigenous people of Mandar in facing the urbanisation agenda of Mamuju Regency.

This research has several limitations. First, the geographical scope is limited to the Mandar indigenous people in Mamuju Regency, so the findings cannot be generalised to other indigenous peoples. Second, the recommended collaborative governance model remains conceptual and has not been empirically tested through field implementation. Third, although the study integrated FGD data and questionnaires, the perspectives of indigenous peoples more broadly were not fully represented.

Several further research directions can be recommended. First, comparative studies with other regions facing similar urbanisation pressures, such as the Paser and Balik indigenous peoples around the IKN, as well as learning from countries that are more advanced in protecting customary land rights, such as Australia and New Zealand. Second, evaluate the implementation of the Constitutional Court's decisions (Number 35/PUU-X/2012, 95/PUU-XII/2014, and 181/PUU-XXII/2024) at the field level to assess the effectiveness of constitutional protection on the rights of indigenous peoples. Third, a longitudinal study to monitor the impact of urbanisation on the indigenous people of Mandar, considering that the 2025-2045 RPJPD targets regional transformation in the next two decades.

From a methodological perspective, further research can explore participatory mapping using geospatial technologies (GIS, drone mapping) to document customary territories, as well as the development of indicators to measure the effectiveness of collaborative governance grounded in local wisdom. A Participatory Action Research (PAR) approach involving indigenous peoples as co-researchers is also recommended to ensure the relevance and usefulness of the findings for efforts to protect the rights of indigenous peoples.

CONCLUSION

The Mandar indigenous people have a traditional land tenure system passed down through generations, including kumah (shifting cultivation), practised before Indonesia's independence. The customary law system, institutions, and sanctions (SEDAL) still regulate communal land governance. However, customary land is not accommodated within the state land administration system because 60-70% of Mamuju Regency is protected forest, overlapping with customary areas. Although four customary law communities have been recognised by Regent's Decree (Makaliki, Kopeang, Rantedoda, and Bela), identification and inventorying under Minister of ATR/BPN Regulation Number 14 of 2024 remain incomplete. The marginalisation of Mandar indigenous land rights in the Mamuju Regency urbanisation agenda occurs through three mechanisms: (a) stalled implementation of recognition regulations, as Mamuju Regency Regional Regulation Number 2 of 2023 on the Recognition and Protection of Customary Law

Communities has not been followed by a Regent's Decree establishing indigenous peoples and their territories in strategic development zones such as Rimuku, Tadui, and Bamboo; (b) unaccommodating administrative requirements, especially proof of an "unbreakable" community-land relationship, difficult because customary tenure is often undocumented; and (c) exclusion from spatial planning, as indigenous peoples were not involved in preparing the RTRW and RPJPD 2025-2045, which designate customary territories as development zones for a city supporting the Nusantara Capital City (IKN).

The collaborative governance model based on Mandar's wisdom is recommended for resolving land conflicts through four components: (a) equalising bargaining positions based on sipakatau values (mutual humanisation) through assistance, customary institutions, and participation; (b) participatory mapping based on sipakalebbi values (mutual respect), identifying and documenting customary territories and integrating results into the RTRW; (c) accelerating recognition of sipakaingge value-based rights to ensure issuance of the Regent's Decree and simplify land registration; and (d) a forum based on sisallang values (deliberation for consensus) involving indigenous leaders and prioritising local wisdom in conflict resolution. This model is to bridge normative recognition and protection of Mandar indigenous rights, supported by Constitutional Court Decisions 35/PUU-X/2012, 95/PUU-XII/2014, and 181/PUU-XXII/2024.

ACKNOWLEDGEMENT

The authors would like to express their sincere gratitude to **Pitoyo Widhi Atmoko** (Library, University of Brawijaya), **Lanny Ramli** (Faculty of Law, University of Airlangga), **Handrawan** (Faculty of Law, University of Halu Oleo), and **Maria Desi Swista Dewi** (Library, University of Brawijaya) for their invaluable insights and outstanding contributions during the scholarly discussions that shaped this study. Their critical perspectives and constructive suggestions greatly enriched the analysis and strengthened the overall quality of this manuscript. The authors also thank all participants of the Focus Group Discussions, including representatives of the National Land Agency (BPN) of Mamuju Regency and members of the Mandar indigenous community, for their willingness to share their knowledge and experiences.

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