



CUSTOMARY LAW AS LIVING LAW IN ENVIRONMENTAL FOREST GOVERNANCE: A SOCIOLOGY OF LAW PERSPECTIVE ON LEGAL PLURALISM

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ABSTRACT

This study examines the role of customary law in governing the Ghimbo Pomuan Customary Forest in the Kampa Region, Indonesia, within an environmental socio-legal framework. It investigates how customary law functions as a living legal system and how it interacts with state forestry regulations and village governance under conditions of legal pluralism. A qualitative socio-legal approach was employed, combining doctrinal legal analysis and empirical fieldwork. Data were collected through in-depth interviews, participant observation, and document analysis, and analyzed using Miles and Huberman's interactive model with thematic coding. Theoretically, the study draws on living law, legal pluralism, and cultural ecology perspectives. Findings show that customary law in Kenegerian Kampa operates as a dynamic normative system grounded in Adat Bersendikan Syara and Syara Bersendikan Kitabullah, and institutionalized through ecological norms, sanctions, and the tigo tungku sajian coordination mechanism. However, its interaction with state law reveals structural tensions and institutional fragmentation between forestry and village governance. Although Constitutional Court Decision No. 35/PUU-X/2012 and Ministerial Regulation No. 9 of 2021 formally recognize customary forests, implementation

remains weak and disjointed. The study concludes that the key challenge is not legal recognition but insufficient institutional integration across governance levels, limiting the effectiveness of customary forest governance.

1. Introduction

Indonesia is a tropical country with approximately 95.5 million hectares of forest, covering 51.1% of its total land area. Of this total, approximately 260,021.37 hectares have been designated as customary forests in several provinces, including Aceh, North Sumatra, West Sumatra, Riau, Jambi, South Sumatra, West Java, Central Java, Banten, and Bali. These forest resources play a vital role in mitigating global climate change and conserving biodiversity.¹ However, beyond its ecological significance, a more fundamental transformation is currently underway in Indonesia's forest governance paradigm, namely a shift from a state-centered approach to the recognition of indigenous peoples' rights and local knowledge systems in the management of natural resources.²

Recent data underscore the urgency of strengthening forest governance in Indonesia by revealing three interconnected structural problems. First, ecological pressure remains significant. Official data show that gross deforestation reached 216,200 hectares in 2024, increasing from 133,800 hectares in 2023, with net deforestation at 175,400 hectares. Satellite-based estimates further indicate primary forest loss of approximately 258,800 hectares in 2024.³ Although this reflects an 11% decrease from the previous year due to improved fire management, the trend is unstable,⁴ with projections indicating a potential 66% surge in forest loss in 2025.⁵ This demonstrates that deforestation remains a persistent and volatile challenge. Second, a clear gap exists between legal recognition and implementation. Indonesia's social forestry program targets 12.7 million hectares⁶ yet realization remains limited implementation remains limited. As of 2022, only around 4.7 million hectares have been formally granted to

¹ Ministry of Environment and Forestry of the Republic of Indonesia, *Statistics Indonesian Environment and Forestry 2023*, Jakarta, KLHK, 2023. See too, Rismawati Nur, Retno Meilani, and Alfin Dwi Novemyanto., Integrating indigenous governance into nature-based solutions for climate and biodiversity resilience, *E3S Web of Conferences*, 2026, page.23.

² Sebastian De Royer, Meine van Noordwijk, and J.M. Roshetko., Does Community-Based Forest Management in Indonesia Devolve Social Justice or Social Costs? *International Forestry Review*, Vol.20, no.2, 2018, page.172. See too, Ralph J. Alig, Darius M. Adams, and Bruce A. McCarl., Ecological and Economic Impacts of Forest Policies: Interactions across Forestry and Agriculture, *Ecological Economics*, Vol.27, no.1, 1998, page.68.

³ Michelle Sims, Sarah Carter, and Liz Goldman., Global Forest Watch's 2024 Tree Cover Loss Data Explained. *Global Forest Watch*, May 21, 2025.

⁴ Elizabeth Goldman, Sarah Carter, and Michelle Sims., Fires Drove Record-Breaking Tropical Forest Loss in 2024, *World Resources Institute*, last updated May 21, 2025.

⁵ Ananda Teresia and Bernadette Christina., Indonesian Forest Loss Surges by 66% in 2025, Driven by Prabowo's Self-Sufficiency Drive, Report Shows, *Reuters*, March 31, 2026.

⁶ World Bank., Aksi Iklim yang Membawa Perubahan: Kisah Hutan dari Indonesia. *World Bank*, June 5, 2024.

communities, or only 40–50% of the target.⁷ Even with more optimistic figures of up to 8.3 million hectares allocated in the recent data, a substantial implementation gap persists.⁸ Notably, formally recognized customary forests constitute only a small proportion of this total, highlighting limited tenure security for indigenous communities. Third, these issues are compounded by structural governance problems, including tenure conflicts and overlapping land-use permits. Together, these data demonstrate that forest governance challenges stem not merely from legal recognition deficits, but from fragmented institutional integration and weak policy implementation.

In Indonesian positive law, the recognition of customary law communities is constitutionally guaranteed under Article 18B (2) of the 1945 Constitution.⁹ This recognition is further strengthened by Constitutional Court Decision No. 35/PUU-X/2012, which excludes customary forests from the category of state forests.¹⁰ From an academic perspective, this development reflects the consolidation of legal pluralism, in which state law coexists with customary legal systems in shaping governance and authority.¹¹ However, its implementation continues to face significant challenges.¹² There is no uniform administrative mechanism for the recognition of customary forests, and the relationship between customary authorities and the state remains ambiguous in practice.¹³ Moreover, forestry law has not been fully implemented due to institutional limitations, resulting in fragmented regulation of customary forests across multiple legal regimes.¹⁴

This recognition has been operationalized through the Minister of Environment and Forestry Regulation No. 9 of 2021 on Social Forestry.¹⁵ Despite formal recognition, overlapping claims from mining, forestry, and plantation sectors continue to

⁷ Hans Nicholas Jong., Community Control of Forests Hasn't Slowed Deforestation, Indonesia Study Finds, *Mongabay*, January 4, 2022. See too, Hunggul Yudono Setio Hadi Nugroho, Yonky Indrajaya, Satria Astana, Murniati, Sri Suharti, Tyas Mutiara Basuki, Tri Wira Yuwati et al., A chronicle of Indonesia's forest management: a long step towards environmental sustainability and community welfare, *Land*, Vol.12, no.6, 2023, page.1238.

⁸ Ministry of Environment and Forestry (Indonesia)., *Menhut Tinjau Pengelolaan Perhutanan Sosial di Majalengka*, March 12, 2025. See too, Rospita Odorlina Situmorang, Ary Widiyanto, and Eva Fauziyah., Assessment of community sustainability on Social Forestry program implementation in Indonesia: Insights from agroforestry model in Java and Sumatra, *Trees, Forests and People*, Vol.13, no.3, 2025, page.1011.

⁹ The 1945 Constitution of the Republic of Indonesia, Article 18B paragraph (2).

¹⁰ Court Constitution of the Republic of Indonesia, *Decision Number 35/PUU-X/2012*.

¹¹ Rebecca Anne Riggs, Jeffrey Sayer, Chris Margules, Agni Klintuni Boedhihartono, James Douglas Langston, and Hari Sutanto., Forest tenure and conflict in Indonesia: Contested rights in Rempek Village, Lombok, *Land use policy*, Vol.57, 2016, page.245. See too, Hans Antlöv, Anna Wetterberg, and Leni Dharmawan., Village Governance, Community Life, and the 2014 Village Law in Indonesia, *Bulletin of Indonesian Economic Studies*, Vol.52, no.2, 2016, page.169.

¹² Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103672.

¹³ Helen Dancer., Harmony with Nature: Towards a New Deep Legal Pluralism, *The Journal of Legal Pluralism and Unofficial Law*, Vol.53, no.1, 2021, page.31.

¹⁴ Arsyad Aldyan, Rizal Akbar Aldyan, Kartika Asmanda Putri Asmanda, and Abdelrahman Alasttal Alasttal., Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia, *Journal of Law, Environmental and Justice*, Vol.3, no.2, 2025, page.231.

¹⁵ Ministry of Environment and Forestry of the Republic of Indonesia, *Regulation of the Minister of Environment and Forestry Number 9 of 2021 concerning Social Forestry*. See too, Carol J. Colfer Pierce, Ravi Prabhu, and Anne M. Larson, eds., *Adaptive Collaborative Management in Forest Landscapes: Villagers, Bureaucrats and Civil Society*, New York, Routledge, 2021, page.52.

undermine indigenous land rights, creating conflicts and tenure insecurity. Regulatory frameworks also fail to resolve tensions between forestry and village governance, limiting effective implementation at the local level.¹⁶ These conditions indicate structural problems in the governance of customary forests in Indonesia, particularly fragmentation across legal regimes.¹⁷ The lack of integration between forestry and village policies further constrains access to funding, weakens institutional coordination, and leads to suboptimal policy implementation at the local level.¹⁸

In the context of global development literature, the governance of forest-based resources is understood not only as a mechanism of authority but also as an arena of contestation among various actors, where competing interests and legal regimes operate simultaneously. Recent studies show that effective management of forest-based communities relies heavily on clear tenure rights, institutional capacity, and cross-sectoral integration at multiple levels.¹⁹ This indicates that forest governance cannot be separated from the dynamics of multi-level governance, legal pluralism, and the inherently complex nature of law.²⁰

Previous literature has extensively examined legal pluralism and the formal recognition of customary forests in Indonesia, but significant gaps remain in understanding how these frameworks operate in practice. Existing studies emphasize the role of customary institutions and ecological knowledge in maintaining forest governance, but most focus on descriptive or normative dimensions rather than empirical interactions between legal systems.²¹ Furthermore, research consistently highlights fragmentation, overlapping claims, and weak recognition of indigenous peoples' rights as persistent challenges,

¹⁶ Dita Perwitasari, Tamsil Tamsil, Indri Fogar Susilowati, Mahendra Wardhana, and Deby Febriyan Eprilianto., The impact of concession rights overlapping on indigenous peoples' access to natural resources on customary lands, *E3S Web of Conferences*, 2025, page.45. See too, A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16148; James T. Erbaugh., Responsibility and Social Forestry in Indonesia, *Forest Policy and Economics*, Vol.109, 2019, page.102019.

¹⁷ Andarini Sertianti and Jane Singer., Issues and Challenges in Implementing Social Forestry Programs in Customary Communities: A Case Study of Customary Forests in Indonesia, in *Navigating Local Sustainability in Food, Community, and Innovation: From Grassroots to Global*, Singapore, Springer Nature Singapore, 2025, page.96.

¹⁸ Muhammad Alif K. Sahide, Suyuti Supratman, Ahmad Maryudi, Y-S. Kim, and Lukas Giessen., Decentralisation policy as recentralisation strategy: forest management units and community forestry in Indonesia, *International Forestry Review*, Vol.18, no.1, 2016, page.79.

¹⁹ Anne M. Larson, Iliana Monterroso, Nining Liswanti, and Ade Tamara., What is forest tenure (in) security? Insights from participatory perspective analysis, *Forest Policy and Economics*, Vol.147, 2023, page.10288.

²⁰ Judith Hahn., Law Through the Lens of Sociology, in *Foundations of a Sociology of Canon Law*, Cham, Springer International Publishing, 2022, page.32.

²¹ Arsyad Aldyan, Rizal Akbar Aldyan, Kartika Asmanda Putri Asmanda, and Abdelrahman Alasttal Alasttal., Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia, *Journal of Law, Environmental and Justice*, Vol.3, no.2, 2025, page.232. See too, Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103674; Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.89; Nur et al., 2026

resulting in legal uncertainty and governance inefficiencies.²²

Further studies have identified land tenure insecurity, limited institutional capacity, and socio-economic pressures as barriers to effective forest governance, particularly in the context of overlapping concessions and weak law enforcement mechanisms.²³ Although integration models such as social forestry and co-management have been proposed, empirical evidence on how these mechanisms function at the local level remains limited.²⁴

Thus, there is a clear research gap in socio-legal analysis that examines the dynamic interaction between state law and customary law, particularly in relation to institutional integration, multi-level governance, and the practical

²² A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16149. See too, Herman Hidayat, Herry Yogaswara, Tuti Herawati, Patricia Blazey, Stephen Wyatt, and Richard Howitt., Forests, law and customary rights in Indonesia: Implications of a decision of the Indonesian Constitutional Court in 2012, *Asia Pacific Viewpoint*, Vol.59, no.3, 2018, page.298; Muhammad Natsir, Ferdi Ferdi, Muh Din, Akmal Handi Ansari Nasution, and Zaki Ulya., Unwise Criminal Environmental Law Policies In Protecting Aceh's Customary Forests From Destruction, *Journal of Law and Legal Reform*, Vol7, no.1, 2026, page.12; R. Rudy, Yonariza, Y., Helvi Yanfika., Ali Rahmat, Winih Sekaringtyas Ramadhani, Abdul Mutolib., Forest cover change and legal pluralism in forest management: A review and evidence from West Sumatra, Indonesia, *Indonesian Journal of Science and Technology*, Vol.6, no.2, 2021, page.543; I. Gusti Agung Mas Rwa Jayantiari, I. Nyoman Prabu Buana Rumiarta, I. Gst Pt Bagus Suka Arjawa, I. Gusti Ngurah Dharma Laksana, and Anak Agung Sagung Ngurah Indradewi., The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.13, no.1, 2025, page.189; Üstüner Birben, Meriç Çakır, Nilay Tulukcu Yıldızbaş, Hasan Tezcan Yıldırım, Dalia Perkumienė, Mindaugas Škėma, and Marius Aleinikovas., Between Old Law and New Practice: The Policy–Implementation Gap in Türkiye's Forest Governance Transition, *Forests*, Vol.16, no.11, 2025, page.1721.

²³ Martin Papillon and Thierry Rodon., Proponent-Indigenous Agreements and the Implementation of the Right to Free, Prior, and Informed Consent in Canada, *Environmental Impact Assessment Review*, Vol.62, 2017, page.219.

²³ Imam Budiman, Takahiro Fujiwara, Kazuhiko Harada, and Noriko Sato., Customary Forest Managements and Its Challenges in East Nusa Tenggara, Indonesia: An Implication of Constitutional Court Decision 2012, *Journal of Tropical Forest Management/Jurnal Manajemen Hutan Tropika*, Vol.27, no.2, 2021, page.1245. See too, Hunggul Yudono Setio Hadi Nugroho, Andrew Skidmore, and Yousif A. Hussin., Verifying Indigenous based-claims to forest rights using image interpretation and spatial analysis: a case study in Gunung Lumut Protection Forest, East Kalimantan, Indonesia, *GeoJournal*, Vol.87, no.1, 2022, page.414; Laely Nuhidayah, Peter J. Davies, and Shawkat Alam., Resolving Land-Use Conflicts over Indonesia's Customary Forests: One map, power contestations and social justice, *Contemporary Southeast Asia*, Vol.42, no.3, 2020, page.376; Dita Perwitasari, Tamsil Tamsil, Indri Fogar Susilowati, Mahendra Wardhana, and Deby Febriyan Eprilianto., The impact of concession rights overlapping on indigenous peoples' access to natural resources on customary lands, *E3S Web of Conferences*, 2025, page.48; Andarini Sertianti and Jane Singer., Issues and Challenges in Implementing Social Forestry Programs in Customary Communities: A Case Study of Customary Forests in Indonesia, in *Navigating Local Sustainability in Food, Community, and Innovation: From Grassroots to Global*, Singapore, Springer Nature Singapore, 2025, page.97; Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103676.

²⁴ Kazuhiro Harada, Muhammad Habib, Yumi Sakata, and Ahmad Maryudi., The role of NGOs in recognition and sustainable maintenance of customary forests within indigenous communities: The case of Kerinci, Indonesia, *Land use policy*, Vol.113, 2022, 105865. See too, Siti Maryam Ridwan, Dedi Epridi, Rizki, Md Mahmudul Alam, Susi Puspita Sari, Arwansyah Kirin., Role of customary forest recognition and social trust in community-based biodiversity conservation in Bungo, Jambi, Indonesia, *Biodiversitas*, Vol.26, no.9, 2025, page.232; Hamzari Palaguna, Ariyanti, Ariyanti Ariyanti, Misrah Misrah, Andi Sahri, Imran Rachman., Integrating GIS and traditional ecological knowledge for customary forest governance: A case study from Toro community, Indonesia, *Forestry Ideas*, Vol.31, no.2, 2025, page.49; Silfi Iriyani, Muhammad Arman, Bramasto Nugroho, Damayanti Buchori, and Fitta Setiajiati., Indigenous Custodianship and Timber Legality Assurance System: Challenges and Opportunities for Customary Forest Management in Indonesia, *Jurnal Sylva Lestari*, Vol.12, no.3, 2024, page.931.

implementation of property rights at the community level.²⁵ To fill this gap, this study focuses on the Ghimbo Pomuan customary forest in the Kenegerian Kampa community in Kampar Regency, Riau. This case provides a socio-legal and empirical context for examining how customary law interacts with state law in forest resource management.

Therefore, this study addresses three interrelated research questions. RQ1: How does customary law operate as a living legal system at the local level in governing customary forests? RQ2: How does customary law interact with state law within a framework of legal pluralism in forest resource management? RQ3: What are the structural limitations of the existing legal framework, and how can institutional integration be strengthened to support more effective governance?

2. Research Methods

This research uses a socio-legal approach that combines doctrinal analysis with empirical research.²⁶ Theoretically, this study integrates the perspectives of living law, legal pluralism, and cultural ecology as an analytical framework for understanding the relationships among customary norms, institutions, the local environment, and governance practices. The doctrinal component focuses on the analysis of legal instruments, specifically the Constitutional Court Decision No. 35/PUU-X/2012, forestry regulations, and village laws, using grammatical, systematic, and teleological interpretation approaches to evaluate the normative structure, coherence, and potential conflicts between norms.

The empirical component is based on qualitative field research conducted in the Kenegerian Kampa community. Data were collected through in-depth interviews, participant observation, and document analysis. A total of 15 informants were purposively selected, including traditional leaders (*ninik mamak*), heads of customary forest management, religious figures, village officials, and community members directly involved in forest management. The number of informants was determined based on the principle of data saturation, which occurs when no new significant themes emerge during data collection.²⁷ Interviews were semi-structured, lasting 45–90 minutes over approximately two months of fieldwork. With participants' consent, the interviews were audio-recorded and supplemented with systematic field notes.²⁸

²⁵ A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16150. See too, Citra Tiurmasari Retta Siagian., The Political Structure of Indonesia's Regulation to Protection Customary Forest, *Journal of Human Rights, Culture and Legal System*, Vol.3, no.1, 2023, page.99; Muhammad Natsir, Ferdi Ferdi, Muh Din, Akmal Handi Ansari Nasution, and Zaki Ulya., Unwise Criminal Environmental Law Policies In Protecting Aceh's Customary Forests From Destruction, *Journal of Law and Legal Reform*, Vol7, no.1, 2026, page.13.

²⁶ Gareth Davies., The Relationship between Empirical Legal Studies and Doctrinal Legal Research, *Erasmus Law Review*, Vol.13, 2020, page.3.

²⁷ John W. Creswell, and Cheryl N. Poth., *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, Thousand Oaks, CA, Sage Publications, 2016, page.52.

²⁸ Svetlana Gudkova., Interviewing in Qualitative Research, in *Qualitative Methodologies in Organization Studies: Volume II: Methods and Possibilities*, Cham, Springer International Publishing, 2017, page.82.

Data analysis followed Miles and Huberman's²⁹ interactive model (data reduction, data presentation, and conclusion drawing). Qualitative data were analyzed using a thematic coding approach, combining deductive categories derived from the theoretical framework and inductive categories emerging from field data.³⁰ Operationally, the concept of living law was identified through indicators such as social compliance, normative legitimacy, and sanction mechanisms, while cultural ecology was analyzed through management practices: environment, system trust, and relationships between culture and ecology.

To ensure validity and reliability, this study employed source and method triangulation. Inconsistent data were further analyzed through follow-up interviews and cross-verification with supporting documents. Researcher bias was minimized through reflective journaling and member checking.³¹

Ethically, this research has obtained approval from the relevant authorities and the consent of the local community, particularly from traditional leaders. The principles of confidentiality, anonymity, and voluntary participation were maintained throughout the research process.³² The empirical findings are then integrated into a normative legal analysis to assess the implementation of constitutional recognition, identify forms of regulatory fragmentation, and formulate doctrinal implications for strengthening customary forest governance.

3. Results and Discussion

3.1. Customary Law as a Living Legal System in Local Forest Governance

Ghimbo Pomuan is understood by the Kenegerian Kampa indigenous community as a "gift forest," reflecting a normative system in which forest resource utilization is based on collective needs rather than individual exploitation. Historically, this forest served as a source of timber for public and residential purposes, with its management regulated by customary authorities to prevent overexploitation. Over time, this system has shifted toward a conservation orientation, marked by restrictions on timber use and the strengthening of sustainability principles.³³

This transformation is rooted in the philosophical principles of *Adat Bersendikan Syara* and *Syara Bersendikan Kitabullah*, which integrate customary norms and religious values within a unified ethical-legal framework. From a socio-legal perspective, this condition reflects the operation of living law, in which the legitimacy of norms does not depend on formal codification but rather on social internalization and collective acceptance in everyday life.³⁴

²⁹ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña., *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. Thousand Oaks, CA, Sage Publications, 2014, page.32. See also, Johnny Saldaña., *The Coding Manual for Qualitative Researchers*, 3rd ed. London, Sage Publications, 2016, page.41.

³⁰Elmar Hashimov, "Qualitative Data Analysis: A Methods Sourcebook and The Coding Manual for Qualitative Researchers," (2015): pp. 109–112.

³¹ Yvonna S Lincoln., and Egon G. Guba., *Naturalistic Inquiry*, Beverly Hills, CA, Sage Publications, 1985, page.12.

³²John W. Creswell, and Cheryl N. Poth., *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, Thousand Oaks, CA, Sage Publications, 2016, page.56.

³³ Fikret Berkes., *Sacred Ecology*, New York, Routledge, 2017, page.23.

³⁴ Eugen Ehrlich, and Klaus A. Ziegert., *Fundamental Principles of the Sociology of Law*, New York: Routledge,

Institutionally, forest governance in Ghimbo Pomuan is organized around the principle of "*tigo tungku sajorangan*," which integrates the roles of traditional leaders (*ninik mamak*), religious authorities, and village government officials. This mechanism demonstrates a form of collaborative, community-based governance that combines normative, religious, and administrative dimensions. As one informant explained:

*"Decisions regarding forests must involve traditional leaders, religious leaders, and village governments, so that all parties can accept them."*³⁵

This statement reflects the actor dimension of living law, where authority is not centralized in formal state institutions but distributed across customary and social institutions that collectively construct legitimacy. The involvement of *ninik mamak*, religious leaders, and village officials demonstrates that governance legitimacy is socially produced rather than legally imposed.

However, this institutional configuration does not always operate harmoniously. Differences in authority, policy orientations, and external pressures shape the dynamics of negotiation and power relations among these actors. Traditional leaders tend to emphasize conservation and adherence to traditional norms, while village governments are often tied to administrative logic and development agendas. This situation demonstrates that forest governance is shaped not only by shared values but also by contextual interactions of power and interests.³⁶

The Kenegerian Kampa community's view of forests as a source of ecological and socio-cultural wealth underpins the normative understanding that forests must be managed collectively and sustainably. Customary rules such as prohibitions and abstentions function as instruments of social control and conservation mechanisms that regulate human interaction with the forest ecosystem.³⁷

From a socio-legal perspective, these rules reflect the application of living law, where the legitimacy of norms does not originate from codification but from repeated social practice and collective acceptance.³⁸ Local wisdom not only regulates material resources such as trees but also extends to broader ecological elements, including rivers, fauna, and environmental balance.³⁹

The existence of these customary regulations also needs to be understood in the context of Indonesia's forest governance transformation, namely the shift from a concession-based to a rights-based paradigm.⁴⁰ However, this recognition does

2017, page.85.

³⁵ Interview with a *ninik mamak*, Kampa region, June 10, 2025.

³⁶ Frances Cleaver., *Development through Bricolage: Rethinking Institutions for Natural Resource Management*, New York, Routledge, 2017, page.43.

³⁷ Ndidzulafhi I. Sinthumule, Traditional Ecological Knowledge and Its Role in Biodiversity Conservation, *Frontiers in Environmental Science*, Vol.11, 2023, page.11649.

³⁸ Eugen Ehrlich, and Klaus A. Ziegert., *Fundamental Principles of the Sociology of Law*, New York: Routledge, 2017, page.89.

³⁹ David Wilkie, and Michael Painter., Factors of Success in Community Forest Conservation, *Conservation Science and Practice*, Vol.3, no.5, 2021, page.388.

⁴⁰ Hendra Gunawan, Irma Yeny, Endang Karlina, Sri Suharti, Murniati, Subarudi, Budi Mulyanto et al.,

not automatically confer full autonomy, as local governance remains within the framework of state law and is subject to administrative validation processes.⁴¹

Empirically, customary norms in Ghimbo Pomuan can be categorized into ecological, social, safety, and spiritual-ethical dimensions (Table 1). This typology demonstrates that customary law functions not only as a behavioral regulatory system but also as an ethical framework that integrates ecological sustainability, social harmony, and cultural values.

Table 1. Customary Rules in the Ghimbo Pomuan Forest Governance

Category	Local Rules/Wisdom	Purpose and Function	Socio-Legal Analysis
Ecological Norms	Do not split fallen tree stumps	Maintaining forest stability and ecological balance	Reflecting local knowledge-based conservation (<i>ecological embeddedness</i>)
	It is forbidden to cut down trees without the permission <i>of the elders</i>	Prevent exploitation and ensure sustainability	Customary authorities as controllers of resource access
	It is forbidden to take wood from kelulut bee hives	Maintaining ecological and economic values	Integration of biodiversity conservation and the local economy
	It is forbidden to take fallen wood, even if it is rotten.	Prevent overexploitation	The precautionary principle in customary practices
	It is prohibited to throw rubbish carelessly in the forest	Prevent ecosystem degradation	Internalization of environmental norms in behavior
Social Norms	It is forbidden for unmarried men and women to enter the forest together.	Maintaining social order	Forest governance as a mechanism of social control
	Prohibition of speaking carelessly/arrogantly	Maintaining sanctity and ethics	Symbolic dimensions in human–nature relations

Integrating social forestry and biodiversity conservation in Indonesia, *Forests*, Vol.13, no.12, 2022, page.2152.

⁴¹ Yance Arizona, Muki Trenggono Wicaksono, and Jacqueline Vel., The Role of Indigeneity NGOs in the Legal Recognition of Indigenous Communities and Customary Forests in Indonesia, *The Asia Pacific Journal of Anthropology* Vol.20, no.5, 2019, page.489.

	Prohibition of urinating in the open	Maintain cleanliness	Integration of social and ecological norms
Safety Standards	Pregnant women are prohibited from entering the forest	Reduce risk	Protective function based on ecological experience
	Must bring a machete/sharp object	Self-protection	Adaptation to the forest environment
Spiritual-Ethical Norms	Hunting ban in customary forests	Preserving biodiversity	The relationship between trust and conservation
	Prohibition on menstruating women entering the forest	Maintaining spiritual balance	Belief systems influence ecological access

The typology shows that ecological norms maintain forest stability and environmental balance, social norms regulate interpersonal conduct, safety norms function as protective mechanisms, and spiritual-ethical norms reinforce legitimacy through belief systems. These categories demonstrate that environmental conservation in a customary context cannot be separated from the community's social and cultural structure.⁴²

From a compliance perspective, these norms are largely effective because they are internalized within everyday life practices. The relatively maintained ecological sustainability and low level of violations can be understood as empirical indications of the effectiveness of this normative system, although this interpretation remains contextual.⁴³ Violations of customary rules are resolved through deliberation involving customary leaders, religious figures, and village officials. As expressed by one informant:

*"If the violation is minor, we will issue a warning. However, if the violation is major or repeated, it will be discussed together and can be referred to the authorities."*⁴⁴

The sanctions applied are proportional, ranging from verbal warnings to social sanctions. In cases of serious violations, particularly those related to large-scale resource exploitation, handling can be delegated to formal legal institutions. This pattern demonstrates the division of functional authority between customary law and state law.⁴⁵ However, the division. These sanctions are not always formalized

⁴² Fikret Berkes., *Sacred Ecology*, New York, Routledge, 2017, page.24.

⁴³ Brian Z. Tamanaha., *Understanding Legal Pluralism: Past to Present, Local to Global*, in *Legal Theory and the Social Sciences*, New York, Routledge, 2017, page.451.

⁴⁴ Interview with indigenous community members, Kenegeprian Kampa, June 7, 2025.

⁴⁵ Lalu Noval Banu Harly., *Sustainable Forest Management from the Perspective of Customary Law in Indonesia: A Case Study in the Bayan Community*, *International Journal of Social Sciences and Humanities*, Vol.1, no.1, 2023, page.35. See too, Asnawi Mubarak, and Sheela Jayabalan., *The Relationship of State Law and Customary Law*, *Jurnal Jurisprudence*, Vol.12, no.5, 2023, page.189.

and are often negotiated in practice. The application of sanctions is also influenced by social relations and power dynamics within the community, indicating that customary law operates within a dynamic context of authority.⁴⁶

This mechanism reflects a graduated sanction system, ranging from verbal warnings to social sanctions, and in serious cases may be escalated to formal legal institutions.⁴⁷ This demonstrates the sanction dimension of living law, where enforcement is flexible, negotiated, and socially embedded rather than rigidly codified.⁴⁸

Sanctions are not always formalized and are often shaped by social relations and internal power dynamics within the community. This indicates that customary law operates within a dynamic structure of authority, where enforcement depends not only on legal rules but also on social legitimacy and collective acceptance.

From a cultural ecology perspective, customary law in Ghimbo Pomuan is the result of accumulated ecological knowledge passed down through generations. This knowledge includes understanding natural cycles, biodiversity, and human–environment relations. Thus, customary law functions not only as a regulatory mechanism but also as an expression of collective identity.⁴⁹

Furthermore, cultural ecology establishes an integral relationship between humans and forests, where values such as respect, safety, and social harmony are embedded in everyday practices. Violations of customary rules are understood not only as ecological violations but also as violations of collective social norms, triggering social sanctions and moral disapproval.

From a legitimacy perspective, customary law derives its authority from social recognition rather than formal state validation. Its strength lies in collective belief, cultural continuity, and the perceived sacredness of norms embedded in local cosmology. This reinforces its character as a living legal system sustained by community acceptance rather than institutional enforcement alone.

Thus, customary law in Ghimbo Pomuan operates as a living normative system shaped by the interaction of ecological knowledge, social practice, and cultural values. It demonstrates the core characteristics of living law through four interconnected indicators: social legitimacy, normative compliance, sanction mechanisms, and multi-actor governance. However, in its interaction with state law, this system exhibits structural constraints that reflect a form of legal pluralism that remains partially integrated rather than fully harmonized.

⁴⁶ Gbohoun Gnantin Hilaire Tegnau, and Saldi Isra., Rule of Law and Human Rights Challenges in South East Asia: A Case Study of Legal Pluralism in Indonesia, *Available at SSRN 2836333*, 2016, page.211.

⁴⁷ Gbohoun Gnantin Hilaire Tegnau, and Saldi Isra., Rule of Law and Human Rights Challenges in South East Asia: A Case Study of Legal Pluralism in Indonesia, *Available at SSRN 2836333*, 2016, page.215.

⁴⁸ Gbohoun Gnantin Hilaire Tegnau, and Saldi Isra., Rule of Law and Human Rights Challenges in South East Asia: A Case Study of Legal Pluralism in Indonesia, *Available at SSRN 2836333*, 2016, page.216.

⁴⁹ Suresh Chand Rai and Prabuddh Kumar Mishra., Traditional Ecological Knowledge and Resource Management: A Conceptual Framework, in *Traditional Ecological Knowledge of Resource Management in Asia*, Cham, Springer International Publishing, 2023, page.5.

3.2. Interaction Between Customary Law and State Law within Legal Pluralism

The customary law governing the Ghimbo Pomuan Customary Forest in Kampar Regency is a living law system that empirically maintains ecological sustainability. However, from the perspective of Indonesian positive law, this effectiveness must be doctrinally situated within a hierarchical framework of legal norms to assess its legal validity, binding force, and relationship to national legislation.⁵⁰

Constitutionally, the existence of customary law is legitimized through Article 18B paragraph (2) of the 1945 Constitution, which recognizes and respects the unity of customary law communities and 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. Thus, customary law is recognized but in a conditional position (*conditional recognition*), which places it within a constitutionally integrated framework of legal pluralism rather than as a fully autonomous legal system.⁵¹

In a sectoral context, Constitutional Court Decision No. 35/PUU-X/2012 strengthened this position by asserting that customary forests are not part of state forests. This ruling has important doctrinal implications, namely the recognition of the collective rights of indigenous communities and a paradigm shift from state control to a recognition-based approach. However, the implementation of this recognition remains dependent on state administrative mechanisms, thus indicating that customary law remains within a formal recognition structure controlled by the state.⁵²

Furthermore, within the hierarchy of laws and regulations, Regulation of the Minister of Environment and Forestry No. 9 of 2021 is an implementing regulation (*regeling*) that, normatively, cannot override higher-level laws, such as Law No. 41 of 1999 concerning Forestry and Law No. 6 of 2014 concerning Villages. Therefore, the recognition of customary forests under this regulation is more appropriately understood as a form of administrative recognition rather than a guarantee of rights.⁵³

The regulation does provide a formal mechanism for establishing customary forests and protecting against unauthorized claims. However, its effectiveness depends heavily on consistent implementation across sectors and on the synchronization of spatial data and permits. Practice often becomes a source of

⁵⁰ Brian Z. Tamanaha., *Understanding Legal Pluralism: Past to Present, Local to Global*, in *Legal Theory and the Social Sciences*, New York, Routledge, 2017, page.454. See too, Judith Hahn., *Law Through the Lens of Sociology*, in *Foundations of a Sociology of Canon Law*, Cham, Springer International Publishing, 2022, page.36.

⁵¹ The 1945 Constitution of the Republic of Indonesia, Article 18B paragraph (2).

⁵² Court Constitution of the Republic of Indonesia, *Decision Number 35/PUU-X/2012*.

⁵³ Ministry of Environment and Forestry of the Republic of Indonesia, *Regulation of the Minister of Environment and Forestry Number 9 of 2021 concerning Social Forestry*. See too, Law of the Republic of Indonesia Number 41 of 1999 concerning Forestry; Law of the Republic of Indonesia Number 6 of 2014 concerning Villages.

tenure conflicts.⁵⁴ In addition, there are strict regulations regarding mechanism settlement conflicts when there is an overlap between forest areas, customs areas, and concession areas that have been granted. In this case, the regulation does not yet fully provide strong legal certainty, but rather functions more as a facilitative instrument in social forestry policy.⁵⁵

Enforcement of customary law is carried out through deliberations involving the *ninik mamak*, religious leaders (*ulama*), and the village government. In daily life, this interaction manifests itself in the *tigo tungku sajorangan*. However, doctrinally, this forum lacks a formal legal basis within the state legal system. Therefore, its existence is better understood as a hybrid, custom-based institution that derives legitimacy from social practices and informal recognition, rather than a formal adjudicatory institution. This demonstrates that the relationship between customary law and state law is coordinative-pragmatic, rather than institutionally integrative.⁵⁶

In law enforcement, violations at the community level are generally limited in scale and resolved through customary mechanisms. Based on field findings, violations such as illegal logging are usually resolved through warnings and social sanctions in customary forums. As expressed by one informant:

*"If someone takes wood without permission, they usually are not immediately punished severely. We first summon them to a customary meeting, reprimand them, and remind them. If they repeat the offense, then they are subject to customary sanctions. The most severe is actually the shame of being found out by the community."*⁵⁷

This shows that the effectiveness of customary law depends not only on the threat of sanctions but also on the internalization of values and the community's social control.

Conceptually, this mechanism aligns with the *restorative justice approach*, which emphasizes the restoration of social relations and ecological balance. In contrast, forestry criminal law within the state system more closely reflects a *retributive justice approach*, oriented toward punishment and deterrence. This paradigm difference indicates that the two legal systems operate under different logics that

⁵⁴ Marellina Hardiyanti, Dyah Wijaningsih, and Abdul Jalil., A Progressive Legal Approach to: The Middle Ground of Tenurial Conflict, *IOP Conference Series: Earth and Environmental Science*, Vol.1537, no.1, 2025, page.12064.

⁵⁵ Rebecca Anne Riggs, Jeffrey Sayer, Chris Margules, Agni Klintuni Boedhihartono, James Douglas Langston, and Hari Sutanto., Forest tenure and conflict in Indonesia: Contested rights in Rempek Village, Lombok, *Land use policy*, Vol.57, 2016, page.249. See too, Mauro Zamboni., Building the Legal House: Legislation in an Age of Legal Pluralism, *Available at SSRN 5488967*, 2025, page.23; Bas Arts Maria Brockhaus, Lukas Giessen, and Constance L. McDermott., The Performance of Global Forest Governance: Three Contrasting Perspectives. *Forest Policy and Economics*, Vol.161, 2024, page.103165; Micah R. Fisher, Ahmad Dhiaulhaq, and Muhammad Alif K. Sahide., The Politics, Economies, and Ecologies of Indonesia's Third Generation of Social Forestry, *Forest and Society*, Vol.3, no.1, 2019, page.158; Micah R. Fisher, Moira Moeliono, Agus Mulyana, E. Linda Yuliani, Andi Adriadi, Junaid Judda, and M. Aalif K. Sahide., Assessing the new social forestry project in Indonesia: recognition, livelihood and conservation? *International Forestry Review*, Vol.20, no.3, 2018, page.349.

⁵⁶ Eugen Ehrlich, and Klaus A. Ziegert., *Fundamental Principles of the Sociology of Law*, New York: Routledge, 2017, page.87.

⁵⁷ Interview with Head Customary Forest Manager, Kenegerian Kampa, July 8 2025.

have not yet been fully integrated into the national legal framework.⁵⁸

However, customary law has fundamental limitations in dealing with external actors. Doctrinally, customary law is territorial and personal, making it less binding on external parties such as corporations or permit holders. In this context, the potential for overlap between customary territories and forestry concessions raises issues. conflict that must be resolved through the mechanism of the law of the state administration.⁵⁹

This situation indicates a normative gap, where customary law lacks sufficient authority to withstand the state's licensing regime. From a global perspective, this situation aligns with the finding that formal recognition of indigenous communities does not always guarantee tenure security, especially when the state retains control over dominant-source power forests.⁶⁰

On the other hand, state intervention is not always empowering. In certain practices, formal legal involvement can actually shift customary mechanisms from a restorative approach to a more rigid legal-formal approach. This indicates the potential for a displacement of customary authority by the more dominant state legal structure.⁶¹

Thus, customary law serves as an initial resolution mechanism, while state law serves as an enforcement instrument for violations that exceed the community's capacity. However, this relationship is not entirely harmonious. Analytically, the Ghimbo Pomuan case demonstrates a form of layered legal pluralism that is effective at the local level but not yet structurally stable. The effectiveness of customary law in maintaining sustainability and social order at the community level has not been accompanied by a strengthening of its normative and institutional position within the national legal system.⁶²

Therefore, the resulting configuration is more accurately understood as a form of asymmetrical and dependent legal pluralism. Under certain conditions, the dominance of state law can still diminish customary law's autonomy. Thus, while this system demonstrates practical effectiveness, it still contains structural

⁵⁸ Rachel S. Friedman, Jonathan R. Rhodes, Angela J. Dean, Elizabeth A. Law, Truly Santika, Sugeng Budiharta, Joseph A. Hutabarat et al., Analyzing procedural equity in government-led community-based forest management, *Ecology and Society*, Vol.25, no.3, 2020, page.687.

⁵⁹ Willem Van der Muur., Forest Conflicts and Indigenous Land Rights in Indonesia, *Citizenship Studies*, Vol.22, no.2, 2018, page.163. See too, Rospita Odorlina Situmorang, Ary Widiyanto, and Eva Fauziyah., Assessment of community sustainability on Social Forestry program implementation in Indonesia: Insights from agroforestry model in Java and Sumatra, *Trees, Forests and People*, Vol.13, no.3, 2025, page.1012.

⁶⁰ Jesse C. Ribot and Nancy Lee Peluso, "A Theory of Access," *Rural Sociology* 68, no. 2 (2003), pp. 153–181.

⁶¹ Frances Cleaver., *Development through Bricolage: Rethinking Institutions for Natural Resource Management*, New York, Routledge, 2017, page.45.

⁶² I. Gusti Agung Mas Rwa Jayantiari, I. Nyoman Prabu Buana Rumiarta, I. Gst Pt Bagus Suka Arjawa, I. Gusti Ngurah Dharma Laksana, and Anak Agung Sagung Ngurah Indradewi., The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.13, no.1, 2025, page.191. See too, Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.90.

vulnerabilities within the framework of recognition-based governance.⁶³

From a governance perspective, the interaction between customary and state law also produces regulatory fragmentation. Customary law regulates access and behavior within the forest, while state law regulates formal recognition and external claims. These domains overlap but are not fully coordinated, resulting in parallel authority structures that occasionally intersect but rarely integrate fully.⁶⁴

The implementation of social forestry policy illustrates this fragmentation. Although it provides a legal pathway for recognition, its effectiveness depends on administrative capacity, spatial data alignment, and inter-agency coordination. Field findings indicate that these conditions are often inconsistent, leading to uncertainty in implementation. As a result, customary governance continues to function effectively at the local level while remaining structurally dependent on state validation for external legitimacy.⁶⁵

From an analytical standpoint, the interaction between customary and state law in Ghimbo Pomuan can be understood as a layered and negotiated legal pluralism, where:

1. Customary law operates as a socially legitimate regulatory system at the local level;
2. State law operates as a formal validation and enforcement structure;
3. The interface between both is managed through hybrid institutions such as *tigo tungku sajorangan*;
4. Legal interaction is mediated through negotiation, escalation, and selective recognition rather than full integration.

Thus, the relationship between customary and state law is neither purely hierarchical nor fully integrated, but functionally interdependent and structurally fragmented. The effectiveness of forest governance depends not on legal

⁶³ A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16153. See too, Herman Hidayat, Herry Yogaswara, Tuti Herawati, Patricia Blazey, Stephen Wyatt, and Richard Howitt., Forests, law and customary rights in Indonesia: Implications of a decision of the Indonesian Constitutional Court in 2012, *Asia Pacific Viewpoint*, Vol.59, no.3, 2018, page.298; R. Rudy, Yonariza, Y., Helvi Yanfika., Ali Rahmat, Winih Sekarintyas Ramadhani, Abdul Mutolib., Forest cover change and legal pluralism in forest management: A review and evidence from West Sumatra, Indonesia, *Indonesian Journal of Science and Technology*, Vol.6, no.2, 2021, page.545.

⁶⁴ Dessy Artina, Mexsasai Indra, Ledy Diana, Adi Tiraputri, and Geofani Milthree Saragih., Overlapping Regulation: Kepastian Hak Ulayat Atas Tanah Masyarakat Hukum Adat Muara Sakal Pelalawan Riau, *Masalah-Masalah Hukum*, Vol.53, no.1, 2024, page.26. See too, Laely Nuhidayah, Peter J. Davies, and Shawkat Alam., Resolving Land-Use Conflicts over Indonesia's Customary Forests: One map, power contestations and social justice, *Contemporary Southeast Asia*, Vol.42, no.3, 2020, page.379.

⁶⁵ Andarini Sertiandi and Jane Singer., Issues and Challenges in Implementing Social Forestry Programs in Customary Communities: A Case Study of Customary Forests in Indonesia, in *Navigating Local Sustainability in Food, Community, and Innovation: From Grassroots to Global*, Singapore, Springer Nature Singapore, 2025, page.96. See too, Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103677; Kazuhiro Harada, Muhammad Habib, Yumi Sakata, and Ahmad Maryudi., The role of NGOs in recognition and sustainable maintenance of customary forests within indigenous communities: The case of Kerinci, Indonesia, *Land use policy*, Vol.113, 2022, 105860.

unification, but on the ongoing management of interaction between these two normative systems within a shared but uneven governance space.⁶⁶

3.3. Structural Limitations and Institutional Integration in Customary Forest Governance

The governance of Ghimbo Pomuan Customary Forest reflects the broader dynamics of legal pluralism in Indonesia, where state law and customary (*adat*) law coexist within a single jurisdiction but remain only partially integrated in practice. Although legal pluralism is theoretically expected to enhance inclusiveness by accommodating diverse normative systems, its empirical implementation in Indonesia reveals persistent institutional fragmentation, regulatory overlap, and weak cross-sectoral coordination. These conditions demonstrate that legal pluralism does not automatically generate governance synergy; instead, it often produces structural disjunction when institutional integration is absent.⁶⁷

At the constitutional level, the Constitutional Court Decision No. 35/PUU-X/2012 represents a significant milestone in Indonesia's forest governance reform. The decision reclassifies customary forests as forests belonging to indigenous communities rather than state forests, thereby strengthening the legal recognition of indigenous tenure rights. However, this recognition is not self-executing. Its implementation depends on subsequent administrative recognition processes at regional and ministerial levels. As a result, constitutional recognition remains largely symbolic and normative, rather than operationally transformative.⁶⁸ This gap illustrates the persistent disconnection between constitutional legal reform and institutional governance capacity.

⁶⁶ Arsyad Aldyan, Rizal Akbar Aldyan, Kartika Asmanda Putri Asmanda, and Abdelrahman Alasttal Alasttal., Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia, *Journal of Law, Environmental and Justice*, Vol.3, no.2, 2025, page.234. See too, I. Gusti Agung Mas Rwa Jayantiari, I. Nyoman Prabu Buana Rumiarta, I. Gst Pt Bagus Suka Arjawa, I. Gusti Ngurah Dharma Laksana, and Anak Agung Sagung Ngurah Indradewi., The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.13, no.1, 2025, page.192; A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16155; Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.91; Muhammad Natsir, Ferdi Ferdi, Muh Din, Akmal Handi Ansari Nasution, and Zaki Ulya., Unwise Criminal Environmental Law Policies In Protecting Aceh's Customary Forests From Destruction, *Journal of Law and Legal Reform*, Vol7, no.1, 2026, page.15.

⁶⁷ I Gusti Agung Mas Rwa Jayantiari, I Gusti Putu Bagus Suka Arjawa, Rebeiro Leonito., and Joanne Audrey Paquita., Forming legal culture in customary forest management: Local wisdom approach of customary law communities, *Udayana Journal of Law and Culture*, Vol.3, no.2, 2024, page.343. See too, A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16157.

⁶⁸ Herman Hidayat, Herry Yogaswara, Tuti Herawati, Patricia Blazey, Stephen Wyatt, and Richard Howitt., Forests, law and customary rights in Indonesia: Implications of a decision of the Indonesian Constitutional Court in 2012, *Asia Pacific Viewpoint*, Vol.59, no.3, 2018, page.301. See too, Hunggul Yudono Setio Hadi Nugroho, Andrew Skidmore, and Yousif A. Hussin., Verifying Indigenous based-claims to forest rights using image interpretation and spatial analysis: a case study in Gunung Lumut Protection Forest, East Kalimantan, Indonesia, *GeoJournal*, Vol.87, no.1, 2022, page.416.

To address this implementation gap, Ministerial Regulation No. 9 of 2021 on Social Forestry was introduced as an operational instrument to facilitate the recognition and management of customary forests. The regulation provides procedural guidance for forest allocation, community participation, and social forestry schemes. However, as a derivative regulation, its legal force remains limited within Indonesia's hierarchical legal system. More importantly, its implementation is constrained by overlapping sectoral regulations, particularly those governing village administration, regional development planning, and forestry management systems.⁶⁹ This condition reflects a fragmented regulatory environment in which legal instruments exist but are not effectively coordinated across governance levels.

Empirical findings from Ghimbo Pomuan indicate that the implementation of social forestry programs remains suboptimal. Key constraints include limited financial resources, inadequate institutional capacity, and weak access to technology and markets. These limitations are not merely technical, but structural in nature, reflecting the absence of integrated policy design between forestry governance and local development planning systems. Similar patterns have been identified in other Indonesian customary forest contexts, where institutional fragmentation and weak intergovernmental coordination reduce program effectiveness.⁷⁰

At the village governance level, Law No. 6 of 2014 on Villages provides a significant legal opportunity for decentralization through village autonomy and the Village Fund mechanism. In principle, this framework allows villages to integrate local ecological governance, including customary forest management, into formal development planning. However, field evidence suggests that this normative opportunity is not fully utilized. Village governments often exclude customary forest governance from key planning instruments such as the Village Medium-Term Development Plan (RPJMDesa) and Village Budget (APBDes). Instead, they perceive forest governance as a sectoral responsibility of the Ministry of Environment and Forestry.⁷¹

This regulatory disconnection is further reinforced by bureaucratic incentive structures. Village governments tend to prioritize programs that generate short-term political visibility and measurable outcomes, while customary forest governance requires long-term ecological commitment and institutional

⁶⁹ Andarini Sertianti and Jane Singer., Issues and Challenges in Implementing Social Forestry Programs in Customary Communities: A Case Study of Customary Forests in Indonesia, in *Navigating Local Sustainability in Food, Community, and Innovation: From Grassroots to Global*, Singapore, Springer Nature Singapore, 2025, page.99. See too, A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16156.

⁷⁰ Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.92. See too, Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103679.

⁷¹ A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16158. See too, R. Rudy, Yonariza, Y., Helvi Yanfika., Ali Rahmat, Winih Sekaringtyas Ramadhani, Abdul Mutolib., Forest cover change and legal pluralism in forest management: A review and evidence from West Sumatra, Indonesia, *Indonesian Journal of Science and Technology*, Vol.6, no.2, 2021, page.547.

continuity.⁷² On the other hand, forestry agencies often adopt a technocratic approach focused on formal compliance and legal certification processes, rather than fostering cross-sectoral coordination. This misalignment of incentives contributes to weak policy integration and limited sustainability outcomes.⁷³

Another significant structural limitation is the limited institutional capacity at the village level. Many villages lack the administrative expertise and technical knowledge required to incorporate customary forest governance into formal planning and budgeting systems. Additionally, there is no standardized coordination mechanism that connects village governments, customary institutions, and forestry agencies in a sustained and institutionalized manner. As a result, collaboration tends to be ad hoc, reactive, and dependent on external facilitation rather than embedded governance structures.⁷⁴

The broader literature on legal pluralism in Indonesia confirms that such fragmentation is not unique to Ghimbo Pomuan but represents a systemic issue in forest governance. Overlapping claims between state, private, and customary authorities frequently produce legal uncertainty, tenure insecurity, and governance inefficiencies.⁷⁵ Although customary institutions such as mukim in Aceh, awig-awig in Bali, and other indigenous governance systems demonstrate strong ecological governance based on Indigenous Ecological Knowledge, their integration into formal legal and administrative systems remains inconsistent and uneven.⁷⁶ This

⁷² Muhammad Mutawalli, Maskun Maskun, Harlida Abdul Wahab, and Andi Tenri Yeyeng., Implementation of FLEGT licensing scheme in deforestation law enforcement: Improvements and handling in Indonesia, *Jurnal Hukum Unissula*, Vol.39, no.2, 2023, page.141. See too, Franciscus Xaverius Wartoyo, Dinda Triwijanarko., Legal reconstruction of mediation in village conflict resolution based on dignified justice, *Jurnal Hukum Unissula*, Vol.41, no.3, 2025, page.726.

⁷³ Muhammad Natsir, Ferdi Ferdi, Muh Din, Akmal Handi Ansari Nasution, and Zaki Ulya., Unwise Criminal Environmental Law Policies In Protecting Aceh's Customary Forests From Destruction, *Journal of Law and Legal Reform*, Vol7, no.1, 2026, page.17. See too, A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16159.

⁷⁴ Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.94. See too, Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103681; Sari Rahayu, Niken Sakuntaladewi, Bugi Kabul Sumirat, Tri Sulistyati Widyaningsih, Tri Rizkiana Yusnikusumah, Nurhaedah Muin, and Achmad Rizal Hak Bisjoe., The role of local governments in supporting social forestry implementation in Indonesia: A social network analysis and evidence from Eastern Indonesia, *Forest and Society*, Vol.8, no.1, 2024, page.159.

⁷⁵ Dessy Artina, Mexsasai Indra, Ledy Diana, Adi Tiraputri, and Geofani Miltthree Saragih., Overlapping Regulation: Kepastian Hak Ulayat Atas Tanah Masyarakat Hukum Adat Muara Sakal Pelalawan Riau, *Masalah-Masalah Hukum*, Vol.53, no.1, 2024, page.28. See too, R. Rudy, Yonariza, Y., Helvi Yanfika., Ali Rahmat, Winih Sekaringtyas Ramadhani, Abdul Mutolib., Forest cover change and legal pluralism in forest management: A review and evidence from West Sumatra, Indonesia, *Indonesian Journal of Science and Technology*, Vol.6, no.2, 2021, page.549.

⁷⁶ Arsyad Aldyan, Rizal Akbar Aldyan, Kartika Asmanda Putri Asmanda, and Abdelrahman Alasttal Alasttal., Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia, *Journal of Law, Environmental and Justice*, Vol.3, no.2, 2025, page.236. See too, Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.95.

highlights a structural contradiction: while customary systems are recognized normatively, they are not fully institutionalized within state governance frameworks.

Legal pluralism in Indonesia can therefore be characterized as asymmetrical. The state legal system remains dominant, while customary systems are conditionally recognized but structurally subordinated. This asymmetry limits the potential of customary governance systems to contribute effectively to environmental sustainability and resource management. Even in areas where customary norms are ecologically robust, such as in Bali and Aceh, the absence of strong institutional bridging mechanisms reduces their policy impact at the national level.⁷⁷

From a policy perspective, one proposed solution is the mandatory allocation of Village Funds for customary forest management. While this approach may appear effective in ensuring financial support, it raises significant normative and constitutional concerns. Specifically, it may conflict with the principles of fiscal decentralization and village autonomy, potentially undermining local decision-making authority. Furthermore, rigid financial mandates risk creating administrative burdens without addressing underlying institutional fragmentation.

Empirical evidence suggests that more flexible governance approaches are likely to be more effective. Rather than imposing rigid obligations, policy design should focus on incentive-based mechanisms, cross-sectoral coordination, and institutional capacity strengthening. Co-management frameworks, which integrate state and customary governance systems, have been identified as particularly effective in bridging institutional gaps and improving sustainability outcomes.⁷⁸ These models emphasize collaboration, shared responsibility, and adaptive governance structures that are better suited to complex ecological and social systems.

In addition, strengthening the role of Indigenous Ecological Knowledge (IEK) within formal governance systems is essential. Customary institutions have demonstrated significant capacity in managing forest ecosystems sustainably through culturally embedded norms and practices. However, without institutional recognition and policy integration, such knowledge systems remain underutilized in national forest governance frameworks.⁷⁹ Integrating IEK into planning, monitoring, and enforcement mechanisms would enhance both ecological sustainability and community legitimacy.

Within a multi-level governance framework, the central issue is not the absence of

⁷⁷ I. Gusti Agung Mas Rwa Jayantiari, I. Nyoman Prabu Buana Rumiarta, I. Gst Pt Bagus Suka Arjawa, I. Gusti Ngurah Dharma Laksana, and Anak Agung Sagung Ngurah Indradewi., The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law, *Jurnal IUS Kajian Hukum dan Keadilan*, Vol.13, no.1, 2025, page.194. See too, Arsyad Aldyan, Rizal Akbar Aldyan, Kartika Asmanda Putri Asmanda, and Abdelrahman Alasttal Alasttal., Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia, *Journal of Law, Environmental and Justice*, Vol.3, no.2, 2025, page.238.

⁷⁸ Nur et al., 2026; Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103682.

⁷⁹ Arsyad Aldyan, Rizal Akbar Aldyan, Kartika Asmanda Putri Asmanda, and Abdelrahman Alasttal Alasttal., Legal Pluralism in Environmental Management: Evidence from Bali, Indonesia, *Journal of Law, Environmental and Justice*, Vol.3, no.2, 2025, page.239.

legal recognition for customary forests, but the lack of effective institutional integration across governance levels. Legal reforms such as Constitutional Court Decision No. 35/2012 and Social Forestry Regulation No. 9/2021 have created a normative foundation for recognition. However, without institutional coordination mechanisms that connect national, regional, and village-level governance systems, these reforms cannot fully achieve their intended outcomes.⁸⁰

Therefore, this study argues that the primary challenge in customary forest governance is not normative deficiency but institutional fragmentation. The persistence of overlapping mandates, weak coordination structures, and misaligned incentives indicates that governance reform must move beyond legal harmonization. Instead, reform efforts should focus on building institutional architectures that enable coordination, align incentives across governance levels, and strengthen the capacity of local institutions.

In conclusion, the case of Ghimbo Pomuan demonstrates that legal pluralism in Indonesia produces both opportunities and constraints. While it provides normative space for recognizing customary forests, it simultaneously generates governance complexity due to institutional fragmentation. Addressing this challenge requires a shift from purely regulatory reform toward integrated governance reform that emphasizes coordination, capacity building, and co-management strategies.⁸¹ Only through such an approach can legal pluralism contribute effectively to sustainable and inclusive forest governance in Indonesia.⁸²

4. Conclusion

This study demonstrates that customary law in Kenegerian Kampa operates as living law that plays a central role in governing the Ghimbo Pomuan Customary Forest. Its effectiveness is grounded not only in philosophical foundations such as *Adat Bersendikan Syara* and *Syara Bersendikan Kitabullah*, but also in its institutionalization through concrete norms, ecological prohibitions, and collective sanction mechanisms. The *tigo tungku sajorangan* mechanism further strengthens governance by functioning as a coordination forum between customary, religious, and village authorities, thereby ensuring legitimacy in decision-making processes

⁸⁰ Herman Hidayat, Herry Yogaswara, Tuti Herawati, Patricia Blazey, Stephen Wyatt, and Richard Howitt., Forests, law and customary rights in Indonesia: Implications of a decision of the Indonesian Constitutional Court in 2012, *Asia Pacific Viewpoint*, Vol.59, no.3, 2018, page.303. See too, A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16159; Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.98.

⁸¹ Gao Chen, Jian Xu, and Yu Qi., Environmental (De)centralization and Local Environmental Governance: Evidence from a Natural Experiment in China, *China Economic Review*, Vol.72, 2022, page.10175.

⁸² A. Karso Junaedi., Natural resources governance and the vulnerability of indigenous communities in Indonesia, *Frontiers in Political Science*, Vol.7, 2025, page.16159. See too, Pisca A. Tias, Constance L. McDermott, and Mari E. Mulyani., Navigating the nexus between customary norms and state laws in shaping rural forest governance: A case study in Aceh Province, Indonesia, *Forest Policy and Economics*, Vol.182, 2026, page.103684; Teuku Muttaqin Mansur, and Tan Raan Hann., The existence of customary forests within the context of the mukim customary law in Aceh, Indonesia: contemporary perspectives and future challenges on climate change, *SN Social Sciences*, Vol.6, no.3, 2026, page.99.

related to forest management.

In relation to national legal frameworks, this study identifies a persistent tension within Indonesia's legal pluralism and multi-level governance system. Although Constitutional Court Decision No. 35/PUU-X/2012 and Ministerial Regulation No. 9 of 2021 reinforce recognition of indigenous communities, the implementation of Law No. 6 of 2014 has generated institutional fragmentation between forestry and village governance. This has resulted in parallel authorities that are weakly coordinated, producing gaps between normative recognition and practical implementation. Legal pluralism in Indonesia remains partial and under-institutionalized, requiring a shift from symbolic recognition toward operational coordination across sectors and governance levels. Strengthening this integration will enable customary law to function more effectively within the national legal system, while simultaneously improving ecological sustainability and supporting the welfare of indigenous communities in a more balanced and inclusive manner.

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