



K Robinson ANU

Can formalization of *adat* law protect community rights?

- Adat Law 100 Years on
- Leiden May 2017

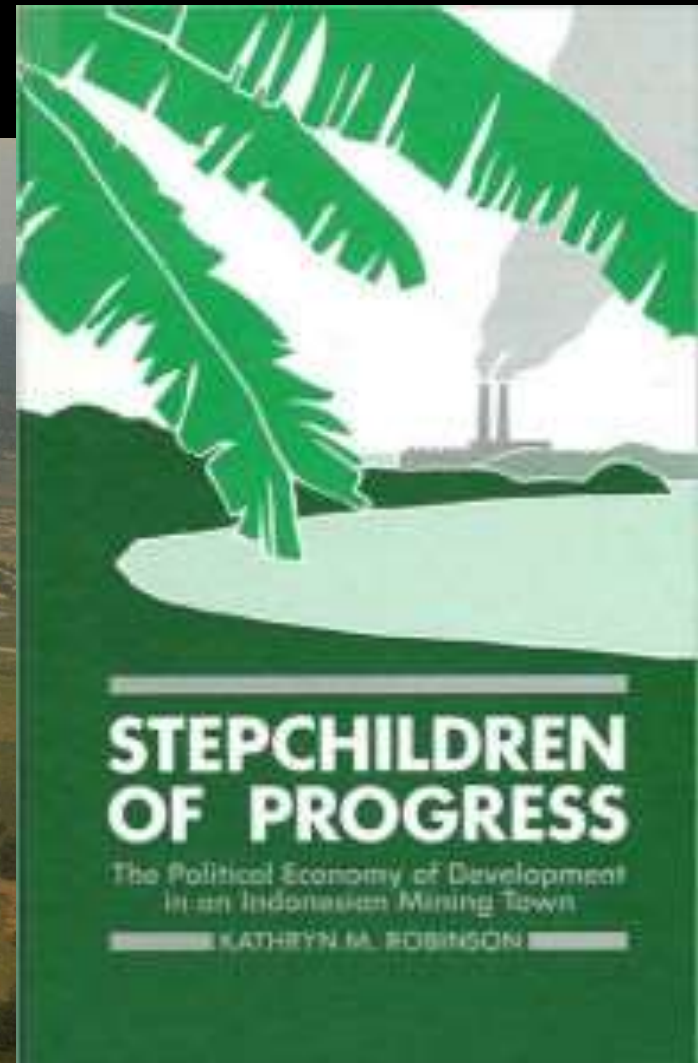


The orang asli Sorowako and the Dongi

Sorowako Sulsel



Sorowako Nickel Project: forced dispossession by New Order









Andi Baso's museum to the history of the fight for land rights and compensation—from 1972 to the present



Panitia Pembebasan Tanah – In jail Palopo 1972

Demonstration for rights recognition Sorowako





AMAN definition of Masyarakat adat

A community that

- *inhabits an ancestral domain from generation to generation*
- *has sovereignty over their land and natural resources*
- *social life and culture regulated by customary laws and institutions maintaining the peoples' sustainability.*

- The essence of AMAN's demand: the state must acknowledge *masyarakat adat* as so many (thousand) sovereign communities with the right to govern themselves and the resources on which they depend.
- The basis for this claim is that they existed as organised collectivities with sovereign powers over their lives and living space 'long before the nation state'.
- To make this argument AMAN projects culturally distinctive, bounded, self-governing communities as Indonesia's aboriginal social form (Li 2001, 648)

**PENGUMUMAN
HUTAN ADAT KAMI
BUKAN HUTAN NEGARA
MASYARAKAT MELAKSANAKAN
KEPUTUSAN MK NO: 35/PUU-X/2012**



Presiden Jokowi bersama masyarakat hukum adat, Jumat (30/12) pagi, di Istana Negara, Jakarta. (Foto: Humas/Jay)





INKUIRI NASIONAL KOMNAS HAM

HAK MASYARAKAT HUKUM ADAT ATAS WILAYAHNYA DI KAWASAN HUTAN

Konflik Agraria Masyarakat Hukum Adat Atas Wilayahnya di Kawasan Hutan

Sumatra - Jawa - Kalimantan - Sulawesi - Maluku
Bali-Nusa Tenggara - Papua





Two styles of indigenous--post Reformasi : OAS and Dongi







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Events

[Meopudi \(Menangkap Ikan Opudi\)](#)

[Melu'i Mini Bangka \(Mini Boat GP\)](#)

[Moladu \(Memancing Ikan\)](#)

[Katinting Race \(Balap Perahu\)](#)

[Meulele \(Menyelam\)](#)

[Memasak Ikan Botini](#)

d'Art Festive

[Tari Monsado](#)

[Nohu Bangka](#)

[Musik Bambu](#)



Welcome To website Festival Danau Matano

Festival Danau Matano adalah sebuah ekspresi dari jati diri akan cinta terhadap tanah air. Sebuah festival seni dan budaya yang lahir di pesisir danau matano yang dipersembahkan atas rasa syukur pada keindahan yang dianugerahkanNYA. Sebagai media untuk mengabarkan pada dunia bahwa danau matano menyimpan harta dan misteri budaya dengan cita rasa tinggi yang patut mereka lihat dan rasakan.

Adalah sebuah titipan dari masa lalu untuk masa kini dan mendatang. agar kita dan anak-anak kita kelak tahu, mengerti dan memahami bahwa ada kebudayaan dari tanah leluhur untuk terus dilestarikan sehingga kelak kita dan semua merasa bangga dan bergembira menjadi bagian dari kebudayaan danau matano.

Festival Danau Matano 2011





HAL...
ASRI
TERATUR
INDAH
NYAMAN





- Formalization of adat-based rights
 - Against dispossession?
 - Against cultural erasure?
- ‘categoricalism’- filling categories with defined and finite groups
- ‘Orang yg terdampak’ vs MHA
- ‘adat-derived’ rights-residual but not exclusive
- ‘bundles of rights’ in same location

Orstrom's 8 Principles for Managing a Commons

- 1. Define clear group boundaries.
- 2. Match rules governing use of common goods to local needs and conditions.
- 3. Ensure that those affected by the rules can participate in modifying the rules.
- 4. Make sure the rule-making rights of community members are respected by outside authorities.
- 5. Develop a system, carried out by community members, for monitoring members' behavior.
- 6. Use graduated sanctions for rule violators.
- 7. Provide accessible, low-cost means for dispute resolution.
- 8. Build responsibility for governing the common resource in nested tiers from the lowest level up to the entire interconnected system.