

The Role of Indigenous Peoples in Natural Resource Management Based on the Dimensions of Legal Philosophy

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Abstract

Indigenous customary law communities play a strategic role in natural resource management through customary law and local wisdom oriented toward environmental sustainability. However, natural resource management in Indonesia still faces various challenges, including excessive exploitation, weak recognition of customary rights, and inadequate legal protection for indigenous communities. This study aims to analyze the role of indigenous customary law communities in natural resource management and the legal protection of their rights from a legal philosophy perspective. The research employs normative legal research using statutory and conceptual approaches. Primary, secondary, and tertiary legal materials were analyzed qualitatively. The results show that indigenous communities contribute significantly to environmental conservation through customary norms, local wisdom-based management systems, and social monitoring mechanisms that promote balance between human interests and environmental sustainability. From a legal philosophy perspective, these practices reflect justice, utility, and sustainability. Legal protection is constitutionally recognized under Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution. However, implementation remains constrained by conditional recognition, uncertainty over customary rights, and conflicts over natural resource control. Therefore, stronger legal policies are needed to ensure certainty, effective recognition, and equitable protection.

Keywords

Adat, Indigenous Communities, Natural Resource Management, Legal Philosophy, Customary Law, Legal Protection.



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INTRODUCTION

Natural resource management is not merely concerned with economic utilization and resource exploitation, but also involves questions of values, justice, human responsibility, and environmental sustainability. In this context, the philosophy of law has an important position because it provides a framework for understanding the relationship between humans, law, and nature in a deeper manner. Philosophy of science, as a discipline that examines knowledge critically, logically, systematically, and fundamentally, can contribute to understanding the

principles underlying the formation and application of law. A philosophical approach does not merely examine observable phenomena but seeks to identify the fundamental ideas underlying knowledge and human action (Savero et al., 2025).

Indigenous customary law communities constitute an important part of Indonesian society because they have developed over generations through systems of values, norms, and customary laws governing various aspects of community life. One area closely associated with indigenous communities is natural resource management. The management of customary forests, for example, is not based solely on economic considerations but is also closely related to social, cultural, ecological, and spiritual values. For indigenous communities, forests constitute a living space that supports community survival and serves as an integral part of their collective identity. Such management systems demonstrate that the relationship between indigenous communities and nature is constructed through customary norms and local wisdom transmitted across generations (Gunawan et al., 2024).

The existence of indigenous customary law communities has received constitutional recognition through Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Such recognition demonstrates the state's obligation to respect indigenous communities and their traditional rights. Nevertheless, this constitutional recognition is conditional, namely that indigenous communities must still exist, remain consistent with societal development, and not conflict with the principles of the Unitary State of the Republic of Indonesia. This condition indicates a gap between normative recognition and legal implementation in practice. Constitutional recognition has not always been accompanied by legal certainty concerning customary territories and customary rights, particularly when indigenous communities encounter competing interests in the control and utilization of natural resources.

Local wisdom represents an important element in the natural resource management systems of indigenous customary law communities. These values have developed through long-term social experiences and interactions between communities and their surrounding environment. Norms derived from local wisdom regulate not only relationships among community members but also provide guidance concerning how humans should interact with nature. From this perspective, local wisdom can be understood as a source of values that contributes to the development of more sustainable natural resource management practices. The integration of customary law and state law is therefore important so that positive law

does not disregard the social and cultural values that have long existed within indigenous communities (Gunawan et al., 2024).

Environmental problems resulting from excessive exploitation of natural resources demonstrate the limitations of approaches that prioritize short-term economic interests. Natural resource utilization that disregards environmental carrying capacity can cause ecosystem degradation and generate conflicts among communities, governments, and business actors. This situation requires a legal approach that does not merely examine whether an action complies with existing regulations, but also considers the values of justice, utility, responsibility, and sustainability. The philosophical dimension is therefore relevant because it can be used to critically examine the underlying assumptions of natural resource management policies and assess whether such policies establish an appropriate balance between human interests and environmental preservation.

The philosophy of law provides a framework for understanding that law is not merely a set of written rules but also contains values that serve as the foundation for a just social order. In the context of indigenous customary law communities, justice cannot be separated from respect for traditional rights, cultural identity, and the relationship between communities and the territories and natural resources that have become part of their lives. The utility of law should also be assessed based on its ability to provide sustainable benefits for communities without compromising the interests of future generations. Accordingly, natural resource management needs to be positioned within a framework that reconciles development interests, indigenous rights protection, and ecological sustainability.

This perspective demonstrates that indigenous customary law communities should not merely be regarded as objects of legal protection but also as subjects possessing knowledge, norms, and social mechanisms for conserving natural resources. Management practices based on customary law and local wisdom have the potential to become an important component of natural resource policies oriented toward sustainability. Strengthening the position of indigenous communities can also provide greater space for the development of social monitoring mechanisms based on norms that have been accepted and practiced within their communities.

Based on these considerations, there is a need to examine natural resource management not only from the perspective of positive law but also through the dimension of legal philosophy. Such an approach is important for understanding the relationship among law, indigenous communities, justice, utility, and environmental sustainability. This study aims to analyze the role of indigenous customary law

communities in natural resource management and examine the forms of legal protection afforded to their rights from the perspective of legal philosophy. The study is expected to contribute to a deeper understanding of the importance of strengthening legal recognition and protection for indigenous communities while promoting more just and sustainable natural resource management.

METHODS

This study employs normative legal research to examine the role of indigenous customary law communities in natural resource management and the legal protection of their rights from the perspective of legal philosophy. Normative legal research focuses on the examination of legal norms, principles, concepts, and regulations relevant to the legal issues under investigation. This method is considered appropriate because the study emphasizes the analysis of legal rules and concepts rather than empirical observation of social behavior. The research seeks to understand how the existing legal framework recognizes and protects indigenous customary law communities and their traditional rights in relation to natural resource management.

The approaches used in this study are the *Statute Approach* and the *Conceptual Approach*. The *Statute Approach* is employed to examine relevant statutory and constitutional provisions governing indigenous customary law communities, customary rights, and natural resource management. Particular attention is given to the constitutional recognition of indigenous communities and their traditional rights, including the provisions contained in Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This approach is used to identify the extent to which the existing legal framework provides recognition and protection for indigenous communities. The *Conceptual Approach* is used to examine relevant legal concepts, particularly the concepts of indigenous customary law communities, customary rights, legal protection, justice, utility, and environmental sustainability. This approach enables the study to analyze the philosophical values underlying the regulation of natural resource management and the relationship between state law and customary law.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation and constitutional provisions relevant to indigenous communities and natural resource management. Secondary legal materials consist of books, scholarly articles, legal journals, and other academic literature that provide theoretical and conceptual explanations. Tertiary legal materials include legal dictionaries, encyclopedias, and supporting reference

materials. The collected legal materials are analyzed qualitatively through systematic interpretation and examination of their relevance to the research issues. The analysis is directed toward identifying legal principles and philosophical values that can strengthen the recognition, protection, and participation of indigenous customary law communities in sustainable natural resource management.

FINDINGS AND DISCUSSION

The Role of Indigenous Communities in Natural Resource Management

Indigenous customary law communities constitute collective legal subjects with the authority to regulate and manage their customary territories, including customary forests, based on customary laws that have developed and continue to operate within their communities. This position is supported by constitutional recognition under Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms the state's recognition and respect for customary law communities and their traditional rights. The management of customary forests by indigenous communities therefore represents not merely a social practice but also an expression of constitutional rights inherent in their existence as autonomous legal communities (Wibisana et al., 2024).

The relationship between indigenous communities and natural resources is both functional and existential because natural resources constitute an essential basis for fulfilling their economic, social, and cultural needs. This dependence has contributed to the development of collective and long-term management practices that differ from patterns primarily oriented toward resource exploitation. Through generations of interaction with their environment, indigenous communities have developed local knowledge that enables them to identify environmental carrying capacity, establish limits on resource utilization, and maintain ecological balance. Such knowledge forms an important foundation for sustainable natural resource management and reflects the close relationship between indigenous livelihoods and environmental preservation (Lemba et al., 2025).

The role of indigenous communities in natural resource management is also manifested through the application of customary laws governing the utilization and protection of natural resources. These rules may take the form of taboos, prohibitions, restrictions on resource use, and customary sanctions. Such norms possess binding force because they are rooted in shared social values, collective beliefs, and community traditions. Restrictions on the exploitation of particular natural resources, the designation of sacred areas, and limitations on the utilization of forest products function as mechanisms of social control. Through these

mechanisms, indigenous communities can regulate human activities, prevent excessive exploitation, and maintain the availability of natural resources for present and future generations (Sarare et al., 2024).

The position of indigenous communities as primary managers of customary forests also contributes to biodiversity conservation, climate change mitigation through carbon storage, and protection against excessive exploitation. Their active participation in decision-making concerning customary forests strengthens not only environmental governance but also cultural identity and community cohesion. The involvement of indigenous communities in managing natural resources can further support sustainable livelihoods because economic utilization remains connected to customary norms and ecological considerations. Consequently, indigenous communities should not merely be viewed as beneficiaries of natural resource policies but as active legal subjects and environmental stewards whose customary knowledge and institutions can contribute to sustainable resource governance (Wibisana et al., 2024; Sarare et al., 2024).

From the perspective of legal philosophy, the role of indigenous communities demonstrates that natural resource management involves more than the application of formal legal rules. It also reflects values of justice, responsibility, social utility, and intergenerational sustainability. Recognition of customary law and local knowledge provides a basis for developing a legal framework that accommodates the relationship between indigenous communities and their natural environment. Strengthening the role of indigenous communities in natural resource management is therefore important not only for protecting their traditional rights but also for establishing a more equitable and sustainable model of environmental governance.

Legal Protection of Indigenous Communities' Customary Rights

Legal protection of indigenous customary law communities' rights over customary land is part of the state's responsibility to ensure social justice and legal certainty for all citizens. The state's role in this context is not limited to the formulation of legal norms but also encompasses the implementation, supervision, and enforcement of laws to ensure that the rights of indigenous communities are not undermined by economic, political, or administrative interests. The recognition of indigenous customary law communities under Article 18B paragraph (2) of the 1945 Constitution places the state under an obligation to respect and protect their traditional rights, including collective rights over customary territories and forests (Andriyani & Irfan, 2025).

In Indonesia, the existence of indigenous communities has a long history within the development of legal politics. Before the proclamation of Indonesian independence in 1945, the Dutch colonial government implemented a policy of legal pluralism by dividing the legal system into three main legal regimes: Western civil law, law applicable to foreign Eastern groups, and customary law applicable to the indigenous population. Following independence, the Indonesian government sought to establish legal unification, beginning with the 1945 Constitution and continuing through Law No. 5 of 1960 concerning Basic Agrarian Principles. During the early years of the Republic, Indonesian legal scholars sought to incorporate customary law as an important foundation for regulating customary rights and developing the national legal system. This process, however, encountered significant challenges because Indonesian society consists of diverse ethnic groups with distinct social structures, traditions, and localized legal systems.

The constitutional recognition of indigenous customary law communities is expressly reflected in Article 18B paragraph (2) of the 1945 Constitution, which recognizes and respects customary law communities and their traditional rights insofar as they remain in existence and are consistent with societal development and the principles of the Unitary State of the Republic of Indonesia. Recognition of customary rights is also implicitly connected to the protection of human rights under Article 28I paragraph (3) of the 1945 Constitution, which provides that cultural identities and the rights of traditional communities shall be respected in accordance with the development of the times and civilization. Furthermore, Article 32 paragraph (1) requires the state to advance Indonesian national culture while ensuring freedom for communities to preserve and develop their cultural values. These constitutional provisions provide an important legal foundation for recognizing the existence and traditional rights of indigenous communities.

The protection of customary rights is also reflected in the efforts of communities to utilize and manage the natural resources available within their customary territories. Each indigenous community may possess distinctive forms and characteristics of customary rights based on its historical, social, and cultural circumstances. Such rights may include access to land, forests, and other natural resources that are collectively managed according to customary norms. Accordingly, recognition of customary rights should not merely acknowledge their formal existence but should also provide adequate space for indigenous communities to participate in managing and utilizing their customary territories.

Nevertheless, the current legal protection of indigenous communities' rights over land and natural resources remains inadequate in practice. This condition has contributed to prolonged conflicts and disputes concerning natural resource control, in which indigenous communities frequently experience losses and continue to face difficulties in obtaining substantive justice. The existence of indigenous customary law communities cannot be separated from their customary rights, and many disputes arise precisely from uncertainty concerning the existence, boundaries, and legal status of such rights. One of the fundamental problems is the lack of clarity regarding the criteria for determining whether customary rights continue to exist. Conditional or incomplete legal recognition, as reflected in various legal provisions, can create uncertainty and ultimately disadvantage indigenous communities. Therefore, the state has an important responsibility to ensure the fulfillment and protection of indigenous communities' rights and to establish a clearer legal framework for the recognition of customary land rights. Such regulation should provide greater legal certainty, substantive justice, and effective protection for indigenous communities in relation to land and natural resources (Andriyani & Irfan, 2025).

CONCLUSION

The role of indigenous customary law communities in natural resource management demonstrates the importance of integrating customary law and local wisdom into sustainable environmental governance. Indigenous communities possess social norms, traditional knowledge, and customary mechanisms that regulate the utilization, protection, and preservation of natural resources. From the perspective of legal philosophy, these practices reflect the values of justice, utility, responsibility, and balance between human interests and environmental sustainability. Natural resource management based on customary values is not primarily oriented toward short-term exploitation but toward maintaining the availability and sustainability of resources for present and future generations. At the same time, legal protection for indigenous communities has received constitutional recognition through Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which recognize and respect indigenous communities and their traditional rights. Nevertheless, constitutional recognition has not been fully realized in practice. Weak recognition of customary rights, uncertainty concerning the boundaries and legal status of customary territories, and continuing conflicts over natural resource management remain significant challenges. From the perspective of legal philosophy, these conditions

indicate the need for substantive justice rather than merely formal recognition. The state therefore has an important responsibility to strengthen legal certainty, improve the effectiveness of regulations, and ensure meaningful protection of indigenous communities' rights. Strengthening recognition and protection should also provide greater opportunities for indigenous communities to participate in natural resource management. Such an approach can support both the welfare of indigenous communities and the long-term sustainability of Indonesia's natural resources.

REFERENCES

- Andriyani, S., & Irfan, M. (2025). Peran negara dalam perlindungan hak masyarakat adat atas hutan di Kecamatan Bayan Kabupaten Lombok Utara. *Private Law*, 5(3)
- Gunawan, A., et al. (2024). Integrasi hukum adat dan hukum negara di Indonesia: Perspektif mazhab sejarah hukum dalam konteks sosial legal pada pembangunan Ibu Kota Nusantara (IKN). *UNES Law Review*, 6(4)
- Hadjon, P. M. (1987). *Perlindungan hukum bagi rakyat Indonesia*. Bina Ilmu.
- Lemba, F. P., et al. (2025). Eksistensi dan fungsi lembaga adat dalam penyelesaian sengketa adat di Desa Kambata Wundut Kecamatan Lewa Kabupaten Sumba Timur ditinjau dari Undang-Undang Nomor 6 Tahun 2014 tentang Desa. *Petitum Law Journal*, 3(1)
- Rahardjo, S. (2014). *Ilmu hukum*. Citra Aditya Bakti.
- Sarare, O., et al. (2024). Politik hukum pengelolaan hutan adat dan pertambangan di Kalimantan Selatan tahun 2023. *Jurnal Penelitian Sosial*, 1(1)
- Savero, M. A., Ariyanti, R., Nisrina, F., Nasyira, A., & Husna, A. (2025). Pengaruh aliran filsafat hukum: Aliran hukum alam, positivisme hukum, dan utilitarian dalam perkembangan ilmu hukum. *Perkara: Jurnal Ilmu Hukum dan Politik*.
- Sidharta, B. A. (2013). *Refleksi tentang struktur ilmu hukum*. Mandar Maju.
- Soekanto, S., & Mamudji, S. (2019). *Penelitian hukum normatif: Suatu tinjauan singkat*. Raja Grafindo Persada.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.
- Wibisana, N. A., et al. (2024). Perlindungan masyarakat hukum adat dalam bentuk pengakuan masyarakat adat: Studi kasus masyarakat eks Desa Sendi, Pacet-Mojokerto. *Sapientia et Virtus*, 9(1)