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## THE CIPTAGELAR KASEPUHAN INDIGENOUS COMMUNITY, WEST JAVA

Developing a bargaining position over customary forest

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<sup>1</sup> The author is a member of the Ciptagelar Kasepuhan who lives in Sirnaresmi. He holds the position of *Kanagaraan* or external relations in the traditional community structure.



Newly built traditional house, Sirnaresmi

## I. INTRODUCTION

The heart of the Ciptagelar Kasepuhan community is located deep in the forested hills of West Java, which the Indonesian government has designated as Gunung Halimun-Salak National Park. Most members of this indigenous community depend on traditional agriculture and forest products for their livelihoods.

The whole Kasepuhan *adat* community is estimated to number around 16,000 people, spread across three districts in the provinces of West Java and Banten - Sukabumi, Bogor and Lebak. Some also live and work in other regions outside western Java, mostly in the big cities of Java, although a few now live on other islands of Indonesia. The majority still identify themselves as indigenous Kasepuhan<sup>2</sup>.

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<sup>2</sup> There are around thirteen indigenous Kasepuhan communities in the hilly, forested parts of western Java, of which the Ciptagelar is one of the largest (see DTE Newsletter 63, November 2004).

Under Ciptagelar Kasepuhan customary law, the area now called the village<sup>3</sup> of Sirnaresmi lies within the indigenous community's protected forest area and is part of its customary domain of Cicemet. The Ciptagelar community lives mainly in Cikarancang – officially part of the hamlet of Sukamulya.

Sirnaresmi is, in administrative terms, a village in the Cisolak subdistrict of Sukabumi<sup>4</sup>. The total population is 4,803: 2,460 men and 2,343 women<sup>5</sup>. It covers 4,917 ha most of which is forests or agroforests with smaller areas of paddy fields, other agricultural land and settlements. It is bounded by Lebak district to the north, Kelapa Nunggal subdistrict to the east and Cicadas village to the south and west and is 198 km from Bogor, 46 km from Sukabumi and 21 km from Cisolak, which lies on the south coast.

This is a highland area, 800-1,200 m above sea level with gradients of 25-45%. The climate is cool and pleasant with an average temperature of 21-28°C and humidity around 84%. The annual rainfall is quite high (2,120-3,250 mm/year) and the rainy season usually lasts five months. The land is criss-crossed by many rivers and is suitable for agriculture and plantations, but it is difficult to access, especially during the rainy season. The only public transport available along the unpaved stony road to Cikarancang is 4-wheel drive Jeep and motorbike-taxis.

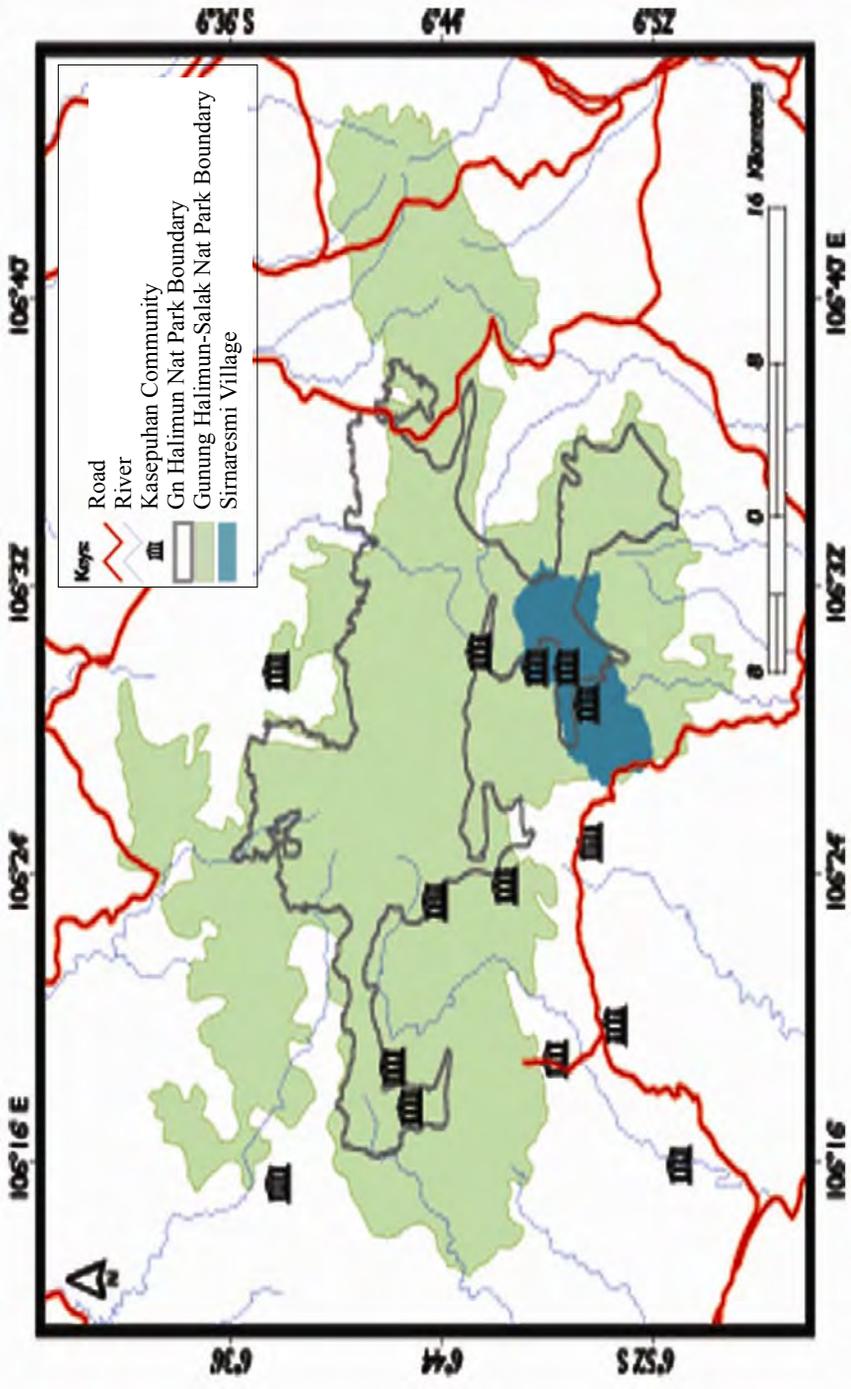
Gunung Halimun National Park was originally created in 1992 with an area of some 40,000 ha, but was extended in 2003 to include

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<sup>3</sup> Indigenous communities and government authorities usually have very different views about the concept of 'a village'. The Indonesian government imposed a standard system of village administration during the 1970s. The new, hierarchical system cut across traditional settlements. Some traditional villages were split; others were designated hamlets or incorporated as districts of other villages. Many customary villages now have different names. Sirnaresmi is unusual in that most of its inhabitants are indigenous Kasepuhan, so the customary and government governance systems are very closely linked and the impact of village administration legislation has not been as great as in many indigenous communities.

<sup>4</sup> Sirnaresmi is both the name given by the government to this administrative area and the name of a small Kasepuhan community linked to the Ciptagelar who live 16 km away nearer the main coast road. Yet another closely related Kasepuhan community, Ciptamulya, lives in Sirnaresmi near the road at Tugu.

<sup>5</sup> Official data on Sirnaresmi village (*Daftar Isian Potensi Desa Sirnaresmi*, 1997)



Overlay map of the original (Gunung Halimun) national park and the extended area (Gunung Halimun-Salak) with Kasepuhan communities. The Participatory mapping was based on the administrative village of Sirnaresmi, not on customary domains

Mount Salak with a total area of 113,357 ha<sup>6</sup>. Prior to that, some of the Ciptagelar community's customary lands had been zoned as watershed protection forest or production forest and allocated to the Indonesian state-owned forestry company, Perum Perhutani. This too now forms part of the national park<sup>7</sup>.

The main problem for the Ciptagelar community relates to this national park. Whereas the community had reached an understanding with Perhutani about land use, the framework document of the new national park does not permit settlements, agricultural activities or logging within the core zone. The Ciptagelar and other Kasepuhan communities are concerned about where they will be allowed to live and grow their crops, especially paddy rice, and how they will be able to meet their own needs for timber such as for building new houses.

## **II. PROFILE OF THE CIPTAGELAR KASEPUHAN INDIGENOUS COMMUNITY**

### **1. Origin and migrations**

According to Kasepuhan oral history, passed from generation to generation, the Ciptagelar community originated from the Pajajaran-Bogor kingdom. In the mid-sixteenth century<sup>8</sup>, the Islamic sultanate of Banten invaded the Pajajaran kingdom. The destruction of Java's last Sunda-Hindu kingdom was led by Sultan Maulana Yusuf. Before the capital fell to the enemy, King Prabu Suryakencana - known as Prabu Pucuk Umun, the last of the Pakuan Pajajaran dynasty - instructed his chieftains to hide the kingdom's sacred heirlooms so they did not fall into enemy hands.

The Kasepuhan people believe that the former capital of the Pajajaran kingdom was located near Batu Tulis, where Bogor now is. While the

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<sup>6</sup> Forestry minister's decree No. 175/Kpts-II/2003

<sup>7</sup> Technically, the state forestry concession was cancelled when this area became part of the national park. However, Perhutani has not yet relinquished control. The extension of the national park to include Gunung Salak means that the whole area must be re-zoned.

<sup>8</sup> Gregorian calendar

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king and his escort went to Palasari (Pandeglang district) in Banten province, the chieftains left for Jasinga Bogor and then moved on to Lebak Binong village, in what is now the Lebak district of Banten. Later, they went to Cipatat (near Bogor) but returned to Lebak district where they moved successively from Lebak Larang, back to Lebak Binong and to Tegal Lumbu. Their escape then took them to Cicadas (Sukabumi district), and to Bojong Cisono (Lebak district), before they finally arrived in Cicemet.

The story goes that these frequent relocations across a considerable area were a device to hide their tracks and avoid persecution by the sultan's troops. Moreover, they wanted to resist the incorporation of their community into the Banten sultanate.

In 1957, the core of the Ciptagelar Kasepuhan community relocated to Cikaret village (now called Simaresmi), then, in 1972, to Ciganas village (now Sinarasa), before moving to the hamlet of Lebak Gadog (Linggar Jati) in 1982. In 1983, they moved once more to Datar Putat (Ciptarasa) and finally, in 2000, to Cikarancang<sup>9</sup> where they remain until today. All these locations lie within the Sukabumi district of West Java.

The elders of the Kasepuhan community explain that these recent moves were intended to demarcate and maintain the identity of Kasepuhan customary lands which were spread across the three districts of Bogor, Sukabumi and Lebak, close to what would soon become Gunung Halimun-Salak National Park.

The story has also been handed down that, one day (when is not known), the indigenous Ciptagelar, Citorek and Cicarucub Kasepuhan peoples, who are all related, will return to the heart of the Pajajaran kingdom in Batu Tulis, Bogor.

## **2. Institutional Structure of the Kasepuhan people under Customary Law**

All traditional offices within the Kasepuhan customary institutional structure are responsible to the highest leader, the *Sesepuh* (usually

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<sup>9</sup> Now known as Ciptagelar, after the community. In a similar way, Cikaret was re-named Simaresmi after the Kasepuhan community of that name.

called *Abah*, meaning father). These posts are all hereditary: there are no community elections for them. Only the *Kokolot Lembur*, the leaders of each community group, are elected by the indigenous members of that village<sup>10</sup>. As community leaders, the *Kokolot Lembur* participate in *adat* meetings – this is the forum where decisions are made regarding the whole cycle of agricultural production, from preparing the land to harvesting the crops. Usually the *Kokolot Lembur* also hold certain positions within the Kasepuhan’s customary structure.

<b><i>Adat</i> positions in Kasepuhan Society</b>	
<b>Title</b>	<b><i>Function</i></b>
<i>Leader</i> ( <i>Sesepuh</i> )	Head of the ethnic group. Highest <i>adat</i> leader. Serve the needs of the members of the community in matters concerning this world (material) and beyond (spiritual). Appoint and dismiss customary officials.
Head of external affairs ( <i>Kanagaraan</i> )	Assist the head of the community ( <i>Sesepuh</i> ) in all affairs dealing with the government. Advise the <i>Sesepuh</i> on community issues. Organise the community. Issue statements/ political positions.
Head of religious affairs ( <i>Syara'</i> )	Assist the <i>Sesepuh</i> with affairs concerning customary law and religion. Propose candidates for the position of <i>adat</i> leader.
Head of customary law ( <i>Panghulu</i> )	Lead prayers in customary rituals. To prepare and conduct burials. Determine burial costs.
Water manager ( <i>Tatanen</i> )	Coordinate the management of rice paddies and the irrigation system. Punish those who interfere with water supplies.

<sup>10</sup> Not all members of the Ciptagelar Kasepuhan live in Cikarancang: some live in Sirnaresmi/Cikaret, Tugu or other settlements in the area. So each group of Ciptagelar Kasepuhan, wherever they are living, selects a leader or *Kokolot Lembur*. The *Sesepuh* is the overall leader of the whole Ciptagelar community.

Human healer/ Shaman ( <i>Dukun manusia</i> )	Lead the <i>adat</i> rituals <sup>2</sup> to prevent or cure illness. Give medicines and treat the sick. Determine costs for treatments.
Animal healer ( <i>Dukun hewan</i> )	Treat sick animals.
Musician ( <i>Gamelan</i> )	Play and take care of the gamelan (traditional orchestra).
Rice field manager ( <i>Panyawah</i> )	Supervise/ control/ administer/ look after communal and individual rice paddies.
Cultural Guardian ( <i>Pamuk/Obor<sup>3</sup>/ Pantun/ Pakarang</i> )	To inform and educate community members about Kasepuhan beliefs through traditional stories, songs and verses. To enforce <i>adat</i> law.
Male circumciser ( <i>Bengkong Lalaki</i> )	Circumcise boys.
Female circumciser ( <i>Bengkong Perempuan</i> )	Circumcise girls.
Midwife ( <i>Paraji</i> )	Take care of women during pregnancy and labour.
Puppeteer ( <i>Dalang</i> )	Organise entertainment, narrate and perform shadow puppet plays.
Singer ( <i>Sinden</i> )	The lead female singer in performances.
Hunter ( <i>Moro</i> )	Hunt animals needed for <i>adat</i> rituals and drive away pests harming the crops of any community member.
Treasurer ( <i>Pakarang</i> )	Take care of and polish the community's heirlooms and sacred objects, especially during the month of Maulud <sup>4</sup> .
Cleaner ( <i>Bebersih</i> )	Clean up the village and the area around the communal rice store.
Wedding organiser ( <i>Panganten</i> )	Organise wedding decorations and lead wedding ceremonies.
Fuel manager ( <i>Kemit /Suluh Daun</i> )	Find firewood and banana leaves for the public kitchen and relay messages.
Forest protector ( <i>Kemit Leuweung</i> )	Supervise the community's protected and sacred forest areas.

<i>Road manager</i> ( <i>Ngabalay</i> )	Surface paths around people's homes and roads around the village.
Ceremonial chef ( <i>Masang</i> )	Prepare and serve the cakes and food during <i>adat</i> ceremonies.
Leader's cook ( <i>Dapur Khusus</i> )	Cook for the <i>Sesepuh</i> 's family.
<i>Rice Manager</i> ( <i>Candoli</i> )	Supervise rice being stored and taken out of the communal storehouse.
Cook ( <i>Masak</i> )	Take care of the vegetables and meat in the public kitchen for <i>adat</i> ceremonies.
Travel Assistant ( <i>Gandek /Koja</i> )	Assist the <i>Sesepuh</i> when he travels.
Supplies manager ( <i>Tukang Para</i> )	Store and manage cakes, bananas, coconuts, vegetables, spices and meat when there is a ceremony or a celebration.
Carpenter ( <i>Tukang Bas/Kayu</i> )	Build houses and furniture for the <i>Sesepuh</i> and other community members.
Transport Manager ( <i>Tukang Kuda</i> )	Attend to the means of transportation of the <i>Sesepuh</i> .
Lampman ( <i>Tukang Lampu</i> )	Take care of lighting in the village.
Tailor/Seamstress ( <i>Tukang Jahit</i> )	Make clothes for the <i>Sesepuh</i> 's family and other community members.
Ceremonial assistant <sup>5</sup> ( <i>Tukang Sawyer</i> )	Carries out parts of wedding and circumcision ceremonies and celebrations.

<sup>1</sup> The Kasepuhan have their own religion/belief system which includes influences from Islam and Hinduism. So terms like *syara* do not have the same meaning as in mainstream Islam.

<sup>2</sup> These healing rituals are called *nyimur* or *prah-prahan* in Kasepuhan. Nowadays, the immunisation programme is also considered part of these.

<sup>3</sup> *Obor* literally means 'a torch' so, in Kasepuhan society, the person in this position is responsible for 'enlightening' people about traditional knowledge through poetry, stories and other art forms. He also warns the community to stay on the well-lit path rather than the dark one i.e. to follow *adat* rules (see Section IV.3).

<sup>4</sup> *Maulud* is the period when Muslims commemorate the birth of Muhammad.

<sup>5</sup> Literally *sawer* means to share or distribute money. At these ceremonies, money and yellow rice are handed out to symbolise hopes for justice, solidarity and collective prosperity.



Village and customary house in Kasepuhan

### 3. Control of customary land and forests

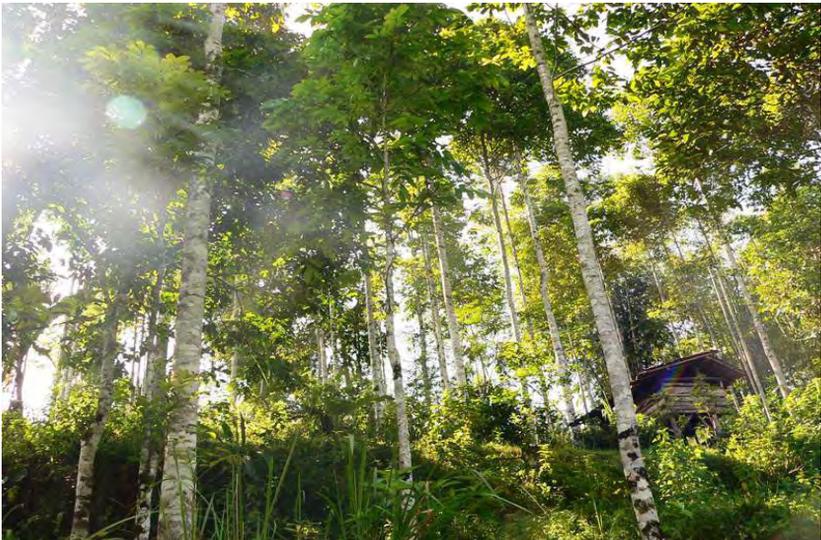
The colonial policy of forced cultivation for the ‘native’ population, first implemented by the Dutch East Indies Company<sup>11</sup>, had a serious impact on indigenous peoples. The capitalist economic system which underpinned colonial agriculture was directly opposed to the indigenous culture of subsistence agriculture. To avoid confrontation with the colonial authorities, the Kasepuhan had to clear some natural forest within their customary lands for settlements and farming, even though this was protected under *adat* law.

In the 19<sup>th</sup> century, the Dutch colonial plantation system started to take over customary land and made indigenous people work under the forced cultivation policy for large-scale plantation and forestry companies belonging to the private sector or the Dutch colonial government. A number of plantation and forestry operations, including conservation measures, were imposed on customary land and forests belonging to the Kasepuhan people. This appropriation of indigenous lands and resources continued throughout the Japanese occupation and even after Indonesia became independent. The Indonesian government has

<sup>11</sup> The *Vereenigde Oostindische Compagnie* or *VOC* controlled large parts of the coastal areas of Java, Sumatra, Kalimantan, Sulawesi and the Moluccas for nearly two centuries from the early 17<sup>th</sup> century.

continued to permit plantations (through concessions to private or state-owned companies) and forestry companies (through the state-owned company Perhutani) to use Kasepuhan customary forest lands.

It was in 1932 that the *awisan* (protected forest) in Cicemet was cleared for agricultural purposes for the first time ever. After Dutch troops burned down the communal rice store in 1938<sup>12</sup>, the core of the Kasepuhan community moved from Cibengkung to Cicemet. To ensure the sustainable use of their land for future generations, the Kasepuhan leaders developed a land use plan through discussion with the community, designating areas as protected forest, reserved forest and land for agricultural and agroforestry purposes<sup>13</sup> (see section III, 2).



Yuyun Indradi | DTEI

Agroforest (*talun*), Ciptagelar

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<sup>12</sup> The movement for independence from the Dutch started pre-World War II. The colonial powers destroyed crops where they suspected villagers were supplying food to independence supporters.

<sup>13</sup> *Huma* is land cleared for dry rice cultivation as part of the Kasepuhan's rotational cultivation system. A number of other crops are also grown in these fields. *Talun* is a traditional Sundanese agroforestry system that combines the cultivation of many kinds of vegetables and trees which eventually develops into man-made forest. *Kebun* is similar to *talun*, but is usually nearer to people's houses and has fewer large trees.

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The land use plan drew clear boundaries between these different areas, following the community's traditional forest management concept<sup>14</sup>. Agreements with third parties were mutually acknowledged but not formalised in writing. Even though these boundaries overlapped with the Gunung Halimun National Park and Perum Perhutani's concession area, this did not result in conflict between different stakeholders at that time<sup>15</sup>.

In order to avoid disputes between community members, forest areas assigned for agricultural and agroforestry purposes are held as communal land. Only land in the immediate surroundings of a house is considered individual property for as long as the occupants live there. If they move away, someone else can take over the house and land.



Jopi | AMANI

Customary land in Kasepuhan Sirnaresmi

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<sup>14</sup> These boundaries are usually only marked by natural features such as rocks, streams or particular trees.

<sup>15</sup> More recently, there has been conflict between the Kasepuhan community over the area designated as the 'core zone' of the National Park (but not any of the other zones) and what was the production area of the Perhutani concession. The Halimun area was divided up into three large management units (*KPH*) and some 26,000 ha of Kasepuhan rice fields, agroforest and customary forest were converted to pine plantations for logging. So the indigenous community lost their assets and access to natural resources.



Traditional rice barns at Kasepuhan Sirnaresmi

The rules are different for rice paddies and *talun* where, even if people move away, they still retain ownership. Landowners can hand over land use rights to another member of the community and agree payment in kind or in cash as compensation for the initial cost of land clearance or for crops on the land.

With the growing pace of development and higher incomes, demand for timber to build houses increased during the 1970s. Some individuals (migrants into the Kasepuhan area) and government officials saw this as an opportunity to get into the timber trade. Gradual encroachment has led to forest degradation and destruction. The situation has been made worse by extremely weak law enforcement. In applying customary laws on natural resource management, the indigenous community often clashes with the civil authorities and police/judiciary over illegal activities.

#### **4. Village land versus customary land**

There is a difference in principle between the terms ‘village land’ (*tanah desa*) and ‘customary land’ (*tanah adat*) for most indigenous peoples in Indonesia. For the Kasepuhan, ‘customary land’ (*wilayah hak ulayat*) only refers to communal property. It has very clear boundaries and use is regulated by customary rules, but there is no individual ownership, official administrative areas do not confine it and there is no written

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proof of ownership<sup>16</sup>. In case of dispute, a consensual solution is sought through negotiations led by members of the customary governance structure.

On the other hand, the term ‘village land’ applies to land which was managed individually but not formally registered as individual property at the time of the 1960 Agrarian Law. This was traditionally known by the Kasepuhan as ‘common land’ but was then classified by the government as ‘state land’ by default as it was said to be ‘without owners’<sup>17</sup>. Eventually, in the 1970s, the district government issued certificates<sup>18</sup> allowing people to use this land for agriculture, subject to the following conditions:

- the land could not be bought or sold<sup>19</sup>;
- it could not be bequeathed;
- it could be reclaimed by the government in the public interest without any compensation;
- the holder of the certificate had to pay land and building tax on any village land used for individual purposes.

Solutions for disputes in the Ciptagelar community are sought according to customary rules. For example, when land is required for new housing or a road, school or mosque, a proposal is sent to the local government to withdraw permission to farm that area of village land. Its status then changes from individual to communal ownership, as it becomes customary land<sup>20</sup>.

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<sup>16</sup> In Indonesia, only individual land ownership is officially recognised.

<sup>17</sup> The community traditionally calls this land *hakulah* or *tanah hak olah* – land which anyone in the community can use. However they also use an old Dutch colonial term, abbreviated to *GG*, which refers to collectively-held lands which are claimed as ‘state land’.

<sup>18</sup> These land use permits are known as *Surat Ijin Menggarap (SIM)*. The local Land Agency office issues certificates called *Surat Pemberitahuan Pajak Terhutang (SPPT)* which recognise land use, subject to payment of taxes.

<sup>19</sup> Members of the Kasepuhan community are not allowed to buy or sell land anyway under customary law. However, exchanging plots of land within the community is permitted.

<sup>20</sup> This is only possible because most of the village are indigenous Kasepuhan, including members of the village administration.

### III. ATTITUDES TOWARDS NATURAL RESOURCES AND THEIR MANAGEMENT

#### 1. Basic philosophy of nature and its management

The Ciptagelar Kasepuhan indigenous community believes that humans are only one of many living creatures in the universe. In their value system, human beings should respect ‘Mother Earth’ and ‘Father Heaven’ just as they respect their own parents. Perceptions of nature must always be related to people’s perceptions of themselves as human beings. The underlying concept is *Jagat Leutik, Jagat Gede - Jagat Leutik Sanubari, Jagat Gede Bumi Langit*: awareness of the microcosm and macrocosm – the small world of consciousness and the immensity of the natural universe.

Nature with all its elements is considered to be some sort of living entity too, which is why it can interact with human beings. Most importantly, humans do not have the right to decide the fate of all other living things. In practice, this principle means that natural resource management must be based on self-awareness. This is reflected in the way the Kasepuhan people manage their natural resources.

The Kasepuhan community place great emphasis on the balance between people and nature. They believe that nature sends out signals that people can read to help them maintain this natural balance. The Kasepuhan people apply this philosophy to their agriculture and forest management.

The Kasepuhan people recognise several constellations and their significance for agricultural practices. They call these the ‘Village Teachers’. They pay special attention to two constellations and use them for guidance in farming: the *Kereti* and the *Kidang*, which follow each other once a year from east to west.

When the *Kereti* constellation first appears – around the month of August – the Kasepuhan know it is time to start getting their farming tools ready<sup>21</sup>.

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<sup>21</sup> *Tanggal Kereti Turun Beusi* (lit. when Kereti appears, get the tools ready); *Tanggal Kidang, Turun Kujang* (lit. when Kidang appears, get the machetes out); *Tilem Kidang, Turun Kungkang* (lit. when Kidang goes, the pests come).

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Once the constellation of *Kidang* appears, they start clearing the land and cultivating their rice paddies. They should finish harvesting the upland and paddy rice when this constellation disappears (some time in May), because plagues of insect rice pests are most likely then<sup>22</sup>.

The Kasepuhan do not view their forests as production forests, in the sense that they do not harvest timber as an economic crop. Instead, they value the environmental services provided by forests such as:

- protecting water sources;
- balancing climate;
- habitats for animals;
- conservation.

They believe that the current generation has only borrowed the natural resources from future generations and must therefore manage them in a fair and sustainable way. A local saying is: *Our world can feed any amount of people, as long as it is managed in a fair way, but it won't feed two or three greedy people.*

Because of these beliefs, the Kasepuhan always hold a ceremony to pay respect to nature before starting any activity related to the land or natural resource use (see section IV).

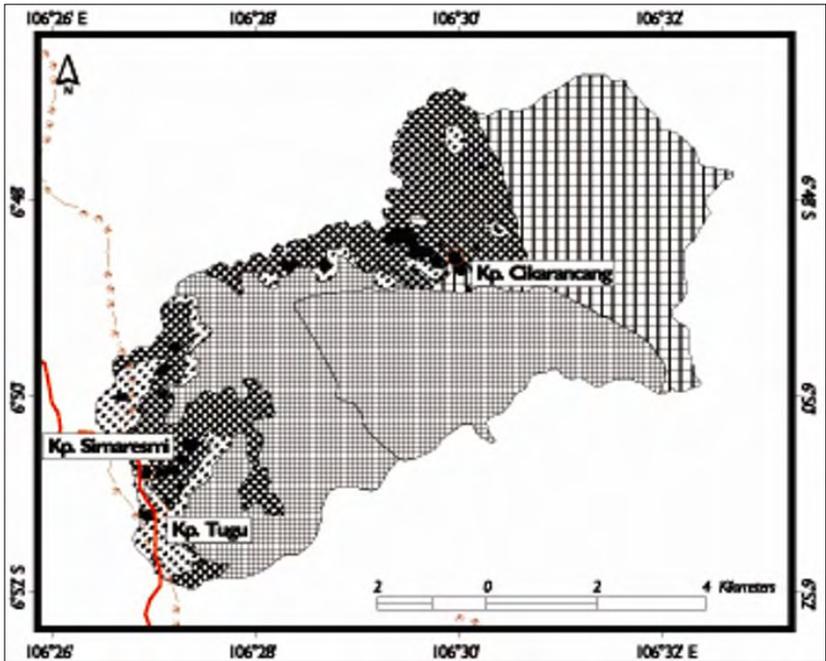
## **2. Sustainability and the natural resource management practices of the Kasepuhan people**

In the Kasepuhan culture, land is zoned according to its function, such as forest (*gunung kayuan*); steep slopes covered with bamboo groves (*lamping gawit awian*); agroforestry areas (*kebun talun*); rice paddies (*datar sawahan*); and fish ponds (*legok balongan*). This zoning influences the way people manage their natural resources<sup>23</sup>.

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<sup>22</sup> Such as the rice bug, locally called the *walang sangit* (*Leptocorisa oratorius*), which infects ears of rice preventing development of the grains.

<sup>23</sup> Until the 1940s, the Ciptagelar Kasepuhan only practiced rotational cultivation ('shifting agriculture'). Now much rice is grown in irrigated paddy fields on land where the local government has granted limited use rights. Not everyone in Cikarancang has land, but most members of the indigenous community have either some paddy fields or upland or agroforestry plots. They also keep chickens, goats and water buffalos.



Participatory mapping of land use in Sirnaresmi village, redrawn from Kasepuhan community, RMI, 1999

**a. Irrigated rice (paddy)**

Rice is planted for subsistence, not as a cash crop. One crop of local rice varieties is planted per year on communal land and on individual plots<sup>24</sup>.

**b. Upland plots**

These are rain-fed not irrigated. Local upland rice varieties are intercropped with beans, pumpkins, cucumber and maize. This land is used rotationally.

<sup>24</sup> At least 3 varieties of irrigated rice and 5 varieties of dryland rice are grown at Sirnaresmi. Rice is still harvested with a small blade held between the fingers, not with a sickle, as the individual stems ripen at different times. People must harvest rice from the *Sesepuh's* fields without pay as a service to the community leader. The rice is dried on racks before being stored in special barns. Women from the age of 9 years old upwards still pound the rice by hand.

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**c. Vegetable gardens**

Vegetables, maize and sweet potato are also grown on the paddy fields or upland plots before the rice-planting season.

**d. Agroforestry**

Any category of land can be used for agroforestry (*kebun talun*), including previously cultivated upland plots. The Ciptagelar Kasepuhan plant crops such as bananas, coffee, cardamom, cloves, sugar cane, chillies, peanuts and tree species to supply timber and other local needs. Tree species planted to reforest swidden fallow include *manglid* (*Manglietia glauca*), *surian* (*Toona sureni*), *mani`i/afrika* (*Maesopsis eminii*), *tisuk* (*Hibiscus macrophyllia*), *dadap* (*Erythrina spp*), *pucung* (*Pangium edule*), *teureup* (*Artocarpus sp*), candle nut (*Aleurites moluccana*), *huru tangkalak* (*Litsea glutinosa*), *harendong` badak* (*Melastoma malabathrycum*) and many others<sup>25</sup>.

**e. Fish production**

The Kasepuhan people create fishponds in parts of the valley floor close to streams or springs. Fish is much in demand for rituals throughout the year, so nearly all community members have fishponds. Fish breeding and hatching take place in the paddy fields before the rice-planting season. Later, the fish are transferred to individually owned ponds near the village. They breed carp, catfish, tilapia, *sepat*<sup>26</sup> and other species.

**f. Fruit trees**

These are not planted on specific plots of land, but are grown anywhere around the village, on the margins of paddy fields or upland plots. They include: durian, avocado, jackfruit, *petai* bean trees (*Parkia speciosa*), sugar palm, coconut, mango and various kinds of guava.

The Kasepuhan community also uses non-timber forest products such as rattan; honey for local consumption and for sale; mushrooms; and

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<sup>25</sup> The *talun* has high biodiversity. In 20-30 years, depending on the species planted, it can be difficult for outsiders to distinguish between *talun* and natural forest. Members of the indigenous community recognise at least 200 different kinds of trees, including species grown for timber, firewood, resins and fruits and some 9 species of bamboo. Firewood is an important commodity as most Ciptagelar families depend on it for all their cooking.

<sup>26</sup> *Sepat* is *Helostoma temmincki*

roots, tubers and other parts of many other medicinal plants from the forest, mainly for use within the community.

There is a trend towards increased use of the lowlands for irrigated rice cultivation, since upland cultivation is not always profitable. Recently, the community has started to sell timber on the open market as well as for building their own houses. They use sustainable harvesting and management practices<sup>27</sup>.

The Kasepuhan people's sustainable forest management system distinguishes between three kinds of forest. These categories are closely related to their philosophy of life. The approximate proportion of each type is indicated in brackets below.

I. Protected forest (*Leuweung titipan*<sup>28</sup>) (60%)

This forest is protected by the community and the forest spirits. It is strictly forbidden to enter this forest area without the permission of the traditional leader (*Sesepuh*) or to take anything from it. This zone is preserved to ensure the sustainability of the community's livelihoods.

II. Closed forest (*Leuweung tutupan*) (20%)

This forest functions as a buffer and also protects the village. Community members may only harvest non-timber forest products. In cases of extreme need, the community may decide to clear parts of this forest for the benefit of the whole Kasepuhan people (for instance the Cicemet case in 1932), but not for individual interests.

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<sup>27</sup> *Manglid* (*Manglietia glauca*), *surian* (*Toona sureni*) and *mani'i/afrika* (*Maesopsis eminii*) are the most commonly planted timber species as part of the Kasepuhan agro-forest system and it is these that are now harvested for sale. Agroforestry (*talun*) is becoming even more important now to the Kasepuhan both because of the reforestation they have carried out and because they are giving up traditional rotational cultivation on the uplands for irrigated rice cultivation in the valleys.

<sup>28</sup> Also known as *hutan awisan*. *Awisan* means 'forbidden' or 'sacred'. As the purpose of the core zone of the national park is broadly similar, the Kasepuhan do not have a problem where these two zones overlap. Each of the 13 or so Kasepuhan communities around Gunung Halimun and Salak has its own area of sacred forest but this may be located near another community's settlement.



Yuyun Indradi | DTEI

Customary forest and paddy fields, Ciptagelar

### III. Open forest (*Leuweung bukaan/garapan*) (20%)

This is the part of the forest that the community uses for its paddy fields, rotational agriculture, agroforestry, housing, roads, mosques, cemeteries, livestock and other needs. It is strictly forbidden to use the other two forest areas for any of these purposes. The open forest zone is also known as *Terasan* once it has been cleared.

## IV. CUSTOMARY INSTITUTIONS, LAWS AND DECISION MAKING MECHANISMS FOR NATURAL RESOURCE MANAGEMENT

### 1 . Rituals

The *Opat Belasan* ceremony is celebrated on the thirteenth day of every month in the Muslim calendar. This ritual welcomes the full moon, so that people's hearts will be filled with its light. It also pays respect to the spirits contained within the community's sacred heirlooms. The ceremony includes a ritual meal and midnight prayers, followed by traditional artistic entertainment. While the men meet to discuss community affairs, the women prepare a fruit salad and cook the food for the celebration.

Before undertaking any activity related to natural resource management, there usually is a devotional visit to the graves of the community's

### Sirnaresmi land use

Land use	Kasepuhan zone	Area (ha)
Housing	Open forest ( <i>Leuweung garapan</i> )	74.18
Paddy fields	Open forest ( <i>Leuweung garapan</i> )	559.98
Upland agriculture	Open forest ( <i>Leuweung garapan</i> )	303.4
Burial ground	Open forest ( <i>Leuweung garapan</i> )	7.00
Customary forest	Closed forest ( <i>Leuweung tutupan</i> )	1,013.00
Customary forest	Protected forest ( <i>Leuweung titipan</i> )	2,948.48
Total village area		4,906.04 <sup>6</sup>

forefathers. In chronological order, the customary rituals during the year are:

- *Ngaseuk* which marks the beginning of the planting season for upland rice, followed by the planting season for lowland paddy rice;
- *Mipit* which is celebrated when the rice is ready for harvesting;
- *Nganyaran*: a ritual for cooking the newly harvested rice;
- *Serah Ponggokan*: the community apologises to Mother Earth for disturbing her during their agricultural activities. At this occasion, community members agree on the costs for the harvest festival;
- *Seren Tahun* is the most important of all the ceremonies. Here the community thanks the Almighty for a good harvest;
- Circumcisions and weddings are celebrated collectively at harvest time, so that community members can all help each other.

All men, women, and young people of the community participate in these activities according to their skills and capacity.

## 2. Customary rules

The Kasepuhan people regard their forest as something special that must be respected. Certain mantras have to be spoken when entering or leaving the forest. People felling a tree to build a house need to carry

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incense<sup>29</sup> provided by the community leader as a sign of blessing from the microcosm and the macrocosm. It is strictly forbidden to cut budding or sprouting trees. Nobody is allowed to cut any trees at all during the second and third months of the Muslim calendar<sup>30</sup>.

The underlying principle of Kasepuhan customary law is to preserve the balance between humans and nature. Actions that violate customary law can disturb this balance.

The rituals and ceremonies described in the previous section can also be considered part of customary law as, although they are unwritten, they represent people's collective and individual obligations before the natural environment can be used. However, as part of their adaptation to modern times, the Ciptagelar community is slowly giving up its system of shifting cultivation. The same is true for customary rules that have lost their relevance with time. For example, there is hardly any hunting since deer have become very rare.

It was explained earlier that the community may only use land designated as 'open forest'. Exploitation of the sacred and 'closed forests' for farmland or timber is strictly forbidden. Nearly all the springs are located in the sacred forest; this is also the habitat of rare wildlife. Village land is used if more agricultural land is needed. Traditionally, timber can only be extracted to build a house or furniture for oneself. Man-made forest (*kebun talun*), not the natural forest, is used as a source of timber and only certain species can be felled.

### **3. Customary law enforcement and sanctions**

The basis of Ciptagelar Kasepuhan customary law is their philosophy of life which is based on three pillars (*Tilu Sapamulu*). The terms *Tekad*, *Ucap* and *Lampah* roughly translate as determination, speech and behaviour, but have broader significance in different contexts. Harmony – a central aspect of Kasepuhan life - can only be achieved if there is a balance between all three elements. The Kasepuhan people must pay attention to these three principles and use them as guidance in their daily lives at the individual and community level.

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<sup>29</sup> *Kemenyan* is a fragrant tree resin produced by *Styrax bezoin*, commonly called frankincense in Indonesia.

<sup>30</sup> *Syafar* and *Raby'al-Awwal*

Relationships between the spiritual and physical worlds			
	Internal ←————→ External		
Characteristic	What you think ( <i>Tekad</i> <sup>7</sup> )	What you say ( <i>Ucap</i> )	What you do ( <i>Lampah</i> )
Social controls	Personal values or community spirit ( <i>Buhun, Mokaha</i> )	Civil governance ( <i>Nagara</i> )	Kasepuhan norms of behaviour ( <i>Syara</i> )
Vehicle	Soul ( <i>Nyawa</i> )	Body ( <i>Raga</i> )	Clothing ( <i>Papakean</i> )

The following examples illustrate how the whole belief system puts humans at the centre of the universe but, at the same time, treats people as only one part of nature.

At the individual level, *Tekad*, *Ucap* and *Lampah* stand for accountability in words and in deeds: one’s words and deeds must be consistent with one’s interests and intentions. At the level of society, the collective spirit



Yuyun Indrati | DITE

*Seren Tahun*, the community thanks the Almighty for a good harvest

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(*Buhun*) must be in harmony with community governance (*Nagara*) and Kasepuhan culture (*Syara*). At yet another level, the community and its system of governance are regarded as living entities or people. For the Kasepuhan, governance and community affairs must take into account the soul (community life), body (socio-political territory) and cultural norms (*Papakean*). If the territory is managed without taking the collective spirit (*Buhun*) into account, it will result in a form of development which is meaningless to the community, just as a finely dressed body with no soul remains a corpse. Similarly, if development only takes into account the territory and the collective spirit, it will produce a community without cultural norms: a living body with no clothes.

Customary legal enforcement and *adat* sanctions emphasise the role of individual consciousness in guarding the balance between microcosm and macrocosm. If someone breaks a customary law or rule, it is believed this will have an effect on cosmological balance. This will impact on the person who broke the rule, the family and the whole Kasepuhan community.

For the Ciptagelar Kasepuhan, indigenous people's wisdom is a spiritual understanding or *Buhun*. The soul is invisible and therefore customary law is not written down. Customary sanctions are neither physical nor material, but whoever breaks *adat* law will be punished socially, spiritually and even cosmically – they will be cursed (*kabendon*).

The judge in the Kasepuhan community is the social environment; the *adat* leaders only act as witnesses. One customary official (the *Obor/Pamuk*) monitors adherence to *adat* law. For instance: if a member of the community breaks a rule, the customary guardian will remind them and reprimand them. S/he must then admit the mistake in front of the community leaders and promise not to do it again. Community members guilty of violating *adat* law have to provide everything for the ritual required to ask for forgiveness and absolve their wrongdoing. Guided by the shaman, s/he will then ask to be cleansed of their sins by the ancestors. If that person breaks the *adat* rule again, s/he will suffer some sort of indirect physical punishment in form of a severe or even fatal illness, a snakebite or being mauled by a tiger.

The *Kemit Leuweung* is in charge of regularly patrolling the forest and enforcing the customary laws related to it. He reports any problem he encounters to the *Sesepuh* as the highest leader. Anyone breaking the *adat* laws governing the customary forest may also suffer penalties from the spirit world, for example, getting lost in the forest for several days. S/he can only be found by getting a specific kind of incense from the community leader and burning it around the forest boundaries.

#### **4. Adat Meetings**

The *Opat Belasan* ceremonies (see also section IV, 1), also serve as opportunities for routine *adat* meetings. These are a sort of monthly evaluation of community activities in every hamlet. Participants include the community leaders, plus women and young people. The kind of decisions taken include when to celebrate the various rituals or when to start clearing the land for upland cultivation, based on the constellations used in the agricultural calendar. The *Sesepuh* chairs the discussion until a consensus is reached on the schedule of events, then an assistant will lead the preparations for each event.

The largest meeting takes place during the *Serah Pongokan* celebrations, at the end of the cultivation cycle. Topics discussed here include when to celebrate the harvest festival (*Seren Tahun*), each family's contribution, planning the communal wedding and circumcision ceremonies and scheduling further discussions to take place under the supervision of the community leader.

The harvest celebrations also provide an opportunity to evaluate the Kasepuhan community's overall development. Usually this takes place as an informal discussion, after the *Ampih Pare Ka Leuit* ritual of bringing the rice harvest into the communal storehouse, and is attended by the leaders of each hamlet, community members and government officials as invited guests.

This gathering also serves as a forum for the community to hold discussions with representatives of government agencies and maintain good external relations with them.

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## V. RELATIONSHIPS BETWEEN THE CUSTOMARY INSTITUTIONS AND THE VILLAGE ADMINISTRATION

### 1. Village regulations versus customary law

Most inhabitants of the settlements in the Ciptagelar customary domain are indigenous Kasepuhan. So it is not surprising that the community bases village regulations on customary law. The only exceptions are issues related to land and building taxes or to national government initiatives, for example, the family welfare programme<sup>31</sup>.

The difference between the two is that customary rules are derived from customary law and are valid for an indefinite period of time, whereas village regulations are usually made to satisfy specific needs only for a certain period of time. Customary rules were made by the ancestors and handed down to their successors who implement them; the village administration and assembly<sup>32</sup> create village regulations.

To date there are no village regulations regarding the customary forest in Sirnaresmi. One reason for this is that, to date, no one in the community understands the issue sufficiently to lead the process of drafting a written regulation. The Ciptagelar Kasepuhan do have a map of their customary area as a result of a participatory mapping exercise that they initiated in 1999. However, *adat* rules regarding the forest make no reference to administrative boundaries at village, subdistrict, district or province level. The community should therefore, in the near future, create a village regulation regarding the management of forests and other natural resources. The process to draw up this regulation needs to start immediately.

### 2. Customary versus administrative governance structure

Within the Sirnaresmi village administrative structure, there is no specific post for environmental and forest issues. This contrasts with the *adat* governance system where the *Kemit Leuweung* (customary guardian) is clearly in charge of ensuring that rules on the forest are observed.

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<sup>31</sup> *Pendidikan Kesejahteraan Keluarga, PKK* (see also the Toro case study)

<sup>32</sup> *Badan Perwakilan Desa, BPD*

Also, administrative positions are only for a certain legislative period and filled by election, whereas customary positions are for life. For example, once the customary guardian is too old to carry out his duties, he passes on his mandate to one of his offspring.

The customary and administrative structures of the *adat* community and Sirnaresmi village are not entirely separate since the people holding administrative positions in the official bureaucracy are indigenous Ciptagelar Kasepuhan. In other words, the members of the village executive are members of the indigenous community, elected by the indigenous community. People who hold customary positions are also responsible to the village community, the majority of whom are indigenous people. Indigenous people make up the village assembly too.

Another difference between the administrative and the customary governance structures is the territory which each controls. The Kasepuhan customary area extends far beyond the administrative village boundaries; covering parts of three districts in two provinces.



Yayun Indrardi [DTE]

Kasepuhan women pound rice to remove the husks

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While the Ciptagelar Kasepuhan community now has its geographic centre in Sirnaesmi village, culturally its members even include those living outside Java.

### 3. Village activities versus customary activities

As most of members of the village's official bodies are indigenous Kasepuhan, there is rarely any conflict between the activities carried out by the village and customary structures in Sirnaesmi. Administrative village programmes are usually accepted and integrated into the indigenous community's programmes and vice versa. The important point for the indigenous leaders is that the interests of the indigenous community are taken into account in village development programmes, despite the very different planning procedures and sources of funding of the two systems.

The various customary ceremonies and meetings are used to discuss and plan activities related to *adat* issues or to the overall wellbeing of the community. In the customary system, the process is self-managed and everything is usually financed through the community's own resources.



A community meeting in Kasepuhan Sinaesmi

Internal	External
<p>Since the Ciptagelar Kasepuhan community is part of the greater Banten Kidul community, there is mutual recognition of their protected and ‘closed’ forests because these are all part of one larger <i>adat</i> domain.</p>	<ul style="list-style-type: none"> <li>• The local government has supported the community by funding the construction of public facilities including school buildings, a local health clinic, road surfacing, irrigation infrastructure and bridges.</li> <li>• The central government’s acknowledgement of community forest management is expressed in the following clauses of the Forestry Law 41/1999:             <ul style="list-style-type: none"> <li>o Chapter I: article 1 paragraph f, article 4 paragraph 3;</li> <li>o Chapter II: article 5 paragraph 3;</li> <li>o Chapter V: article 34 paragraph a, article 37 paragraph 1;</li> <li>o Chapter IX: article 67 paragraph 1 point a.</li> </ul> </li> <li>• Concession of authority to manage 2,150 ha of customary forest<sup>32</sup>.</li> </ul>

<sup>32</sup> This refers to the area of customary land formally used by Perhutani which has been reclaimed and is being reforested. After the Suharto regime fell in 1998, there was a ‘free for all’ in many areas designated state forests with local people, outsiders and even forestry officials carrying out logging and local communities reclaiming land for agriculture. The Kasepuhan have no *adat* sanctions against outsiders: they trust that the belief that misfortune will befall anyone who breaks their rules is sufficient deterrent.

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Within the official administrative system, it is the village executive and the village assembly who plan activities and agree budgets. If the village wishes to implement certain projects, they will apply to a higher administrative level – usually district or province – for government funds through a project proposal. Such projects are often for more infrastructure (roads, schools etc), but may also cover interests of the indigenous community. Activities related to programmes developed at a higher administrative level are usually funded by regional or national development budgets or through international development grants outside the state budget.

As mentioned above, the village administration does not run any forest-related activities. This contrasts with the customary system which provides regular forest surveillance, reforestation, protection of water sources and watershed areas and other services.

## **VI. AREAS OF RECOGNITION AND CONFLICT**

### **1. Recognition**

Community members who are part of the administrative village structure are regarded as conservation cadres. They receive formal training from the Gunung Halimun-Salak national park and act as the park authority's partners. So far, the government has not questioned the community's reforestation activities as these people are part of official village executive and the replanting falls within its remit of promoting the welfare of the community.

### **2. Conflict resolution mechanisms related to natural resource management**

Internal conflicts are resolved in a meeting chaired by the *Sesepuh* and witnessed by the customary leaders. To reduce external conflicts, the Kasepuhan community has held joint meetings with representatives of the district and province level authorities, Ministry of Home Affairs, Forestry Department, Halimun-Salak National Park and Perhutani to discuss the use of their customary land<sup>33</sup>.

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<sup>33</sup> Both the national park and Perhutani are courting local communities, for example with community-based forest management projects, to gain support in their struggle over this area. So Kasepuhan communities in Gunung Salak have formed an alliance to improve their bargaining position in negotiations with the two competing authorities.

In exchange for allowing *adat* land to become a national park, the authorities relinquished land elsewhere that had been used for large-scale plantations. For example, some 480 ha of ‘state land’ in Sirnagalih village, Cibeber district, Banten has now been recognised as *adat* land.

One tactic that the Kasepuhan community uses to strengthen its position when attempting to resolve such disputes is to present the authorities with examples of their customary forest management system. This includes the way they have reforested ‘critical land’<sup>34</sup>, regardless of who holds the rights to manage it, and protecting and taking good care of the forest in an equitable way. Reforestation activities always involve the whole Kasepuhan community to enhance a sense of togetherness and mutual support.

### 3. Initiatives to restore customary forest

For several years now, under the leadership of Abah Anom as *Sesepuh*, the Ciptagelar Kasepuh community, has carried out extensive planting of *manglid* trees in various locations where forest had been destroyed or degraded. This is particularly important since the affected areas belong to the protected forest zone (*hutan tutupan*) which acts as a buffer to protect the sacred forest from further destruction<sup>35</sup>.



Abah Anom

<sup>34</sup> ‘Critical land’ is a government term for land which has been degraded or is at risk of erosion, usually due to deforestation or poor land management.

<sup>35</sup> Abah Anom was awarded a local environmental prize in the late 1990s for protecting over 2,000 hectares of *adat* forest.

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This reforestation serves other purposes besides rehabilitating the customary forest. It is also one way of reclaiming it. This is important since several of the affected locations are in the area formerly claimed by Perhutani which were just left to be degraded by illegal logging. By taking positive steps to reclaim their land, the community hopes to improve the outcome of negotiations to settle conflicts with the authorities over their ancestral forest land.

In the past, the government always questioned the indigenous community's capacity to manage the forest. By replanting areas of degraded forest without raising any questions about its ownership, the Kasepuhan can improve their image as forest resource managers.

#### 4. Using the public media and eco-tourism to improve community livelihoods

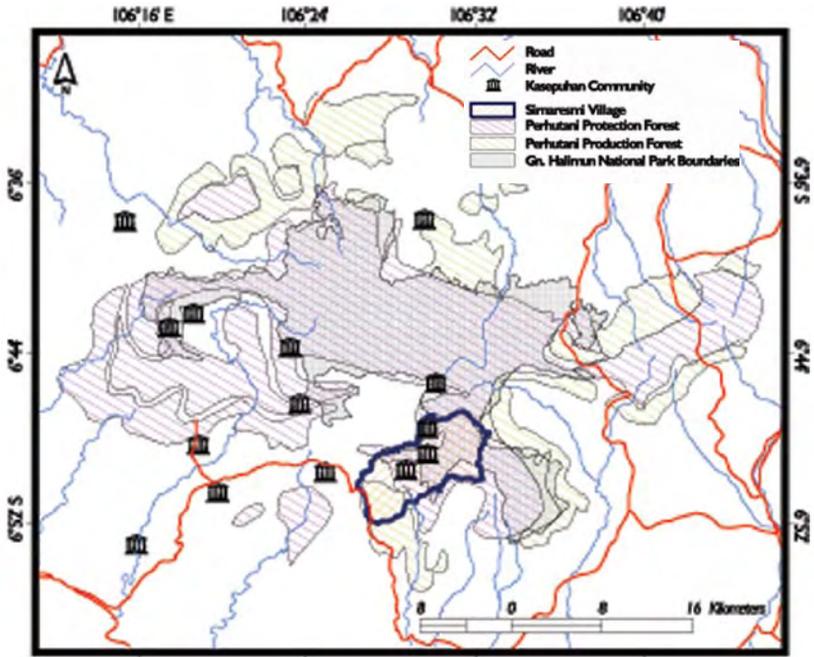
Around five years ago, Indonesian newspapers and television started to cover issues related to indigenous peoples<sup>36</sup>. These reports covered conflicts over access to natural resources, traditional ceremonies regarded as tourist attractions and even indigenous peoples' natural resource management.



*Seren Tahun* is attractive to the media and the wider public

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<sup>36</sup> Under Suharto's dictatorship, the media had been subject to tight restrictions. The fall of Suharto was followed by liberalisation of the press. The first national congress of indigenous peoples was held in March 1999.



Overlay map of the original (Gunung Halimun) national park and Perhutani concession including Perhutani protection forest with Kasepuhan communities

The Ciptagelar community makes use of this trend by inviting the media to report on different aspects of their lives. Customary rituals are attractive to the media and the wider public. As a result, the Kasepuhan harvest festival *Seren Tahun* has become well-known. This has had a positive impact by increasing public awareness of the Kasepuhan community and its way of life.

Furthermore, once the community becomes better acquainted with the media, the next strategic step is to use the media as an advocacy tool to increase public support for its cause. The Kasepuhan people hope that this will eventually strengthen their position in negotiations over the recognition and protection of their rights to access and utilise their land and natural resources<sup>37</sup>.

<sup>37</sup> This is now happening as the media (TV channels and newspapers) cover all big *adat* occasions such as *Seren Tahun*. Usually the community invites the head of district, governor and other important government figures. So these events become an opportunity to extend the dialogue between indigenous people and the government with regard to the problems that they face.

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Furthermore, as more people know about and get interested in the Kasepuhan people's culture, the community can develop this as a tourist attraction. Their overall aim is to achieve recognition of their existence and an improvement in the local economy. One example of this is an unsurfaced road which the community is currently constructing to connect the Kasepuhan villages of Ciptagelar and Ciptarasa. This leads around the sacred forest and could be developed as an ecotourism route. The community is building shelters along the road as rest points and intends to refurbish some abandoned houses in Ciptarasa to be used as guesthouses.

The community is also working towards developing skills to manage tourism. Attractions on offer include traditional rituals, the everyday life of the Kasepuhan people and nature and customary forests in the *adat* domain. Again, the purpose is to gain greater recognition by the wider public and to strengthen the local economy.

## **VII. HOPES FOR THE FUTURE**

The Ciptagelar Kasepuhan population is growing, as elsewhere in Indonesia, but the current Forestry Act<sup>38</sup> does not make any allowance for this. The Ciptagelar community hopes for legal reforms and government initiatives that will enable them and future generations to continue to live as forest peoples - sustainably and with a reasonable standard of living.

### **FOREST POLICY REFORMS**

One of the objectives of the Forestry Department's 2005-2009 Strategic Plan is to make better use of biodiversity resources in sustainable ways. This may be a step towards realising the Ciptagelar Kasepuhan's hopes to reach agreement with the Gunung Halimun – Salak National Park authorities over their use of and control over forest lands. Rice farming is much more of an issue with the park authorities than use of the *adat* forest because the Kasepuhan can use their

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<sup>38</sup> No. 41/1999

agroforestry plots as a source of timber for construction, firewood or income generation but they need rice as a staple food.

One possibility is a partnership or co-management scheme. A ministerial regulation in 2004<sup>1</sup> sets out the framework and conditions for the greater involvement of various interested parties in the sustainable management of protected areas. One of its aims was to help increase the effectiveness of protected area management and to ensure greater benefits for communities. Local communities are specifically mentioned alongside the government, private sector, academics and national and international NGOs as potential partners in identifying, planning, and running and evaluating forest management activities. Nevertheless, this policy document is not a charter for indigenous communities. It makes quite clear that the status of the forest remains unchanged and that the department of forestry retains ultimate control.

Another approach is for part of the Kasepuhan's customary lands to be zoned as enclaves within the park. A regulation is in the pipeline on zoning within national parks<sup>2</sup>. The 2005 draft of this regulation recognised that indigenous communities had lived in and around forests, managing them sustainably, long before these areas were declared national parks. It also acknowledged the economic and cultural importance of forests to such communities and presented the possibility of 'traditional zones' where communities could continue their customary practices. Other zones for rehabilitation, cultural practices and 'special uses' were included too. However, the content of regulations can change substantially between drafting and the final version.

The real solution to the problems faced by the Kasepuhan and other indigenous communities is the reform of the 1999 Forestry Act to give greater recognition of their customary rights.

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<sup>1</sup> Forestry department regulation (*Peraturan Menteri Kehutanan*), No. 19/2004, *Kolaborasi Pengelolaan Kawasan Suaka Alam dan Kawasan Pelestarian Alam*

<sup>2</sup> Draft forestry department regulation, 2005, *Pedoman Penataan Zona Taman Nasional*