

CHALLENGES AND IMPACTS BEHIND THE RECOGNITION OF THE CUSTOMARY LAW PEOPLE OF ENGGANO ISLAND

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Abstract

This study aims to analyze the challenges and implications surrounding the legal recognition of the Enggano Tribe as a Customary Law Community (Masyarakat Hukum Adat) on Enggano Island, Bengkulu Province, Indonesia. The recognition is rooted in the community's unique cultural identity, the urgency to preserve indigenous traditions, and the necessity to institutionalize their legal status within the national legal framework. Employing a descriptive qualitative approach, data were collected through in-depth interviews, focus group discussions (FGDs), literature review, field observation, and documentation. Informants were selected purposively and included tribal leaders, village heads, local government officials, and representatives of civil society organizations. The findings reveal three key challenges: (1) power dualism between customary structures and village governance; (2) limited horizontal support from other indigenous groups in Bengkulu; and (3) lack of administrative documentation, particularly in relation to customary history and territorial boundaries. The legal recognition of the Enggano people carries significant implications, including the protection of local culture, strengthening of traditional identities, and sustainable management of natural resources based on indigenous wisdom. This study recommends fostering reconciliation between tribal and formal authorities, drafting inclusive and culturally sensitive regulations, and implementing participatory mapping to support the legal standing of the Enggano community as an indigenous legal entity.

Keywords: Customary Law People, Enggano Tribes, Local Traditions

Abstrak

Penelitian ini bertujuan untuk menganalisis tantangan dan implikasi dari pengakuan Suku Enggano sebagai masyarakat hukum adat di Pulau Enggano, Provinsi Bengkulu. Pengakuan tersebut didasari oleh keunikan identitas budaya, urgensi pelestarian tradisi, serta kebutuhan untuk melembagakan keberadaan masyarakat adat dalam sistem hukum nasional. Penelitian ini menggunakan metode kualitatif deskriptif dengan teknik pengumpulan data melalui wawancara mendalam, Focus Group Discussion (FGD), studi pustaka, observasi, dan studi lapangan. Informan ditentukan secara purposif, mencakup kepala suku, kepala desa, pejabat pemerintah daerah, dan organisasi masyarakat sipil. Hasil penelitian menunjukkan tiga tantangan utama dalam proses pengakuan: (1) dualisme kekuasaan antara struktur adat dan pemerintahan desa; (2) rendahnya dukungan horizontal dari suku-suku lain di Provinsi Bengkulu; dan (3) belum optimalnya data administratif terkait sejarah dan wilayah adat Suku Enggano. Implikasi dari pengakuan ini mencakup perlindungan budaya lokal, penguatan identitas tradisional, serta keberlanjutan pengelolaan sumber daya alam berbasis kearifan lokal. Penelitian merekomendasikan strategi penguatan rekonsiliasi antara lembaga adat dan pemerintahan desa, penyusunan regulasi berbasis nilai inklusivitas dan kearifan lokal, serta pemetaan partisipatif wilayah adat untuk mendukung legalitas masyarakat hukum adat Enggano.

Kata Kunci: masyarakat hukum adat, suku enggano, tradisi lokal

A. Introduction

Enggano is one of the outer islands of Indonesia which is located in Hindia Ocean, separated from Sumatra Island. From a geographical feature, the area of this island is 4.424 km² as mentioned by the Central Agency of Statistics (2023). Then, from the administrative, Enggano is a district which is located in North Bengkulu Regency. Central Agency of Statistics (2023) noted that there are six villages in the

island of Enggano, namely: (1) Banjar Sari, (2) Meok, (3) Apoho, (4) Malakoni, (5) Kaana, and (6) Kahyapu. All of them are classified as self-help (swakarsa) villages using the Ministerial Regulation of Home Affairs Number 84 Year 2015. Moreover, in 2021, Central Agency of Statistics noted that there were at least 4.112 people who lived on that island as captured below.

Table 1.
Population Data of Enggano Island

No	Names of Village	Population			Population Density (per sq.km)
		Male	Female	Total	
1	Banjarsari	476	415	891	7,10
2	Meok	399	381	780	12,8
3	Apoho	405	354	759	562,2
4	Malakoni	419	389	808	20,2
5	Kaana	276	254	530	6
6	Kahyapu	173	171	344	4
	District of Enggano	2.148	1.964	4.112	10,2

Source: Central Agency of Statistics (2021)

Separated by the Hindia Ocean from Sumatra Island, local communities in the island of Enggano have developed unique culture features which have massive dissimilarity aspects when they are compared with the local tribes in Sumatra such as language, local wisdom, values and norms, social structure, etc. A series of culture studies have revealed with this phenomenon. To illustrate, Taher et al. (2022:51) postulated a conclusion that the language of Enggano has several characteristics such as the absence of characters which could be utilised, and complexity for speaking, making it was seen as a distinctiveness feature by Taher et al.

Turning to the language relationship, rather than local languages in Bengkulu Province

which is administration location of Enggano, language of Enggano do not have massive similarity aspects with local languages in Bengkulu such as: Pasemah, Rejang, Serawai, Lembak, etc. Then, understanding about the similarity language, Oven et al. and Tumonngor et al. as reported by Fachruliansyah (2019:21), language of Enggano has similar aspects with people from Nias, Mentawai, native communities in Taiwan, Sulawesi, and Philippine rather than local tribes in Sumatra, specifically local tribes in Bengkulu Province.

Related to the earlier language condition, it could be caused by an aspect such as geographical isolation. Lycett (2019:2838) proposed a contention that water bodies such as ocean, wide

river, strait, large lake, or landscape features such as mountain, desert, and forest are common geographical barriers which could prevent each community from making intensive interaction. The same contention was also explained by McNiven (2022:26) who wrote that morphology features could be a reason behind indigenous people have different cultures from each other. Consequently, the absence of the flow of culture creates people in different locations to develop their unique culture features such as language.

Then, identifying the empirical situation, according to the official website of Bengkulu Province, people could reach Enggano for around 12 hours from the Port of Pulau Baii, Bengkulu City with a total length 152 km. Although, this island is located administratively in North Bengkulu Regency, on the other hand, the closest distance is Manna City as a capital of South Bengkulu Regency with a total length 120 km, while it is separated up to 193 km from North Bengkulu Regency as depicted by the below image.

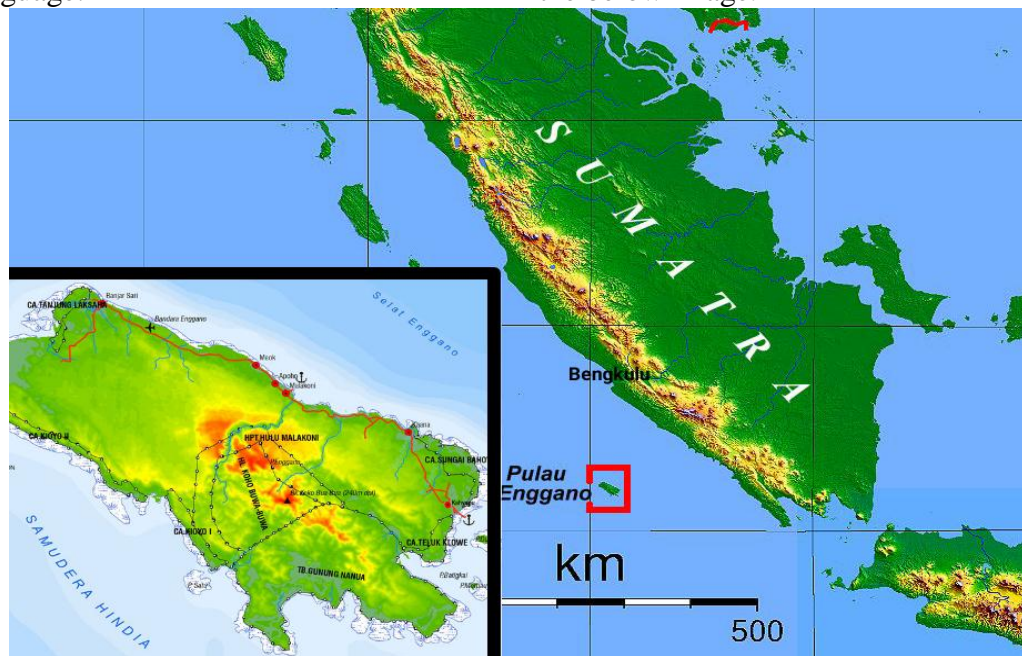


Figure 1. Location of Enggano Island and Sumatra Island

Source: Directorate General of Nature Resources and Ecosystem Conservation (2017)

From the local tribe institution, communities who live in Enggano have several unique components. For example, Harijanto et al. (2022:118) wrote that each tribe in Enggano is led by *Ekap' U* which could be translated as a Chief of Tribe. Not only that, there is a *primus inter pares* scheme as a representation of every tribe which

would be elected every six months. This representation figure is called *Pabuki*. For doing his routine activities, *Pabuki* would be helped by *Ekap' U* and *Orai* as a component who concerns the budget and goods sector. Moreover, Harijanto also noted that the customary law institution exists in that land which is known as *Yahauwa*.

According to the earlier

research, this organization has a main function namely resolving any conflict and ensuring that peace conditions would stay in the land of Enggano. These local characteristics are also written by the Customary Area Registration Agency or *Badan Registrasi Wilayah Adat* (BRWA). Using this research, there are six native tribes who live in Enggano Island, namely: (1) Kaitora, (2) Kaahoao, (3) Kaarubi, (4) Kaharuba, (5) Kauno, and (6) Kaamay. Then, six tribes spread and became sub-village (*Kaudaran*). The system of *Kaudaran* is also used for deciding the territorial division in the customary land (*Inyah Panapue*).

Regarding the earlier indigenous characteristics, obviously, protecting them is necessary. One of the protection agendas which is concerned by the authority at this moment is preparing to recognize people of Enggano as indigenous community. From the recent situation, the authority of Bengkulu Province still learns about the possibility of recognizing tribes in Enggano Island as indigenous communities. However, due to the characteristics of Enggano which could not be found in another community, those components could make recognition agendas that would be delivered immediately. This situation is captured by *Berita Merdeka Online* (17/5/2024) which noted that the Governor of Bengkulu Rohidin Mersyah said that Enggano people are different people with other tribes in Bengkulu Province such as Rejang, Serawai, and Lembak during the audience agenda with Legal Staff of Akar Global Initiative and *Pabuki* of Enggano.

Still from the same agenda Ricki Putra as a Legal Staff of Akar Global Initiative explained that there are three schemes which could be taken by the local government. Firstly, issuing local regulation or the decree letter from governor and regent as jurisprudential basis. In addition, designing a customary village (*desa adat*) could be applied as the second way.

Recognition of Enggano Tribes as customary law people could be a representation of implementation of multiple regulations which rule about it. To illustrate, Nusantara Indigenous People Alliance or *Aliansi Masyarakat Adat Nusantara* (AMAN) noted that the Constitution of 1945 has regulated the customary law people using article 18 B verse (2). In the point 1, it says, "The state recognizes and respects local government units with special or distinctive characteristics that are regulated by law." Then, from the point 2, it reveals, "The state recognizes and respects the customary people units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Republic of Indonesia as regulated by law."

Moreover, in the lower regulation such as the Law Number 6 Year 2014 about Village, the customary law people are also recognized by the state. Article 96 of the earlier regulation explains that the customary law people have several aspects such as: traditional rights, territory, genealogy, and cultural functional rights. Then, at the ministerial level, recognition of

customary law could be found in the Ministerial Regulation of Home Affairs Number 52 Year 2014 about the Guidance of Recognition and Protection of the Customary Law Community. From the latest regulation, it says, "Customary Law Communities are citizens of Indonesia who have distinctive characteristics, live in harmonious groups according to their customary laws, have ties to their ancestral origins and/or common place of residence, have a strong relationship with land and environment, and possess a value system that determines their economic, political, social, cultural, and legal institution, and utilise a particular area from generation to generation."

Article 4 of the earlier law product also displays that there are three steps of recognition and protection, namely: (1) identification of the customary law people, (2) verification and validation of the customary law people, and (3) decision of the customary law people.

Regarding the earlier facts, then, a study which would reveal challenges and impacts behind recognition of the Customary Law People of Enggano is fundamental to be designed. The existence of this study could be utilised by several stakeholders: indigenous people, local government, central government, academicians, NGOs, people near Enggano, and business actors to resolve challenges which could exist after the decision of the Customary Law People of Enggano. Then, constructive effects could be optimised maximally, while drawbacks behind it could be

minimised.

B. Research Method

The research adopts qualitative descriptive as a research approach. This approach was defined by Turale (2020:289) as a method to give a comprehensive description of social phenomena.

Required data was gained by several techniques, namely: (1) Focus Group Discussion (FGD), (2) in-depth interview with Heads of Tribe, Heads of Village, Head of Enggano District, and Pabuki, (3) doing study literature, (4) observation, and (5) making study trip.

For FGD, purposive technique was used in order to classify appropriate parties, as mentioned by Denieffe (2020:1) who wrote that marking criteria before determining parties should be considered. Then, related with recognition of the Customary Law People of Enggano, relevant parties which were classified namely: (1) Governor of Bengkulu, (2) Head of the Environmental Services and Forestry, (3) Head of Law Bureau of Bengkulu Province, (4) Head of Natural Resources Conservation of Bengkulu Province, (5) Head of Law Bureau of North Bengkulu Regency, (6) Head of Protected Forest Management Unit of Bukit Daun, (7) Head of Enggano District, (8) Head of Kahyapu Village, (9) Head of Kaana Village, (10) Head of Malakoni Village, (11) Head of Meok Village, (12) Head of Banjarsari Village, (13) Head of Kaitora Tribe, (14) Head of Ka'arubi Tribe, (15) Head of Ka Uno Tribe, (16) Head of Ka'ahoao Tribe, (17)

Head of Ka'aruba, (18) Head of Ka'amay, and (10) Pabuki. The FGD session was held by Akar Global Initiative from 22-23 May 2024 at Two K Azana Style Hotel, Bengkulu City during the Workshop of Acceleration of Recognition of Enggano Customary People Community.

Furthermore, for the analytical tool, the theory of challenge and impact of policy is utilised during this study. Mazzucato et al. (2020:422) wrote that policy challenges create stakeholders, specifically implementers of the program should adopt new methods in order to avoid them in the practical domain. By doing it, new straightforward measures could be adopted which were identified as a tool kit based on the earlier study. Then, Capano et al. (2022:3) that understanding implications which might exist in the future could make the implementers of the program do several actions: minimizing negative impacts, optimizing positive impacts, and implementing appropriate risk management schemes. Furthermore, in the deeper explanation, Capano et al. also noted that long-term schemes would be considered by implementers and involved stakeholders after mapping impacts which are expected to exist in the practical step.

C. Result and Discussion

Challenges

The Customary Law Community of Enggano has not been legalised legally by issuing relevant local regulations due to several challenges as explained in the forthcoming paragraphs. The first challenge is Dualism of Power. It exists because in Enggano Island, there are two different components which have wide legitimation, first is tribe, and the second component is rural government. Although, they have different power domains, dualism of power could not be avoided. For example, five original tribes: Kaahoao, Kauno, Kaarubi, Kaharuba, and Kaitora, and one non-origin tribe which is Kaamay are seen as cultural heritage preserver. Activities such as making matrimony, procedures of funeral, division of inheritance, conserving ancestral agriculture areas, procedures of customary fines, etc. are implemented by those tribes, while the administrative government concern on the non-customary activities such as medical agendas, demography, food, economy, etc. which is divided by six villages as depicted by the below image such as: Banjar Sari, Meok, Apoho, Malakoni, Kaana, and Kahyapu.



Figure 2. Division of Villages in Enggano Island

Source: Central Agency of Statistics (2023)

The dualism power could be seen when both tribe and village government do not have the same understanding to do land management in Enggano Island. A representation of tribes said on 22 May 2024 that the rural government did not communicate with the Head of Tribe when they would like to use land. Tribes believed that the ancestral land area could not be utilised, and without having a permission from the tribe, they said that it could not be allowed as captured by the below transcript.

“Culture features should be respected by anyone, even the administrative government. Utilisation of the land in Enggano could be done as long as there is a permission from the tribe. When the administrative government did not do it, even more its plan would be around our ancestral area, we as tribes of Enggano could not agree with those schemes.” (Nilson Kaitora as *Pabuki*, interview, 22 May 2024).

On the other side, village

governments have different justification. They believed that their plans would not exploitate the area of ancestral sites. Moreover, they explained that the intensive discussion with the higher level of governments have been initiated by them. From the initiated scheme, they explained that the agendas have been coherent with the plan from the higher level of administrative.

The dualism of power between tribes and rural governments as captured above exists as a massive challenge for the recognition of the Customary Law Community of Enggano. Without resolving this issue, later, between tribes and villages would be in the middle of conflict for being a representation of the Customary Law Community of Enggano. Obviously, several stages of the recognition of the customary law could not be implemented appropriately.

Regarding the earlier facts, initiating reconciliation agendas between tribes and the rural authorities is a fundamental step for the recognition of the Customary Law People of Enggano in order to

have a constructive relationship between tribes and the rural. Also, a coalition of power is needed as explained by Martin & Vanberg (2020:2) who wrote that alternative preferences are able to be created due it allows other powers to synergize. Moreover, Bernhard in Schworer (2022:4) noted that using the coalition of power, later, the inclusive government could be achieved.

Then, another challenge is the Lack of Horizontal Support. The legalisation of Enggano Tribes as a customary tribe has a challenge from other tribes in Bengkulu Province. This massive challenge is a rejection behavior from other tribes, specifically tribes who live in North Bengkulu Regency as a regency of Enggano Island. A reason behind this rejection is recognition of other more massive tribes in Bengkulu such as Rejang, Pasemah/Basemah, Lembak, Serawai, Pekal, Merpas, Nasal, etc. is more necessary than Enggano Tribes which have lesser population than native tribes who live in the land of Bengkulu. They believe that tribes with a bigger population than Enggano should be concerned firstly. In other words, the earlier action could be translated as a recognition for the customary law people should be done based on the quantity value, related with this case is population of tribes. This rejection behavior made the provincial government of Bengkulu postponed issuing a province regulation which would regulate the Customary Law People of Enggano. This situation could be captured from the speech session of the Governor of Bengkulu Rohidin Mersyah during the Workshop of the

Acceleration of Recognition of Enggano Customary People Community on 22 May 2024 who explained the challenge of the recognition of Enggano Tribes as a legal indigenous people as transcribed below.

“The local government had tried to design a local regulation about the Customary Law People of Enggano. It was initiated in 2018 when we discussed with the legislative institution. However, we faced the lack of support at the time from other tribes in Bengkulu such as: Rejang, Serawai, Pekal, etc. They said that tribes with more population than Enggano Tribes should be encouraged firstly as tribes with the customary law. For example, Rejang tribe which had population more than 350.000 people and identified as the largest tribe in Bengkulu Province after Java immigrant should be assisted in recognizing as a customary law people rather than tribes in Enggano which had population around 4000 people. It prevented us to make a regulation as a pathway to recognize Enggano Tribes as a customary law people with several customary fines and rights to conserve the tradition in Enggano Island.” (Rohidin Mersyah as Governor of Bengkulu, FGD session, 25 May 2024).

The earlir statement was also strengthened by a statement from

Pabuki of Enggano as a representation of all tribes in that island during the same theme meeting on 22 May 2024.

“As a part of Enggano Tribes, we recognise that the local government had to work exceptionally in assisting us a customary law community. On the other hand, we noticed that in 2018, there was a significant issue namely lack of support from natives in Bengkulu Province which saw from the total population. However, we always hope that later we could be recognise as a customary law people with customary fines.” (Nilson Kaitora as *Pabuki*, FGD session, 22 May 2024).

From the academic perspective, creating a public policy based on the quantity consideration should be avoided. In the context of Enggano Tribes, several urgency points such as: preserving cultural heritages, principle of equality, and non-discrimination approaches are essential to be concerned by the government immediately. Then, from the jurisprudence perspective, the Law Number 12 Year 2011 about the Creation of Law rules that the law product such as the local regulation should be designed based on equality and diversity. This condition is mentioned in article 6 verse (1) of the earlier law which says,

“Material of law should reflect principles: (a) protection, (b) humanity, (c) nationalism, (d) familialism, (e) archipelagic/national

unity, (f) unity in diversity, (g) justice, (h) equality status in law and governance, (i) order and legal certainty, and (j) balance, harmony, and concord.”

Another point which exists as a challenge for the recognition of the Customary Law People is the absence of administrative data about the customary area in that island. The Head of the Customary Area Registration Bureau Kasmita Widodo as mentioned by Hukumonline (10/8/2022) explained that the earlier issue was seen as a common problem in recognizing of the customary law people in many locations in Indonesia. Without the absence of the required data, technical and substantive requirements are unable to be accommodated, while those requirements are necessary based on the regulated law products. For example, according to article 4 of the Ministerial Regulation of Home Affairs Number 52 Year 2014 about the Guidance of Recognition and Protection of the Customary Law People as a juridprudential paradigm, there are three stages in recognizing and protecting the customary law people, namely: (1) identification, (2) verification, and (3) declaration. Moreover, in article 5 of the earlier law product, it explains that the identification scheme is done by analysing several components, namely: (1) history of the customary law people, (2) the indigenous area, (3) the indigenous laws, (4) heritages and/or indigenous-related objects, and (5) structure/customary government system.

Regarding the previous facts,

tribes in Enggano face several issues. To illustrate, the history of tribes in Enggano has not been cleared. Rather than scientific studies, people in Enggano still believe that their ancestors existed after Kimanipe who was a stranded woman knocked a stone which made a man appeared, making them repopulate in that island as mentioned by the Customary Area Registration Bureau and in-depth interview between the researcher and heads of Enggano tribe.

Then, from recent initiated studies, multitudinous researchers have not agreed with the origin of Enggano. For instance, Ekorussyono (2013:33) wrote that people of Enggano came from China after the Han Dynasty collapsed in 220, after they crossed Yunan as a part of the southern China, walking through Mekhong River and Yang Tse Kiang River, arriving in Rangoon, Myanmar, and sailing into Indonesia through Andaman and Nicobar Islands in Benggala Bay, making them as a stranded community in these islands: Nias, Mentawai, and Enggano. Then, Fachruliansyah et al. (2019:26) noted that the past documentation about Enggano is not massive. This study reveals that Enggano was arrived by Portugal explorers and Cornelius de Houtman from the Netherlands in the past. Tribes in Sumatra called them as *Pulo Tengi* or island which is lived by naked people. Then, before the year of 1783, people in Lampung as mentioned by Modigliani which was cited by Fachruliansyah et al. (2019:26) believed that Enggano was lived by women, making this island was called as *L'isola delle Donne* or

the island of women by Modigliani.

Not only the history of Enggano which has not had clear studies, areas which would be the customary zones also have not been issued. As a recent progress to map the indigenous area, the Indonesian Institute of Sciences *Lembaga Ilmu Pengetahuan Indonesia* (LIPI) in 2015 had just studied about the design probability of making six different customary villages in Enggano as mentioned by BRIN (10/9/2015). After that, there is no another progress which is related with the mapping plans of indigenous area in Enggano. This situation obviously leads to another condition which is substantial and technical terms for recognition tribes could not be completed.

Several positive implications from mapping area were highlighted by AMAN (2016): (1) assisting the government in identifying indigenous communities and their territories as part of efforts towards the recognition and protection of indigenous peoples, (2) clarifying the boundaries between indigenous territories on land and along the coasts of small islands to prevent horizontal and vertical conflicts due to changes in the landscape and land use conversion, (3) fostering the spirit to explore and transfer local knowledge, ancestral history, local institutional systems, customary laws, identification of natural resources, and other aspects to indigenous youth as the successors of traditions, ensuring the regeneration of customs, (4) maps serve as evidence and documentation of the living spaces of indigenous communities, including their

governance, management, and production systems, which can be used as references for development planning, economic empowerment, and spatial planning, and (5) affirming the ownership/management of indigenous territories. Maps serve as tools for documenting history and culture (history, legends, sacred sites, holy places, managed areas, etc.). In this context, maps function as a bargaining tool for indigenous communities in negotiations with external parties to gain recognition and protection of indigenous territories.

Regarding those conditions, then, the local authority of Bengkulu Province and the government of North Bengkulu Regency could utilise the created schemes from AMAN in order to prepare an

indigenous map. Related with this context, then, mapping indigenous zones could be divided to several stages namely: (1) identifying customary people, (2) socializing/making dissemination of the Participatory Mapping of Indigenous Territories or *Pemetaan Partisipatif Wilayah Adat* (PPWA), (3) making the service request letter of the PPWA, (4) planning the schemes of the PPWA and the boundary delineation, (5) technical training and social management documentation, (6) planning and achieving data (spatial and non spatial), (7) processing achieving data, (8) clarifying and verifying the draft of map and the social data, (9) validating the map, (10) designing follow-up plans, and (11) registering to the BRWA .

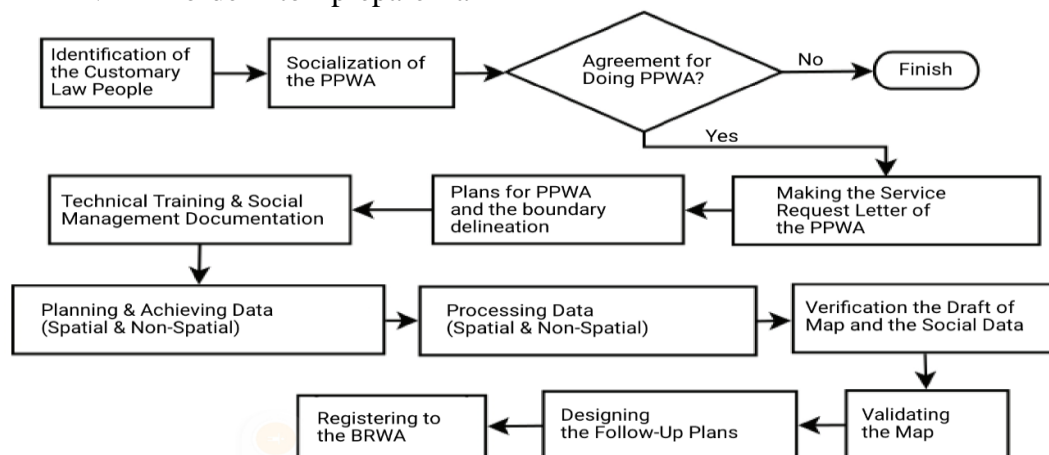


Figure 3. Stages of the Participatory Mapping of Indigenous Territories

Source: AMAN (2016)

Impacts

Related with the legitimation of Enggano Tribes as an indigenous society based on the regulation, it would cause several implications. First of all, it could ensure that culture of Enggano Tribes could be preserved appropriately. It could happen due to the existence of the

Local Regulation of the Customary Law People of Enggano is translated that they have jurisprudential basis to conserve indigenous rights as mentioned by the constructed regulation. Moreover, they would have clear fundamental points of law which could be utilised as a guidance for their indigenous traditions.

Widiangela et al. (2021:22) explained that without having a recognition of the Customary Law People, indigenous people would be endangered by business expansion plans and development schemes which are not coherent with the customary law people regulation. As a consequence, indigenous people without having the regulation which rules about their traditional rights would not be suitable to preserve their rights.

This impact would be beneficial for tribes in Enggano. For example, their traditions do not have any similar features with other tribes in Indonesia as mentioned by Lewis which was quoted by Tondo (2021:3) who noted that as an isolated island, communities in Enggano developed different tradition aspects.

Another impact does not only come from social aspect, it is also important from ecological perspective. To illustrate, having a customary law people regulation could make Enggano tribes carry on the nature conservation based on local wisdoms. For example, Royyani et al. (2019) identified that there was a shift of habit among people in Enggano in the past. While, their ancestors lived in the inland area of the Enggano Island, they used natural resources for sustaining their lives. It changed later after they knew agriculture procedures, making them were suitable for doing agriculture not only for their lives, however, it was used for gaining profit. In that process, Enggano Tribes had been capable for not exploiting natural resources in the massive level. This scientific point was also strengthened

by *Pabuki* as transcribed below.

“...we gained from nature, but we never do it in the extreme way. In using the nature, we also care about the essence of preserving natural harmony with all ecological aspects. For example, in our tradition such as doing matrimony, we often use turtle. However, we never catch them enormously, we just require one or two turtles. Balancing our needs and the nature is always our concentration, even until the present day.” (Nilson Kaitora as *Pabuki*, interview, 23 May 2024)

Another impact could exist in economy sector. In this domain, people in Enggano Island would be capable to utilise natural resources in that island in order to develop their prosperity rate after the regulation which affirms the indigenous rights of Enggano people has been designed. Nurhidayah (2017:4) wrote that without having any relevant regulation, people in Enggano could not exploitate natural commodities in it, although, it has wide natural resources potency. Furthermore, Suryawati & Syaputri (2021:4) explained that economy sector could be improved based on the recognition of the customary law community due to the state has regulated it in its constitution.

For example, Zamdial et al. as cited by Siregar et al. (2023:5) noted that coral reef ecosystem in Enggano as its prior commodity has economy value up to Rp. 127.425.000.000,00 per year. Then, according to the Directorate General

of Marine and Coastal Management of the Ministry of Marine Affairs and Fisheries as published by Antaranews (31/8/2023), Enggano has potency for the capture fisheries up to 3.468 ton. Also, several locations are relevant for the mariculture such as: Tanjung Harapan Bay, Labuho Bay, Kioyo Bay, Kaana Village's Coastal Area, and near Kahyapu.

D. Conclusion and Suggestion

This study concludes that the recognition of the Customary Law Community (Masyarakat Hukum Adat) on Enggano Island faces a number of critical challenges. These include: (1) a dualism of authority between traditional tribal structures and formal village governments; (2) limited horizontal support from other indigenous groups within Bengkulu Province; and (3) the absence of comprehensive administrative data, particularly with respect to historical narratives and delineation of customary territories. To address these obstacles, several strategic actions are recommended: (1) fostering reconciliation between tribal leaders as cultural representatives and village governments as administrative agents of the state; (2) formulating legal frameworks based on principles of equality, pluralism, non-discrimination, and cultural preservation; and (3) initiating participatory mapping of indigenous territories and identifying cultural attributes of the Enggano community as both technical and substantive requirements for legal recognition.

Moreover, the legal recognition of the Enggano Tribes as a

customary law community carries significant implications. From a cultural perspective, it enables the protection and revitalization of traditional knowledge, customs, and values, supported by formal legal instruments. In terms of ecological sustainability, recognition may empower local communities to manage natural resources according to indigenous wisdom, thus promoting a balanced relationship between ecological integrity and community livelihoods. Ultimately, this recognition would lay the foundation for the sustainable utilization of Enggano Island's natural resources by its indigenous population, reinforcing their autonomy and environmental stewardship.

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