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Ways to Conserve the Land Title of the Orang Rimba, Hunter-Gatherers of Jambi, Indonesia

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Abstract

Since the 1980's, the Orang Rimba, hunter-gatherers of Jambi Province, Indonesia, have been in a dire situation due to displacement and land dispossession accompanying oil palm plantation and timber plantation development. The Communal Land Rights recognized by Indonesia's Basic Agrarian Law of 1960 were designed with sedentary agrarian communities in mind. Consequently, the government has shown reluctance to extend these rights to the nomadic Orang Rimba.

This article discusses the difficulty of preserving Orang Rimba land rights, even in the post-Suharto Reform Era that commenced in 1998. Although during the COVID-19 pandemic, 80 percent of Orang Rimba were officially issued Indonesian Residential Identity cards (KTP) inscribed with their indigenous beliefs, uncertainties remain. Specifically in question is whether the Land for Agrarian Reform Policy of the Joko Widodo administration will effectively protect communities predominantly maintaining a semi-nomadic lifestyle, such as the Orang Rimba.

1. Introduction, Impact of the Rights of Indigenous People on Indonesia

In September 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples. However, there was opposition from some countries to the right to self-determination and the corresponding obligation to obtain FPIC (Free, Prior, Informed Consent) for decisions and policies affecting indigenous peoples. Indonesia voted in favor of the resolution, but shortly thereafter, Muhammad Anshor, then Ambassador to the UN, criticized the lack of a strict definition of indigenous peoples in the Declaration, and announced that Indonesia would pursue her own policy regarding indigenous peoples.¹

In fact, however, the concept of Indigenous People, a term which has been defined in a series of incremental changes since the 1970s (Osakada, 2017, pp.57-62), has provided substantial grounding for NGO movements supporting land disputes. The English term, "indigenous people," is often used in Indonesia, but the Indonesian equivalent has been extensively debated. Eventually, the term *Masyarakat Adat* ² (indigenous society) was settled on, but a complex political struggle occurred in the process leading up to this decision.

Sandra Moniaga, who observed the process of the founding of AMAN (The Indigenous Peoples'

¹ United Nations, General Assembly Adopts Declaration on Rights of Indigenous People, 13 September 2007.

² Adat (Customary Practice and Law) is a system of general social norms in each ethnic community, governing customs such as land use, marriage regulations, and inheritance.

Alliance of Nusantara³) wrote; “In 1993, a meeting in South Sulawesi decided upon the words, *Masyarakat Adat* for referring to indigenous peoples. Suharto’s authoritarian regime fell in 1998. This provided greater political space for civil organizations to operate. In 2003 nearly 1,000 local and regional indigenous organizations were allied with AMAN.” (Moniaga, 2008, pp.281-83).

Lucas & Warren, known for their study of land conflicts in Indonesia, explained the political context of the term, “indigenous people” as follows (Lucas & Warren, 2003, p.100).

The term was regarded as unacceptable by the Indonesian government because of its politically awkward connotations in international law and because all but the small percentage of mainly ethnic Chinese Indonesians could be regarded as “indigenous.” “Indigenous minorities” is nevertheless an appropriate means of distinguishing these marginalized groups from the largest Javanese ethnic group that has dominated Indonesia’s political and cultural landscape since independence. As indigenous rights became a global human rights issue, this discourse was imported and increasingly began to influence representations of the cultural minorities referred to collectively as the *adat* peoples (*masyarakat adat*) of Indonesia.

On the other hand, the Indonesian government continues to use *Masyarakat Hukum Adat* (Customary Law Community), a descendent of the *Adat-Recht* Gemeinschaft concept of *adat* (Customary Practice and Law) during the Dutch colonial period.⁴

Article 3 of the Basic Agrarian Law of 1960 (abbreviated BAL below), despite the intention to create a unified Indonesian law system after independence, defines the Customary Law Community, the essence of which is not separable from the existence of Communal Land Rights (*Hak Ulayat*). However, the Communal Land Rights granted by the BAL were denied to the people living inside the Forest Area (*Kawasan Hutan*) defined by the Basic Forestry Law of 1967, Article 17.⁵ The Forest Area, as defined by the Ministry of Forestry, covers 70% of the total area of Indonesia, and was the driving force behind the development policy that followed (Bedner, 2016, p.70).

Law No. 39 Year 1999 - Concerning Human Rights - Article 6 stipulates:

(1) In the interest of upholding human rights, the differences and needs of indigenous peoples must be taken into consideration and protected by the law, the public and the Government.

(2) The cultural identity of indigenous peoples, including indigenous land rights, must be upheld, in accordance with the development of the times. The difference between the original Indonesian text and the English translation is that here, “Customary Law Community” is consistently used for “*Masyarakat Hukum Adat*,” not “*Masyarakat Adat*.”

Although the term, *Masyarakat Adat*, is used in some Indonesian laws,⁶ its use is discouraged by legislative bodies. Administratively, “Customary Law Community” (*Masyarakat Hukum Adat*) is preferred. *Masyarakat Hukum Adat* and *Masyarakat Adat* are very different in their connotations. The concept and use of the English term, “Customary Law Community” has its roots in the colonial

3 AMAN is the abbreviation of Aliansi Masyarakat Adat Nusantara. *Nusantara* is an elegant old Javanese term to describe the Indonesian Archipelago.

4 Reviewing the long history of Dutch Colonial Studies in Indonesia, Franz and Keebet Benda-Beckmann, remarked; “*Tanah ulayat* (communal land) has not received sufficient attention by Vollenhoven and subsequent Dutch common law scholars. Since the beginning of the 20th century, the perception of *ulayat* has changed among residents, administrators, and researchers, and since the beginning of the reform era after 1998, *tanah ulayat* has been advocated by residents who advocate the restoration of suppressed rights, but this is not in line with what customary law researchers and administrators believe.” (Von Benda-Beckmann and Von Benda-Beckmann, 2011, pp.167-188).

5 Undang-undang No. 5 Tahun 1967 Tentang Ketentuan-Ketentuan Pokok Kehutanan.

6 For example, Law on the Management of Coastal Areas and Small Islands (No 27/2007).

period, originating from late 19th and early 20th century conditions when colonizers exploited the “unique” culture of indigenous peoples through indirect rule. In contrast, *Masyarakat Adat* (Indigenous Society) implies both the victims of Suharto’s Development Policy, and expresses resistance to discrimination (Arizona & Cahyadi, 2013, pp.52-55).

This article clarifies the precarious situation of the Orang Rimba, formerly hunter-gatherers of Jambi Province, Indonesia. Development policies initiated in the 1980’s have led to the near-extinction of the forests that sustained them.⁷ Due to the facts mentioned above, their legal status is complicated. Internationally they are recognized as indigenous and domestically, termed *Masyarakat Adat* by NGO organizations. Yet, they are not categorized as *Masyarakat Hukum Adat* under the stringent criteria of the Indonesian administration. In analyzing the difficulty of guaranteeing their land rights, the author highlights shifts occurring during the COVID-19 pandemic and contemplates potential futures facing these communities.

2. Leadership and the Land of the Orang Rimba

The number of Orang Rimba (People in the Forest) was estimated to be 3,650 in 2008 for the entire province of Jambi, according to a census conducted in collaboration with the Department of Statistics and KKI WARSI in 2013.⁸ Of these, 1,775 people lived in the Bukit Duabelas National Park (abbreviated BDNP below) area,⁹ which is exactly the geographical center of the Orang Rimba lands.

The Residential ID Card,¹⁰ which all Indonesian citizens are required to carry at all times, has not been issued to Orang Rimba, and they have not traditionally been treated as Indonesian citizens. According to the electronic version of the Antara News,¹¹ “The Jambi Provincial Demographic Office announced that “the demographics of the Orang Rimba will be included in the 2020 population statistics as well as the 2010 population statistics.” Regardless of how they are represented in demographic statistics, the fact remains that they were not accorded the rights of normal Indonesian citizens prior to receiving ID cards during the COVID-19 pandemic. This issue will be explored in more detail below.

Sager, who submitted his doctoral dissertation on Orang Rimba rituals and beliefs to ANU, describes the inland inhabitants of Jambi as follows. “The traditional economies of upstream peoples combined horticulture, foraging, and the gathering of forest products for trade. Over the last several centuries, the upstream regions have received significant numbers of migrants from the matrilineal Minangkabau people. Since the early 1980s, the upstream regions have been flooded by peasants from Java who have come with the Indonesian government’s transmigration program and primarily work in attached palm oil plantations (Sager, 2008, p.3).”

Orang Rimba societies are federations under a *Tumenggung* (senior leader). There are thirteen *Tumenggung* around BDNP, three in Tebo Province, and one in Bungo Province. *Tumenggung* are leaders of a group of hunter-gatherer Orang Rimba who share *Jelajah* (an area of foraging and hunting) with fluid boundaries. Leadership is not merit based or assigned to a superior individual (Bigman), but is passed down through family lineage (Nakashima, 2021, p. 91).

According to Sager, their nomadism primarily occurs following the death of a group member

7 According to the statistics mentioned in the internet news platform, Mongabay, September 3, 2021, the forest of Jambi Province in 1990 was 2,771 ha, but the area drastically dropped to 900 ha in 2019.

8 See KKI WARSI, *Sejarah Pendirian*.

9 Taman Nasional Bukit Duabelas, *Tumenggung Suku Anak Dalam di Kawasan BDNP*.

10 KTP, Kartu Tanda Penduduk.

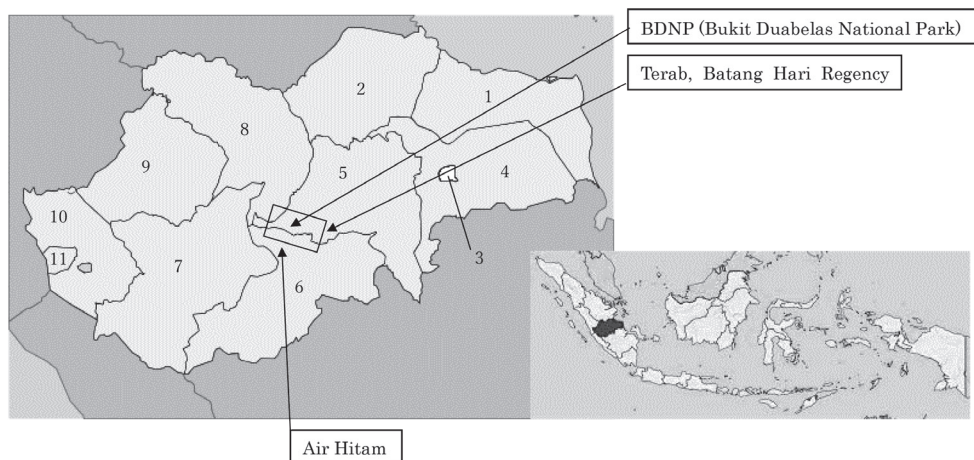
11 Antara News, 19 September 2019. The Census is held every ten years by BPS (Central Agency on Statistics).

but can also occur or be extended due to mere preference for the lifestyle. It is traditionally combined with hunting, trapping, fishing, damming and poisoning rivers, and collection of forest products for trade (Sager, 2008, p.7).

Elkholy, who conducted field work in Tebo Regency, said; “*remayow* is a term replete with meaning, as it signifies a condition of living that the Orang Rimba hold sacred; one that is embodied in the practice of moving through the forest and living off the land through hunting and gathering. The notion of *remayow* also serves as a euphemism for individual and collective authority and a state of ontological purity (*murni*) (Elkholy, 2016, p.105).”

Prasetijo, a lecturer at Diponegoro University, divides the Orang Rimba into three types according to their degree of sedentarization; (1) Not sedentary, (2) Semi-sedentary, staying in both the forests and villages, and (3) Sedentary, and typifies the characteristics of each, using fourteen indicators. Indicators influencing this include religion, practice of rituals and taboos, housing, attitudes toward settlement, attitudes toward policies, degree of assimilation and access to public facilities (Prasetijo, 2017, 267-68). The Orang Rimba people discussed in this article belong to type (2). They live on the fringe of BDNP.

Map of Jambi Province



Cities and Regencies

- | | | | |
|---|----------------------|----|--------------|
| 1 | Tanjung Jabung Timur | 7 | Merangin |
| 2 | Tanjung Jabung Barat | 8 | Tebo |
| 3 | Jambi | 9 | Bungo |
| 4 | Muaro Jambi | 10 | Keinci |
| 5 | Batang Hari | 11 | Sungai Penuh |
| 6 | Sarolangun | | |

3. Land Grabs by Oil Palm Plantations

SAL Operations and Resistance

The Transmigration Policy of the 1970s and 1980s brought large numbers of migrants from Java to Jambi Province. They settled in the vicinity of BDNP, in Hitam Hulu and Air Hitam, quickly clearing the surrounding forests. This was followed by oil palm development and further forest

depletion.

SAL (PT Sari Aditya Loka) began operations in 1988. SAL is a subsidiary of Astra Group, an Indonesian multi-national conglomerate. SAL is composed of two companies, SAL1 and SAL2, which together own 33,867 ha of plantations.¹² The author was witness to the following testimony of how the Orang Rimba lost their living environment through a series of measures.¹³

The land was our *Jelajah* until SAL came. At that time, there were not many *Tumenggung*, and many *Depati* (leaders under the *Tumenggung*) were assisting *Tumenggung*. Then, the population grew, and the group branched out. We have thirteen *Tumenggung* now. However, in the 1980s, the government suddenly announced, “This land will become SAL land.” The government suddenly demanded that we vacate the land because it was going to become SAL land. We were evicted from our land without any compensation. There was no memorandum of understanding or sales contract of any kind.

The following is a summary of a WARSI report entitled, “Conflict Settlements between PT SAL and the Orang Rimba.”¹⁴ There are 505 Orang Rimba people in 130 households in eleven locations around SAL plantations.¹⁵ The trees are essential to the birth and naming of the Orang Rimba. This custom used to be central to Orang Rimba life, but no longer exists. Some Orang Rimba live in government-supplied barracks, and some live in tents on the plantation.¹⁶ Conflicts with oil palm plantations have resulted in the deaths of fourteen Orang Rimba in the last fifteen years. Their livelihood depends on gathering snakes, lizards, rubber nuts/fallen oil palm/pinang nuts, stink beans such as *jengkol*,¹⁷ and other food sources that are not used by the villagers.¹⁸ Problems arise when what is a means of earning a living for them is seen as theft by the big plantation and *plasma* (smallholder) farmers.

The main causes of trouble are categorized as: (1) stealing from villagers’ plantations and oil palm orchards, (2) entering plantations and smallholders’ plantations to hunt and cause trouble with guards and villagers, and (3) picking up *brondolan* (oil palm nuts that have fallen in the plantations) and selling them to middlemen. The Orang Rimba who have lost their forest habitat typically have no skills or knowledge outside of hunting and gathering, with the concept of land ownership being foreign to them. Their only recourse for survival is to enter the plantations to hunt game and collect *brondolan* to sell. Tragically, encounters with plantation security guards or *plasma* (smallholder) farmers, result in their being forcibly expelled and in extreme cases, fatal violence.¹⁹ Many of these incidents are resolved through “customary law,” to avoid police involvement, which culminates in the Orang Rimba being given only meager compensation.

In 2000, the BDNP was established by expanding a previously protected area. The whole area of BDNP is only 60,500 ha. Nevertheless, the government seems to assume that the establishment

12 PT. Sari Aditya Loka 1, Company Profile.

13 Interviews conducted on August 20 and 21, 2019.

14 Peluang Solusi Konflik Orang Rimba dengan PT SAL, Pekat IB Sumbar, Year Not Mentioned, Unpublished Paper.

15 The latest data by PT SAL shows that there are 217 house heads or 898 people who had been suffering damage from the operation of PT SAL (Personal communication from WARSI).

16 Of the five people interviewed, two live in tents and three live in government-provided barracks.

17 The plant belongs to the legume family and has a strange odor. It is a popular ingredient in Indonesian cuisine.

18 They hunt crocodiles about once a month. They shoot sleeping crocodiles at night and eat the meat. According to the WARSI’s report, the crocodile penis is also included, but as an energizer.

19 Such troubles increased during the COVID-19 pandemic, because Orang Rimba faced food shortages. Mongabay, an internet news platform, reported the serious trouble of some Orang Rimba people with PT SAL in Merangin regency on May 19, 2020.

of the BDNP has solved all the Orang Rimba problems. On the contrary, the land designated as BDNP was previously industrially forested, and there is very little good (diverse) forest there. Approximately 900 Orang Rimba live in the park, but many Orang Rimba live outside the park, and the issue of how to protect the rights of both groups has not been addressed at all. Merely providing small barracks to the Orang Rimba who have lost their forests and means of survival, is not a solution.

Orang Rimba Demanding Land Return

In the 2000s, people started insisting that SAL return their land, but SAL stated no more than that it would improve the welfare of the people through CSR. The Orang Rimba demanded that (1) No extension of SAL's HGU (Commercial Use Rights) (35 years, valid until 2030) would be made and that: (2) As part of SAL's CSR, each household should be given 2 ha of land in an accessible area and receive livelihood compensation. The corporation refused these requests.

However, things have changed dramatically since that time. Article 7.1.c of the 2018 Presidential Decree No. 86 on Agrarian Reform stipulates that "the project concessionaire must return at least 20% of the state land (the land on which the project concession was issued) to the original owners upon renewal or termination of the project concession."²⁰ On the basis of this so-called TORA (Land for Agrarian Reform) policy, the Orang Rimba are demanding that 20% of the 5,479 ha of SAL1's core plantations, or 1,095 ha of land, be returned to them. This is because the living areas of each of the five groups the author interviewed are within SAL1's core plantations (Nakashima, 2021, 100-102).

These claims of lost land rights are also beginning to be considered by an Orang Rimba group living in another area, Terab, Batang Hari Regency.²¹ In fact, 167 Orang Rimba households under four *Tumenggung* reside in and around BDNP. The estate of the PT Wana Perintis rubber plantation used to be in the *Jelajah* of those Orang Rimba people. As the land clearing was not done by Wana Perintis, these Orang Rimba people were given the right to engage in Social Forestry²² there. This decision was made by the Ministry of Environment and Forestry to avoid conflict. Through engaging in partnership (*kemitraan*) Social Forestry, Orang Rimba households now earn 500,000-1,500,000 rupiah per month.²³

They also have been experiencing tensions with the oil palm plantation BKS (PT Bahana Karya Semesta). In June 2016, there was a major conflict with BKS when BKS security guards took physical action against the protesters. As a result, two people were injured and a car, five motorcycles, and 1,000 pieces of clothing were burned. The corporation has since discussed compensation for the damage and future countermeasures, but no progress has been made in negotiations other than compensation for the two injured individuals (Nakashima, 2021, pp. 102-103).²⁴

20 Peraturan Presiden Republik Indonesia Nomor 86, Tahun 2018 Tentang Reforma Agraria.

21 Batin 24 County, Batang Hari Regency.

22 Social Forestry was legislated in 2016 by the Regulation of the Minister of Environment and Forestry No. 83

23 According to the information from Mr Rudi Syaf, it is the women who are involved in rubber cultivation. Most of the men are engaging in hunting and collecting. The exchange rate at the time made this equivalent to approximately US\$50.

24 On this incident, I interviewed persons locally on August 26, 2019. They have *Sialang* trees for wild honey collection in BDNP and the cash income raised from their honey collection is significant. A leader said, "We just collected one ton of honey; with two *Sialang* trees, we could harvest one ton of honey and had a cash income of 40 million rupiah (US \$4,000)." *Sialang* is a tree in which bees build their nest.

4. Institutional Efforts to Improve the Orang Rimba's Situation

Legal Status of the Orang Rimba

It is difficult to locate the exact legal status of Orang Rimba in the current Indonesian legal system. It has not been the subject of remedies in the various laws aimed at resolving land issues during the reform era. To resolve land disputes which frequently occurred after Suharto's resignation in 1998, a decision was made by the National Land Agency Head, Ministry of Agrarian Affairs. No. 3.²⁵ Article 2(2) of the Agrarian Affairs Act stipulates the following requirements for the recognition of a Customary Law Community (*Masyarakat Hukum Adat*): a) the existence of people who recognize the existence of a shared customary law system, b) the existence of a specific Communal Land (*tanah ulayat*) where the people live, and c) the existence of communal land operated, managed, and used by the people. Bedner, a professor at Leiden University, explains that certification requires a study by an external third party (a university or research institution) (Bedner, 2016, 72).

Article 97 of the 2014 Law of The Republic of Indonesia, Number 6, concerning Village,²⁶ lists the following three requirements for recognizing a customary law community: a. its unity of Customary Law Community and traditional rights still actually exist, whether they shall be territorial, genealogical, or functional; b. its unity of Customary Law Community and traditional rights are deemed in accordance with the development of society; and c. its unity of Customary Law Community and traditional rights in accordance with the principles of the Republic of Indonesia. In other words, what is key in defining a community is that the *Masyarakat Hukum Adat* members reside in a certain area, have their own *adat* and the *adat* is being successfully managed. It is assumed that communities cooperate with the development policies of the Indonesian government.

Currently, two customary law communities (*Masyarakat Hukum Adat*) are recognized in Jambi Province.²⁷ Both are located in remote areas and are very small communities that meet the criteria above. Although this recognition imposes restrictions on their ability to buy and sell communal lands, it can be a means to combat development and illegal settlement.²⁸ However, as discussed below, these criteria cannot remedy the current situation of the Orang Rimba (Nakashima, 2021, p.105).

WARSİ Support

WARSİ began supporting the Orang Rimba around 1997. Their action was focused on teaching three subjects: reading, writing and counting. WARSİ has a local office on the southwestern border of the BDNP. There, more than a dozen children (ages 7-8 to 15-16, all boys) belonging to the *Tumenggung Nggrip* group live and study with the staff. They can study in WARSİ facilities, or they can go to elementary school and receive an institutional education. Alternatively, they can study in the BDNP when WARSİ staff come through.²⁹

However, there is still a tendency among some Orang Rimba to reject these activities. For them, the outside world is considered harmful to the Orang Rimba and they need to keep as much distance from it as possible. Diseases and misfortunes in their community are considered to be the result of

25 Peraturan Menteri Negara Agraria / Kepala Badan Pertanahan Nasional Nomor 5 Tahun 1999 Tentang Pedoman Penyelesaian Masalah Hak Ulayat Masyarakat Hukum Adat.

26 https://www.pbatlas.net/uploads/7/0/6/1/70619115/law_6_2014_.pdf

27 One is Datuk Sinaro Putih, Bungo Regency, which was recognized in 2006, and the other is Serampus, Murangin Regency, which was recognized in 2016.

28 Villagers' opinion in a Serampus survey.

29 I visited this place on August 21, 2018, and talked to the staff of WARSİ (Nakashima, 2021, p.109).

these negative influences from the outside world.³⁰ Institutional education is also thought of in this way, and there are still some groups that keep their relationship with the outside world to a minimum.³¹ The forest dwellers still observe strict food taboos, an indicator of their differentiation from the outside population. Specifically, to prevent contamination from the *Orang Terang* (the outside peoples), they forbid foods made from farmed animals, such as chickens, eggs, goats, cows and their milk, etc. This “prohibition” is called *Patang'on* (Prasetijo, 2017, p.273).

At the same time, some Orang Rimba are seeking to adapt to the outside world. If their children wish to continue their studies further in secondary school, the decision regarding this will be made through negotiations among parents, leaders and WARSI representatives. Such children may receive government support, and some have already become police officers and military personnel. WARSI also provides FM radio broadcasts for the Orang Rimba living in the BDNP fringe area, conveying important news, providing other necessary information, introducing people of interest, and playing popular *Dandut* (an Indonesian song genre).³²

The majority of the *Tumenggung Nggrip* group still lives in the BDNP, while 17 families live outside of the forest in tents; 40 families live in government-provided houses near where WARSI's local office is located. “Even if we are provided with houses, we have no food. There is not enough forest in the surrounding area for us, Orang Rimba, to survive. We cannot hunt the game we need to survive. There are not enough wild animals, especially wild pigs (*Babi Hutan*),” they complain.

Placing Hope in Social Forestry with Wild Rubber

Indonesia classifies natural rubber into two types: *Karet Alam* (wild rubber) and *Karet Sintetis* (cultivation rubber). The latter nomenclature is derived from the scientific name, *hevea brasiliensis*, for the species brought from Brazil. The most productive variety is the excellent cultivation rubber, *Karet Unggul*. It becomes harvestable 5 to 7 years after planting and reaches its maximum yield between the 15th and 20th years. The yield is more than five times higher than that of wild rubber, but it requires intensive management, depletes the soil and must be replanted after 20 years (Nakashima, 2021, pp. 113-114).

Some Orang Rimba hope that instead of the excellent cultivation rubber (*Karet Unggul*) being planted by companies, wild rubber (*Karet Alam*) planting, which is supportive of the community, will be allowed.³³ This shift is essential for them since fruit and wild rubber can coexist. Although the monoculture plantation system forces people to obey company regulations, some Orang Rimba have planted fruit among the cultivation *Karet Unggul* rubber trees despite plantation companies banning the practice (ibid, p. 113).

In the last chapter of *Stories of Rubber (Gomu Monogatari, 1984)*, the author Tsurutaro Nakagawa states, “In the early 1980s, the demand ratio for artificial to natural rubber was two to one, but as natural rubber (*hevea brasiliensis*) generates less heat during vibration, it has been in demand for tires for heavy trucks, large buses, and airplanes. In addition, the price of synthetic rubber is

30 During the COVID-19 pandemic, they practiced a custom called *besasandingon*, or social distancing from the plague.

31 The parents of Orang Rimba who managed to permit WARSI educational activities wanted education to take place far away from their residence. This is because they are afraid of being possessed by the external demon, *Natong Luar* (Manurung, 2007, p.306).

32 KKI WARSI, Sidia Dan Benor FM Radionya Orang Rimba.

33 I interviewed *Tummenggung Tarib*, a prominent leader of Orang Rimba, in August 2018. He told me that cultivation of *Karet Alam* enhances ecosystem diversity. Although it is true that *Karet Unggul* produces greater quantities of rubber product than *Karet Alam*, the latter can thrive for up to a century, he continued, and can allow for the coexistence of fruits and wild animals. On the contrary, he stressed that *Karet Unggul* trees last only 20 years, and have a detrimental effect on the soil and environment (Nakashima, 2021, p.123-124).

rising due to soaring petroleum prices, and it is no longer possible to use petroleum, without restraint, to produce synthetic rubber as in the past” (Nakagawa, 1984, pp.213-215). However, Nakagawa was not aware that natural rubber could be further classified into wild rubber and cultivation rubber.

The Ministry of Agriculture of Indonesia expresses the following view on the difference between the properties of wild and cultivation rubber: “Wild rubber is gaining popularity in developed countries due to its superiority over cultivation rubber in terms of heat generation during vibration. In fact, the demand for wild rubber has increased in recent years, as tires for vans, trucks, buses, and other vehicles have been found to perform better when composed of 45-55% wild rubber.”³⁴

The book, *Everything about Rubber (Panduan Lengkap Karet, 2008)*, describes the difference between the properties of wild rubber (*Karet Alam*, abbreviated KA) and cultivation rubber (*Karet Sintetis*, abbreviated KS) as follows. KS has a much higher utilization value than KA. KS is more resistant to chemicals. KS has not experienced any difficulties in transportation or supply during the past century. KA, on the other hand, has advantages over KS, such as perfect elasticity, easy processing, high fluidity and heat resistance. It is also less prone to cracking than KS. However, KS has higher resistance to chemicals and more stable prices. There has never been a shortage in product delivery or supply of KS. These advantageous characteristics are not true of KA, which has inconsistent prices and supplies which sometimes fluctuate widely. Despite these disadvantages, some producers prefer KA” (Tim Penulis PS, 2008, pp.17-18).

In addition to engaging in Social Forestry on 114 hectares of the PT Wana Perintis rubber plantation, the people of Terab, Batang Hari Regency have been cultivating their own rubber estates in which fruits such as mango, jack fruit and durian are planted among wild rubber trees.³⁵ Although it is probable that both the government and the company are aware of this situation, they have chosen not to pursue any tangible measures in response. Their reluctance may stem from a motive to evade negative publicity. At present, Social Forestry regulations strictly prohibit changing designated land use, but it is necessary to firmly emphasize to companies and government authorities that there is a growing demand for wild rubber based on its characteristics, and that this demand will also lead to the preservation of tropical forests as well as that of the Orang Rimba living environment.

Sokola Rimba

Butet Manurung’s book, *Sokola Rimba* (2007), which describes the formal education of Orang Rimba and their reactions to it, received great international acclaim and she was awarded the Magsaysay Award in 2014. In 2013, Indonesian director, Riri Riza, made a film based on this book, which was also highly acclaimed.³⁶ Butet Manurung worked for WARSI’s educational activities (1999-2003) before leaving WARSI and founding Sekola Rimba/The Jungle School in 2003,³⁷ an NGO that works not only with the Orang Rimba but also with the Dani people in Papua. Within Sekola Rimba/The Jungle School is KMB, an organization of the Orang Rimba for the Orang Rimba. More specifically, it is an organization that supports the 533 members of *Tumenggung Jelitai* who reside upstream of the Makekal River in BDNP.³⁸

34 Kementrian Pertaian, Keunggulan Karet Alam dibanding Karet Sintetis, 23-September-2013.

35 Personal communication from Mr. Rudi Syaf.

36 *Sokola Rimba: The Jungle School* (Miles Film) won awards at various international film festivals and the Audience Award at the 2014 Fukuoka Film Festival.

37 The Indonesian word Sekolah Rimba (Forest School) is “Sokola Rimba” in the Orang Rimba language.

38 Data of the Orang Rimba Upstream of the River Makekal, 2016 (KMB, Data Penduduk Orang Rimba Makekal Hulu, Maret 2016) based on statistics. The author was able to interview more than a dozen Orang Rimba youth on August 24, 2018, at the KMB office in the city of Bangko, the capital of the province of Murangin regency.

The major goal of KMB activity is to establish a 6,500-ha portion of the *Tumenggung Jelitai* group's *Jelajah* in BDNP as a Customary Law Forest (*Hutan Adat*). Their goal is to preserve it "as a place of ritual and worship for the Orang Rimba." Cutting trees will not be allowed, potato cultivation and rubber plantations will not be permitted, but hunting and rattan/honey gathering will be allowed. If successful, they hope to be officially recognized by the President, and at the same time, by the local government.

In 2012, the Indonesian Ministry of Forestry segmented the BDNP into seven zones for conservation purposes. This division faced criticism for not accurately reflecting the land usage of the *Tumenggung Jelitai* group who have resided there for generations. In September of 2018, a revision in the BDNP zoning was declared,³⁹ motivated by several factors: (1) The Orang Rimba communities had already established their presence before the inception of BDNP zoning, (2) the current zoning has few religious zones, and (3) restrictions on economic activities were imposed within the traditional zones. This commitment signifies the BDNP's commitment to honoring the traditional land-use practices of the Orang Rimba (Nakashima, 2021, p.116). As a result, KMB's objective to secure a place of ritual and worship for the Orang Rimba is drawing closer to realization.

Butet Manurung founded the Sokola Rimba organization with the belief that addressing the pressing challenges faced by the Orang Rimba required a unique approach, one that, while aligned with the nationwide organization AMAN, diverged in its methods and activities. Similarly, based on his experience in interviewing KMB members, this author felt that it would be difficult for the Orang Rimba to have an equal relationship with AMAN, both in terms of Indonesian language literacy skills and education level. KMB is an attempt to build an Orang Rimba-led rights movement (Nakashima, 2021, pp.115-118).⁴⁰

Sedentarization and ID Cards

Since the colonial period, the central government has consistently implemented Orang Rimba sedentarization policies with little success. Today, the Orang Rimba are accepting some forms of sedentarization because the forest is already gone and the traditional way of life is no longer possible.⁴¹ However, although buildings have been erected, they are seldom used. The forest dwellers are not familiar with the idea of settlement, and the buildings themselves, such as barracks, are so inferior that many Orang Rimba return to the forest after a short period of attempting to inhabit them. Most importantly, the lack of forest in the vicinity of the buildings renders the residences almost completely unappealing (Nakashima, 2021, p.118).

On October 30, 2015, President Joko Widodo (Jokowi) visited Air Hitam County, Sarolangun Regency, and was greeted by several hundred Orang Rimba. After speaking with residents living in tents within oil palm plantations, the President met with four proactive *Tumenggung*. President Jokowi was the first president to visit Orang Rimba lands, but no further progress was made. President Jokowi's visit was commendable in that it demonstrated the administration's commitment to indigenous peoples, but no significant outcomes transpired other than a promise to build housing to promote resettlement.⁴² What was expected of him was not the provision of housing to promote resettlement, but a statement from a broader perspective on how to guarantee the indigenous rights

39 Taman Nasional Bukit Duabelas, *Zonasi Taman Nasional Bukit Duabelas*.

40 WARSI is critical of this KMB activity. It says that KMB only helps one particular group and does little for other Orang Rimba.

41 Sager remarked: "Before 1960, most of the area had forest cover. By 1980, 73% had forest cover, and by 1990, when the World Bank ended its support for the transmigration program, the figure had again dropped to just over 50%" (Sager, 2008, p.13).

42 Detiknews, Berikut Kronologi Pertemuan Presiden Jokowi dengan Suku Anak Dalam, 2 November 2015.

and land rights of the Orang Rimba. This was not forthcoming.

After an interview at the park administration office in Sarolangun Regency, the author was told that some *Tumenggung* are allowed to have Indigenous Beliefs listed in the religion section of their ID card. However, there was no legal basis for this at the time, and it was understood to be a local response. A landmark ruling was issued in 2017. “Indonesia’s Constitutional Court has announced that it will allow ‘Indigenous Beliefs’ (*Aliran Kepercayaan*)⁴³ to be inscribed in the faith section of the ID Card.”⁴⁴ Responding to this constitutional decision, President Jokowi ordered the administrators of state and local governments to honor the decision.⁴⁵ Notwithstanding this move from the central government and growing criticism throughout Indonesia of ongoing political repression of religious minorities in Muslim-majority Indonesia, the administrators of state and local governments are still unwilling to accept the ruling.⁴⁶

On May 28, 2021, Suara.com reported on the Orang Rimba response to the death of a 70-year-old woman at a market in Sarolangun Regency. The woman had suddenly fallen, and died in the market. Witnesses of the unexpected event were taken aback, speculating that the coronavirus had infiltrated their region. Immediately, the *Tumenggung Nggrip* group residing at a nearby barracks decided to withdraw into the jungle to protect themselves from the perceived threat. In their cultural context this is known as *besasandingon*, a social distancing strategy. They maintained distances of several meters from each other. This proved effective against potential COVID-19 transmission, but led to food scarcity.⁴⁷ Following this incident, other Orang Rimba groups also adopted this custom. The Indonesian government became aware of their difficulties and assisted them with cash, food and medical services including vaccinations at community health centers. WARSI supported the government in issuing ID cards to Orang Rimba, and currently it is estimated that 80 percent possess them. Their recorded faith was officially recognized as *Aliran Kepercayaan*.⁴⁸

5. Concluding Remarks

Communal Land Rights granted to each ethnic group in Indonesia under BAL were greatly restricted by the Basic Forestry Law of 1967. However, Law No. 41 Concerning Forestry, Part II, Section (1) stipulates that “forests shall be divided into state forests and rights forests according to their status,” and Section (2) stipulates that “state forests shall constitute Customary Law Forests” (*Hutan Adat*). AMAN appealed the inconsistency of this provision to the Constitutional Court, which ruled on May 16, 2013, by Constitutional Court Decision No. 35 (hereinafter referred to as MK35) that customary forests are not state-owned forests. Customary forests are forests within indigenous lands that exist provided the forests and the indigenous communities that recognize their existence continue to exist.

MK 35 considers the Customary Law Community to be the “bearer of rights” and the subject of law in customary lands. It is hoped that this ruling will contribute solutions to the issues of

43 This refers to several syncretistic religions with characteristics of Javanese mysticism but means “other religions.” “Other” refers to ones not among the six recognized religions.

44 It admits that to deny other religions than the six religions (Islam, Catholicism, Protestantism, Hinduism, Buddhism and Confucianism) listed in Law No. 23 of 2006 concerning People Administration is anti-constitutional. Kompas. Com (online), MK: Kolom Agama di KTP dan KK Dapat Ditulis “Penghayat Kepercayaan”, 7 November 2017.

45 *Beritagar.id.*, *KTP untuk penghayat kepercayaan sesuai pilkada*.

46 VOA (Voice of America), Indonesian Groups Call for Minority Religious Protections, Sep. 14, 2018

47 Suara.com, (2021). Antara News reported that 22,854 people were infected with COVID-19, and 511 people died of it in Jambi Province at that time (Antara News 2021).

48 Personal communication from Mr. Rudi Syaf. See the news of LIPUTAN 6 on March 12, 2021, concerning issuing ID cards to Orang Rimba.

indigenous societies in the future. While some are pleased with this decision out of hand, Siscawati lays out the problems that exist in this decision (Siscawati, 2014, p.13). It is problematic, for example, that AMAN, which filed the case, pointed out the inconsistencies in the definition of Customary Law Community in the 1999 Forestry Law, but refused to request a review of it. It would be premature to expect that the rights of indigenous communities will be significantly protected by this Constitutional Court decision, as none of the indigenous communities, such as the Orang Rimba keep written records to confirm their rights.

Defining communal land rights among the Orang Rimba, who are/were migratory hunter-gatherers rather than sedentary agriculturalists, is a difficult task. They did not occupy the land even in a collective manner but were people who moved around in *Jelajah* (an area of foraging and hunting) and lived on the periphery of the current SAL plantation just prior to the arrival of the SAL corporation. It is not clear how long they lived there. Whenever there was a death in their family group, they would fold up their tents, move for several months, and look for a new place to live. This was possible in the days when the forests were rich, but now that the land has been encroached upon by oil palm plantations, industrial plantations and migrants, it is difficult for the Orang Rimba to continue this way of life.

It is difficult at this point to recognize the entire population of Orang Rimba scattered in four regencies of Jambi as one Customary Law Community. It may be possible if authority is given to the governor of the province, rather than to the regencies. Alternatively, if this were done under the authority of the President, it would be more likely to have an effect. However, the idea of establishing an all-Orang Rimba Customary Law Community is not currently being considered.

Indonesia has only endorsed the UN resolution recognizing the rights of indigenous peoples and has not actively pursued policies that would push for the expansion of indigenous rights in domestic law.⁴⁹ The government's recommendation for recognition of *Masyarakat Hukum Adat* is not a remedy for the current situation of the Orang Rimba, as it requires (1) territoriality, (2) the existence of autonomous customary law, and (3) a permanent management entity. Working from the foundation of the Jokowi Administration's Land for Agrarian Reform policy (TORA), it might be possible that the Orang Rimba, who have conventionally lived in the vicinity of SAL corporation operations and had a portion of their land confiscated by these operations, be given 5 ha of land per household to cultivate wild rubber and other crops.

On October 26, 2021, the Sarolangun Regency government announced that for the first time, the governor of Sarolangun Regency issued 105 TORA certifications to the indigenous inhabitants of Desa Spintun, Sarolangun Regency in Jambi. Furthermore, they confirmed plans to extend the TORA certification to additional areas within the Regency. Antara News also highlighted that in 2023, the Ministry of Forestry in Jambi intends to broaden the scope of the TORA program.⁵⁰

Interestingly, the recipients of these certificates were not the Orang Rimba, but rather, the Batin Sembilan people. Both groups are commonly referred to as SAD (Suku Anak Dalam), which translates to "peoples in outback." Historically, the Batin Sembilan people were involved in upland rice cultivation, and those awarded the certificates had been residents of the area, engaging in

49 Regrettably, the 2023 IWGIA report reads: "Throughout 2022, Indigenous Peoples in Indonesia demonstrated their resilience to the political pressure and policies that were increasingly moving away from the agenda of recognizing and protecting Indigenous Peoples. The fact that recognition has been confirmed in the Constitution does not necessarily mean that the State is carrying out its mandate to establish the Indigenous Peoples Law. After a long process of more than a decade, the Indigenous Peoples Bill remains simply a bill in Parliament. By the end of 2022, the Indigenous Peoples Bill had again failed to be adopted into law, as in previous years. In the midst of this situation, there have recently been a number of discriminatory laws and regulations enacted that have placed Indigenous Peoples in an increasingly threatened position."

50 Pemerintah Kabupaten Sarolangun (2021), and Antara Jambi (2022).

swidden rice cultivation long before the arrival of SAL. To date, no Orang Rimba has received a TORA certificate, and there is no clear indication that they will in the foreseeable future.⁵¹

The TORA program, under the Joko Widodo administration, seems to offer significant opportunities for indigenous populations. However, it appears to show a preference for completely sedentary peoples, sidelining the Orang Rimba who, while settled, still aspire to maintain a semi-nomadic way of life. Given the divide between the Orang Rimba and governmental policy, it remains crucial to explore strategies that safeguard the land rights of the Orang Rimba.

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Abbreviations and Indonesian Words

Adat	Customary Practice and Law
AMAN	Aliansi Masyarakat Adat Nusantara (Nusantara Association of Customary Law Society)
BDNP	Bukit Duabelas National Park
<i>Hak Ulayat</i>	Communal Land Rights
<i>Jelajah</i>	Area of Foraging and Hunting
<i>Masyarakat Adat</i>	Indigenous (<i>Adat</i>) Society
<i>Masyarakat Hukum Adat</i>	Customary Law Community
<i>Tanah Ulayat</i>	Communal Land
<i>Tumenggung</i>	Senior Leader of a Nomadic Group of Orang Rimba
WARSI / KKI WARSI	The Indonesian Conservation Community

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