



ACTIVITY REPORT

Local Wisdom of the Baar Tribe in the Preparation of the Manuscript of the
Indigenous People of the Baar Tribe of Sambinasi Raya, Riung District
Ngada Regency East Nusa Tenggara(***)

Prepared by BBKSDA

NTT - Inflores UNDP

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Ruteng, November 2024

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ENDORSEMENT SHEET

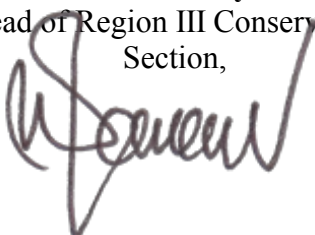
ACTIVITY IMPLEMENTATION REPORT

PROJECT *INVESTING IN THE KOMODO DRAGON AND OTHER GLOBALLY THREATENED SPECIES IN FLORES*

LOCAL WISDOM OF THE BAAR TRIBE IN THE PREPARATION OF THE SCRIPT OF
THE INDIGENOUS PEOPLE OF THE BAAR TRIBE OF SAMBINASI RAYA,
RIUNG SUB-DISTRICT

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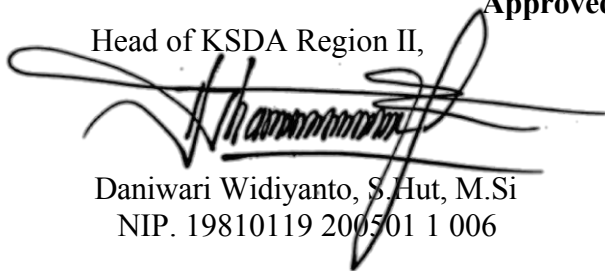
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FOREWORD

Praise be to God Almighty, that the community assistance activities in the context of strengthening the indigenous people of the Baar tribe carried out in 2024 are running according to plan. The indigenous people of the Baar tribe, is one of the community groups that live together with the Flores Komodo dragon and customarily the Baar Tribe has local wisdom by determining the area within their custom as a protection area called "Pirong".

The mentoring activity for the indigenous people of the Baar Tribe of Sambinasi Raya, Riung District, Ngada Regency, East Nusa Tenggara has been going well, this is one of the efforts of the NTT KSDA Center supported by the *North Lanscape and Seascape Project* IN-FLORES in facilitating parties to be able to synergize in efforts to conserve komodo dragons and other important species in the land and seascape areas of Flores, through strengthening the capacity of indigenous peoples whose customary territories are one of the important habitats of the Flores Komodo dragon and other species.

This activity is expected to be useful and can be a model of community strengthening, and help synchronize central and local government programs, especially in areas that are natural habitats for komodo dragons and other endangered species on Flores Island, especially in (West Manggarai Regency, Manggarai Regency, East Manggarai Regency and Ngada Regency), as well as other relevant stakeholders.

The Baar Tribe Customary Law Community Regulation was submitted by representatives of the Baar tribal elders, accompanied by youth and village heads and the Riung sub-district head to the Ngada Regency Government at the Ngada Regent's Office.

To the customary elders; Tribal Chief, Dorp, Village Head, Youth, Sambinasi Raya Community and Riung Sub-District Head who became sources of information in the preparation of the Baar Tribe Customary Law Community Regulation, hopefully this will be useful for the progress of the Baar tribe in the future.

Ruteng, December 2024

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CHAPTER I

INTRODUCTIO

N

1.1 Background.

Biodiversity conservation efforts at the ecosystem level in Indonesia are strongly influenced by the prevailing land status. In general, Indonesia divides land status into two main categories, namely state forest areas and Other Use Areas (APL). State forest areas have conservation, protection, and production functions, while APL is designated for non-forestry activities, such as agriculture, settlements, and infrastructure.

However, high rates of deforestation in recent decades have led to significant land cover change dynamics. Ironically, in some areas, there are APLs that still have natural forest cover, while some state forest areas have been severely degraded, leaving little vegetation or even losing forest cover completely. This reflects a major challenge for biodiversity conservation and highlights the need for more effective and sustainable land management policies.

This condition reflects a major challenge in biodiversity conservation efforts in Indonesia. One of the main challenges is the mismatch between land functions and actual conditions on the ground. On the one hand, Areal Penggunaan Lain (APL) areas that are legally designated for non-forestry activities, such as agriculture, settlement and infrastructure development, still have relatively intact forest ecosystems. However, due to their status as APL, these areas are vulnerable to uncontrolled land conversion and exploitation, threatening the sustainability of existing biodiversity.

On the other hand, state forest areas that are supposed to function as conservation, protection or production areas often experience deforestation and degradation.

due to illegal activities such as forest encroachment, illegal logging and shifting agriculture practices. This is exacerbated by weak supervision, limited resources for forest management, and conflicts of interest between environmental conservation and economic needs. As a result, many forest areas are now left with little vegetation cover or even completely destroyed.

This situation highlights the need for more effective and sustainable land governance policies, including concrete measures such as:

1. **Reclassification of land status:** Revisit and remap land status based on actual conditions on the ground to ensure intact forest areas can be protected, even if they are on APL.
2. **Strengthening supervision and law enforcement:** Address the practice of forest encroachment and illegal exploitation through increased supervision and strict law enforcement against land governance violations.
3. **Local community empowerment:** Encourage the active role of communities in forest management through social forestry schemes that involve community-based conservation practices.
4. **Sustainability-based development:** Implement development policies that take into account the carrying capacity of the environment and prioritize ecosystem protection to avoid further degradation.

With these steps, it is expected that land management can be more in line with its ecosystem functions, so that biodiversity conservation efforts can run effectively, sustainably, and provide benefits to the environment and society.

Of the total 67 million hectares of Areal Penggunaan Lain (APL) in Indonesia, around 7 million hectares or 11.4% are still forested, either in the form of primary forests (1.3 million hectares) or secondary forests (5.7 million hectares). Interestingly, some biodiversity is found outside of official conservation areas (Tropenbos Indonesia Foundation, 2019. *Policy Brief: Conservation Outside Conservation Areas - Lessons from West Kalimantan*).

However, ecosystem protection is currently facing major challenges due to the high demand for land for economic development. This often means that important ecosystems cannot be included in existing conservation area networks. As a result, conservation efforts are unable to optimally protect all ecosystem types and biodiversity.

Therefore, given that the majority of biodiversity resides outside of conservation areas and many important ecosystems are difficult to incorporate into the protected area system, a more inclusive and adaptive management approach is needed. This system should be able to ensure the protection of important ecosystems and their biodiversity while still supporting land use objectives for economic development. Some concrete steps that can be taken include:

1. **Strengthening ecosystem-based spatial policies:** Develop spatial policies that integrate the protection of important ecosystems in APL, including policies that provide incentives for businesses or landowners that apply sustainability principles.
2. **Landscape-based conservation (landscape approach):** Develop a conservation approach that takes into account the relationship between protected and non-protected areas, as well as sustainable ecological functions across the landscape.
3. **Partnership schemes and economic incentives:** Encourage collaboration between government, local communities and the private sector in the management of critical ecosystems, through schemes such as social forestry, ecotourism or payments for environmental services.
4. **Ecosystem monitoring and mapping:** Conduct regular mapping to identify important ecosystems outside of conservation areas, and monitor their condition to support accurate data-based policy-making.

With approach diversity conservation
With this approach, biodiversity conservation efforts can be expanded outside of formal conservation areas, creating a balance between

protection of environment and utilization land that sustainable land use to support national economic development.

Law No. 32 of 2024 on the Amendment to Law No. 5 of 1990 on the Conservation of Living Natural Resources and Their Ecosystems (KSDAHE) states that efforts to conserve living natural resources and their ecosystems are not only limited to Nature Reserve Areas (KSA), Nature Conservation Areas (KPA), and conservation areas in waters, coastal areas, and small islands, but also include preservation areas.

Preservation areas are defined as areas outside KSAs, KPAs, and conservation areas for waters, coasts, and small islands whose ecological conditions are maintained to support life support functions and the survival of biological natural resources and their ecosystems. With this definition, various areas that have previously been regulated in a number of regulations-such as important ecosystem value areas, KSA and KPA buffer zones, essential ecosystem areas (KEE), and areas with high conservation value-are now included in the scope of preservation areas as referred to in the KSDAHE Law.

Provisions regarding the protection of biodiversity in these preservation areas will be further regulated in the Government Regulation on the Protection of Life Support Systems. This regulation is expected to be a comprehensive legal basis to ensure the sustainability of important ecosystems outside formal conservation areas, while supporting sustainable environmental management policies.

Preservation areas located in community-managed areas require proper governance by ensuring the rights of indigenous peoples. This is in line with the principle of Free, Prior, and Informed Consent (FPIC), which gives indigenous peoples the right to give consent or reject any policy that impacts their lands, territories or rights. FPIC is important to ensure the protection and recognition of indigenous peoples' sovereignty in managing natural resources sustainably.

One concrete example is the Baar Tribe in Sambinasi Raya, Riung District, Ngada Regency, which has unique and social characteristics that distinguish it from other villages in the East Nusa Tenggara region. The study of the Baar indigenous community is expected to explore and highlight the local potential of the community. Thus, the Baar Tribe can continue to exist and develop independently, improve their standard of living, while still maintaining unique and distinctive customary traditions and ceremonies as their cultural identity.

In addition to the uniqueness of customary ceremonies, the application of customary law among the Baar Tribe still survives and remains relevant to this day. This customary law not only functions as a conflict resolution mechanism or regulation of community life, but also as a form of local wisdom that reflects the values of togetherness, harmony with nature, and cultural preservation. The sustainability of the Baar Tribe's customary law shows a balance between ancestral traditions and the challenges of modern life.

With governance that favors the rights of indigenous peoples and policy support that respects local wisdom, preservation areas in community-managed areas, such as in the Baar community, can serve as examples of how environmental conservation, cultural preservation, and economic development can work in harmony and sustainably.

1.2 Activity Objectives and Outputs

The main objective of the preparation of customary law texts for the Sambinasi Raya community is to support better and more sustainable management of the land and seascapes of West and North Flores. This is done through the establishment and/or recognition of Other Effective Area-Based Conservation Measures (OECMs). OECMs is a conservation approach that focuses on protecting biodiversity and ecosystem sustainability outside formal conservation areas by involving various parties, including indigenous communities.

Moreover, it also aims to build functional governance capacity at the local level. This includes strengthening more effective coordination mechanisms between key stakeholders - government, non-government, private companies and indigenous groups. Good coordination is expected to facilitate dialog, ensure transparent information flows, and support participatory and inclusive decision-making in planning and managing preservation areas. Thus, the management of the area can run collaboratively and in favor of environmental interests and the welfare of indigenous peoples.

The concrete output of this activity is the Regulation of Customary Law of the Baar Tribe Community in Sambinasi Raya, Riung District, Ngada Regency, East Nusa Tenggara. This regulation is an important instrument for:

1. **Regulate and protect indigenous territories** that cover land and sea areas, so that their utilization remains based on the principles of conservation and sustainability.
2. **Recognize the rights of indigenous peoples** in managing and preserving their territories, including the rights to the natural resources within them.
3. **Strengthen customary law** as part of local mechanisms to resolve conflicts, regulate the use of natural resources, and maintain harmony between humans, nature and culture.
4. **Encouraging active community participation** in the planning and implementation of local wisdom-based conservation measures.

With the Customary Law Regulation, it is expected that the Baar Tribe can not only maintain their cultural identity and ancestral traditions, but also have a recognized legal tool to play an active role in natural resource management. This regulation is the foundation for the realization of a balance between environmental conservation, cultural preservation, and improvement of the economic welfare of the community in the Sambinasi Raya area.

1.3 Scope of Activities

The scope of this activity focuses on the Sambinasi Raya customary area, located in Riung District, Ngada Regency, East Nusa Tenggara. This activity aims to deeply understand the main aspects of the Customary Law Communities (MHA) in the area as a basis for the preparation of Customary Law Regulations.

The activities carried out included several important stages, namely:

1. Identification of Customary Law Communities (MHA)

This process aims to ascertain the existence of customary law communities in Sambinasi Raya through comprehensive data and information collection. The identification was conducted using a participatory approach, involving traditional leaders, local stakeholders, and local communities.

2. Characteristics of Customary Law Communities

An assessment of the distinctive characteristics of Masyarakat Hukum Adat in Sambinasi Raya, which includes aspects such as:

- **Structure Social:** system kinship system, leadership customs, and community organization.
- **system values and norms:** Rules customs that governing people's behavior in daily life.
- **Tradition and culture:** Cultural practices, traditional rites, and local wisdom that are still alive and thriving today.

3. Tenure and Territoriality

- **Tenure:** Identifying customary land ownership and tenure rights, both individually and collectively, as well as the system of natural resource utilization by indigenous peoples.
- **Territory:** Defining the boundaries of the Sambinasi Raya customary territory, including the land and sea spaces managed and safeguarded by the indigenous community. This aims to clarify territorial claims

and support legal recognition of indigenous peoples' rights.

4. Authority

Identify the authority of indigenous peoples to govern, manage and make decisions over their territories and natural resources. This authority includes:

- Decision-making in natural resource management.
- Dispute resolution through customary law mechanisms.
- Application of customary rules in maintaining the balance of ecosystems and social life.

5. Customary Groups and Patterns of Indigenous Peoples

Examines the structure of customary groups, including the role and function of each group in the social and cultural life of the Sambinasi Raya community. This study will also explore the patterns of customary law communities that reflect patterns of interaction, local wisdom, and mechanisms for regulating community life.

With the scope of these activities, the results obtained are expected to provide a clear and in-depth mapping of the identity, territory, authority, and socio-cultural dynamics of the Sambinasi Raya Customary Law Community. This information will be an important basis in formulating Customary Law Regulations that are in accordance with the reality of local community life, as well as encouraging legal recognition of their rights in the sustainable management of customary territories.

1.4 Methodology

Material collection activities for the Baar Tribe Indigenous Peoples (MHA) study were carried out in three main areas, namely Sambinasi Village (Damu), Central Sambinasi (Ruki), and West Sambinasi (Marotauk) located in Riung Sub-district, Ngada Regency, East Nusa Tenggara Province. This study aims to explore comprehensive information about the structure, territoriality,

authority, and aspects of customary regulation of the Baar Tribe as the basis for the preparation of customary law texts.

The study method used includes several important stages, namely:

1. Literature Study

The literature study was conducted through the collection and review of relevant documents relating to customary law and the existence of indigenous peoples in Indonesia. The sources reviewed include:

- Customary law regulations applicable in other regions for comparison.
- Formal documents related to the recognition of indigenous peoples in Indonesia.
- Academic studies and previous research that discuss customary law and the dynamics of indigenous peoples. society dynamics of indigenous peoples. The results of this literature study became the conceptual basis and initial framework in the preparation of the customary law text.

2. Field Observation

Observations were conducted through direct coordination with competent parties in the process of establishing and recognizing Masyarakat Hukum Adat, such as:

- Directorate General of Social Forestry and Environmental Partnership (PSKL)
- Local government (village, sub-district, and district).
- Other relevant parties to support data validation in the field. In addition, observation involves direct visits to the locations that are the focus of activities, namely villages that are the center of the Baar Tribe's life. This process aims to directly observe the social, cultural and management conditions of the customary area, and build a deeper understanding of the dynamics of local community life.

3. Interviews and Recording of Customary Speech

In-depth interviews were conducted in a structured manner with a direct visit method to:

- a. **Community leaders**
- b. **Customary leaders**
- c. **Customary elders**
- d. **(dorp)**

This interview aimed to gather information on:

- **The extent of customary territories** and their boundaries.
- **Customary authority** in natural resource management and dispute resolution.
- **The structure of adat groups** and their respective roles in the community.
- **The scope of customary arrangements**, including customary values, norms and sanctions.
- **Indigenous wealth** that includes traditions, rites and local wisdom passed down from generation to generation.

The results of the interviews were recorded as the main material in the preparation of customary law texts.

4. Questionnaire

A closed-ended questionnaire was developed as an additional instrument to obtain more systematic data. The questionnaire was submitted to traditional elders (dorp) and community leaders to deepen and validate the data:

- Customary law materials spoken in interviews.
- Details of customary arrangements, including norms, sanctions and mechanisms for implementation. This questionnaire helps to ensure that all important aspects of customary law are covered and can be further processed into a full customary law text.

5. Forum Group Discussion (FGD)

The FGD was conducted as an effort to **verify and validate** the results of interviews, observations, and questionnaires that had been collected. The FGD was designed

using a **pentahelix** approach, involving five key stakeholder elements, namely:

1. **Customary Parties:** Traditional leaders, elders, and customary leaders as the owners of the tradition.
2. **Village Parties:** The village government who understands local dynamics.
3. **Community Parties:** Community representatives as direct stakeholders.
4. **Religious leaders:** Religious leaders who play a role in the social and moral order of the community.
5. **Government Parties:** Sub-district and district level government as facilitators and supporters of customary law legality.
6. **The Young Generation:** Youth as the next generation of the Baar Tribe

This FGD serves to discuss and agree on the substance of the customary law being drafted, so that the resulting customary law text truly reflects the interests, values and needs of the indigenous people of the Baar Tribe.

Through this systematic series of methods, material collection activities in the Sambinasi Raya area aim to produce a credible, accurate and comprehensive customary law text. The manuscript is expected to become:

1. Legitimate and recognized foundation of customary law,
2. Guidelines for sustainable management of indigenous territories,
3. A unifying tool for indigenous communities, and
4. A form of recognition and protection of the cultural identity and rights of the indigenous people of the Baar Tribe.

1.5 Activity Implementation

The implementation period for the preparation of this customary law text was carried out through three phases that were systematic and structured. Each phase included specific activities with clear targets, involving various stakeholders from the village to district level. The phases are as follows:

1. Phase One: Data Collection and Initial Validation

The first phase focused on the process of recording and collecting customary speech and customary law rules that apply in three customary areas, namely:

- **Dorp Damu in Sambinasi Village**
- **Dorp Ruki in Sambinasi Tengah Village**
- **Dorp Marotauk in West Sambinasi Village**

This activity was carried out through in-depth interviews with traditional elders (dorp) to explore in detail:

- Customary texts, traditions, and legal rules that still apply.
- Customary norms governing authority, territory management, and dispute resolution.
- Social structure and the role of traditional leaders in maintaining customary law.

This process was conducted intensively through 12 days of meetings held directly in the village. During these meetings, initial validation and coordination with customary stakeholders were also conducted to ensure the accuracy of the data collected. This stage became the main basis for preparing the initial draft of the customary law text.

2. Phase Two: Youth Participation and FGD Verification

The second phase aims to broaden participation and ensure the involvement of the younger generation in the development and sustainability of customary law. Activities at this stage included:

- 1. Meeting with Youth from Three Villages (Damu, Ruki, and Marotauk)**
 - Discussions were held to explore the youth's understanding of customary law and their perceptions of the preservation and application of customary law in the future.
 - It is hoped that through this discussion, the younger generation will have a concern and sense of ownership for the customary law traditions of the Baar Tribe.
- 2. Forum Group Discussion (FGD) for Data Verification**

- FGDs were conducted involving key stakeholders, namely the tribal chief, dorp, village head, and youth representatives.
- The purpose of the FGD was to verify the substance that had been collected in the first stage and to refine the draft customary law text based on inputs from various parties.
- The output of this FGD is a more comprehensive, participatory customary law text that reflects mutual agreement.

3. Submission of the Manuscript to the Sub-district Level

- The draft customary law text that had been verified and agreed upon in the FGD was then submitted to the Riung Sub-district Government as a form of formal coordination and consultation.

3. Stage Three: Coordination and Ratification at the District Level

The third stage is the process of finalizing the customary law text which involves coordination with the government at the district level. The main activities include:

1. District Level Coordination Meeting

- MeetingCoordination meeting conducted by inviting stakeholders from various sectors, including:
 - Ngada District Government
 - Representative of Riung Sub-district
 - Traditional leaders, elders (dorp), and community representatives
 - Youth and village representatives
- This meeting aims to:
 - Agree on the final substance of the customary law text.
 - Discuss steps to implement customary law at the village and district levels.

2. Endorsement by the Ngada Regent

- The customary law manuscript that has gone through all stages of collection, verification, and coordination will be submitted for official endorsement by the Ngada Regent.

Table 2. Activity Plan for Phase 2

No	Activity Description PHASE 2	1	2	3	4	5	6	7	8	9	10	11	12
1	Opening dialog meeting with tribal leaders And coordination with the village head related activities												
2	Meeting with 4 leaders Baar Tribe in order to solidify the MHA Manuscript												
3	Meeting with representatives of 12 tribes												
4	Meeting with youth												
5	Writing up the results of the meeting with 4 Baar tribe leaders and youth and Preparation of FGDs												
5	FGD Meeting of all Dor and tribal leaders, tribal representatives and youth representatives and the village head,												
6	Delivery of sports equipment for youth (male / female) in 3 villages/dors by the Head of the NTT KSDA Center.												
7	The results of the agreement were poured into the Manuscript Improvements and Additions (Chairman of Dor Tribe and Village Head)												
8	Final manuscript submitted to Riung sub-district												

Table 3. Phase 3 Activity Plan

No	Activity Description PHASE 2	1	2	3	4	5	Description
1	Coordination with Riung sub-district and Ngada district government						Riung
2	Plan for Submission of the Indigenous Peoples Regulation Document Baar Tribe to Ngada Regency Government						Sambinasi Raya
3	Preparation of Activities to Assist the Customary Chief of Baar Tribe to Submit the Baar Tribe Customary Law Community						

	<i>Regulation Document to Ngada Local Government</i>						
4	<i>Submission Meeting of the Regulation Document of the Baar Customary Law Community Baar Tribe at the Regency Level to be assessed and legalized</i>						<i>Ngada Regency in Bajawa</i>

With the implementation of activities divided into three phases, it is hoped that this will be realized:

1. Official documentation of the customary law of the Baar Tribe as part of efforts to protect and preserve local wisdom.
2. Active participation of all elements of society, including the younger generation, in supporting the sustainability of customary law traditions.
3. Legalization and recognition of customary law as a legal and effective instrument in the governance of the lives of the Baar Tribe community in Sambinasi Raya.

CHAPTER

II

LITERATUR

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2.1 Related Regulations

1. The existence of customary law in the 1945 Constitution of the Republic of Indonesia is accommodated in Article 18 B paragraph (2), namely: "The State recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated by law."

2. Hierarchy of Legislation
Law Number 12 of 2011 Article 7 paragraph (1) concerning the Formation of Legislation. In this article, there are several types and hierarchies of laws and regulations in Indonesia. Legislation in Indonesia recognizes the name of a hierarchy which consists of:
 - a. The 1945 Constitution of the Republic of Indonesia;
 - b. Decree of the People's Consultative Assembly;
 - c. Law / Government Regulation in lieu of Law;
 - d. Government Regulation;
 - e. Presidential Regulation;
 - f. Provincial Regional Regulations
 - g. Regency / City Regional Regulations

In the hierarchy, it is important to know that the legal force of the laws and regulations mentioned applies in accordance with their hierarchy and lower laws and regulations must not conflict with higher laws and regulations.

The position of customary law in the juridical-normative analysis based on the provisions of Law No. 12/2011 on the Formation of Legislation can be identified that customary law is not formally accommodated normatively in Article 7 of the Law regarding the vertical classification of the hierarchy of laws and regulations that apply and have binding legal force.

However, the existence of customary law is given a juridically binding capacity in legislation, customs, judicial decisions, and expert doctrine. The position of customary law in the national legal system has a balanced constitutional position with the provisions of other legal systems and applies equally and equally. However, it can be understood that there are fundamental differences in the hierarchy of laws and regulations with applicable legal provisions in general that there are differences related to aspects of applicability, form, and binding nature. Customary law is formally-juridically not accommodated in the hierarchical rules according to Article 7 of the Law *a quo*.

However, it is certain that the values that are the main foundation of customary law must always be preserved and maintained in all forms of structuralization of the conception of customary law itself, this is part of the instrument as a form of controlling the preservation of the provisions of customary law along with the constitutional rights concerned and intersecting with customary law itself.

Customary law is law that is not written in legislative regulations (*unstatutory law*) including living regulations which, although not stipulated by the authorities, are obeyed and supported by the people based on the belief that these regulations have the force of law (Supomo, in Hartanto, 2022, p. 132).

In Indonesia, *adat* is recognized, and the simplest and most concrete evidence can be seen in the Indonesian motto, *Bhineka Tunggal Ika*: different but still one. This motto describes the diversity of Indonesian customs, which consist of many tribes. Customs become customary law because customs that have been in effect for generations are respected and obeyed so that they become a real sense of folk law.

Meanwhile, according to Soeripto (in Ahmadi, 2018, p. 16) customary law is all customary rules or regulations of behavior that are legal in all the lives of Indonesians, which are generally unwritten by the community which are considered appropriate and binding on members of the community, which are legal in nature because there is a general sense of justice, that these rules / regulations must be maintained by legal officers and community officers by force or threat of punishment (sanctions).

Meanwhile, according to Notouro (in Ahmadi, 2018, p. 16) Customary law is unwritten law, customary law with distinctive characteristics that guide people's lives in organizing justice and community welfare and are family in nature. (Gamal Thabroni 23-11-2022)

2.2 Source of Customary Law

The customary law system generally originates from unwritten legal regulations that arise and develop and are maintained based on the legal awareness of the community. The nature of customary law is traditional, based on the will of the ancestors. The point of the law to be carried out by humans is the sacred will of the ancestors.

According to Bisri (in Hartanto, 2022, p. 132) some sources of customary law include the following.

1. Customary sayings that are expressed or implied are the principles of customary law that guide the lives of Indonesian people.
2. Customary jurisprudence, namely the decisions of judges relating to customary issues or disputes.
3. Documents that contain provisions that were alive at a certain time when customary law became real law (in the golden age of the kingdom), whether in the form of charters, regulations or decisions.
4. Statute books issued by kings.
5. Reports on the results of research into customary law.
6. Books by scholars of customary law that produce doctrines or theses on customary law.

2.3 Types of Customary Law

According to R. Abdoel (in Hartanto, 2022, p. 81) the Indonesian customary law system is divided into three, as follows.

1. **Customary Law Regarding State Administration,**

namely customary law that regulates the order and order in the legal community as well as the structure of the work environment of the complementary tools of the indigenous community.

2. **Customary law concerning citizens,**

which consists of kinship law, land law and perutangan law.

3. **Customary law concerning offense (criminal),**

The one who plays a role in carrying out customary law is the customary leader (pengetua - pengetua adat) because he is a leader who is respected by the community.

2.4 Principles of Customary Law

The principles or principles used in customary law also very much follow various rules and traditional wisdom passed down from ancestors. Customary law grows out of the ideals and thoughts of the Indonesian people, which are pluralistic, but the similarities in principles can be traced to the same various cultures such as:

1. The principle of mutual cooperation;
2. The principle of social function of property rights;
3. The principle of consent as the basis of general power;
4. The principle of representation and deliberation in the government system;
5. Nature of Customary Law Style.

2.5 Patterns of Customary Law

Soepomo (in Ahmadi, 2018, p. 20) argues that certain patterns or patterns in customary law which are a manifestation of the structure

particular psyche and way of thinking. Some of the elements of customary law that form a special pattern or characteristic include the following.

1. Has a strong sense of community; that is, humans according to customary law, are creatures in close social ties, which sense of community covers a field of customary law.
2. It has a magical-religious character, which is related to the Indonesian natural worldview.
3. The legal system is pervaded by concrete thinking, meaning that customary law pays close attention to the multiplicity and repetition of concrete life relationships. The customary legal system utilizes these concrete relationships in the regulation of living relationships.
4. Customary law has a visual nature, which means that legal relationships are considered to occur only because they are determined by a bond that can be seen (or a visible sign).

According to **F.D. Hollemen**, there are four patterns of customary **law societies** in Indonesia, namely religio-magical nature, communal nature, constant nature and concrete nature. ":

1. Magisch Religieus

Magisch Religieus is defined as a mindset based on the community's belief in the existence of something sacred. This magisch religious pattern also means that people do not recognize the separation between the physical world and the supernatural world, both of which run in balance. People believe that every action in all its forms will get reward and punishment from God. The pattern of thinking of the community before knowing religion was to believe in the belief in supernatural objects that inhabit an object. In Scholten's mind, this kind of legal regulation is not based on the mind alone, but also involves the spiritual realm. "Religio-magic" is actually a rounding off or combination of words that contains elements of several characteristics or ways of thinking such as prelogic,

animism, abstinence, magic, and others. Magisch nature, customary law contains supernatural things that if violated will cause disaster to the community.

2. Communal

Customary law communities assume that each member of the community is an integral part of the customary law community as a whole. The communal principle in customary law societies requires that members of customary law societies maintain the principles of harmony, kinship and mutual cooperation and do not emphasize personal interests, but rather prioritize life together. Sociologists place this shared life as a *gemeinschaft* model. This is different from the *gesselschaft* model where relationships between community members are formal, have an economic orientation, take into account *utilitarian* values, and are based more on social reality.

3. Concreet nature.

The object of customary law must be concrete or must be clear.

4. Constant nature.

Koentjaraningrat in his thesis wrote that the religious-magical mind has the following elements:

1. Belief in ethereal beings, spirits and ghosts that occupy the entire universe and are specialized.
2. Natural phenomena, plants, animals, human bodies and objects;
3. Belief in supernatural powers that pervade the entire universe and are particularly found in extraordinary events, extraordinary animals, extraordinary plants, (Susanti Wulandari . B 501 13 091| 9) extraordinary human bodies, extraordinary objects and extraordinary sounds;
4. The assumption that passive magic power is used as magische kracht in various occult actions to achieve human will or to repel supernatural dangers;

5. The assumption that an excess of magic power in nature causes a state of crisis, leading to various kinds of dangers that can only be avoided by various kinds of abstinence. F. D. Hollemen also provides a description that explains the nature of Customary Law, namely: Commune nature, individual interests in law are always balanced with public interests.

5. Based on the Decree of the Minister of Environment and Forestry Number P.17/Menlhk/Setjen/Kum.1/8/2020 concerning Customary Forests and Forest Rights, what is meant:

- a. Forest is an ecosystem unit in the form of an expanse of land containing biological resources dominated by trees in a natural environment, which is inseparable from one another.
- b. Forest Area is a certain area designated by the Government to be maintained as permanent forest.
- c. State Forest is Forest located on unencumbered land.
- d. Customary Forest is Forest located within the territory of a customary law community. Forest
- e. Rights Forest is Forest located on land encumbered by land rights.
- f. Forest Utilization is an activity to utilize the Forest area, utilize environmental services, utilize timber and non-timber forest products and collect timber and non-timber forest products optimally and fairly for the welfare of the community while maintaining its sustainability.
- g. Customary Law Communities, hereinafter abbreviated as MHA, are groups of people who have been living in certain geographical areas for generations due to ties to ancestral origins, a strong relationship with the environment, and a value system that determines economic, political, social and legal institutions.
- h. Customary Territory is customary land in the form of land, water, and/or waters along with the natural resources on it with certain boundaries, owned, utilized and preserved from generation to generation and sustainably to meet the needs of the community.

from generation to generation and sustainably to fulfill the needs of the community obtained through inheritance from their ancestors or ownership claims in the form of customary land or Customary Forests.

- i. Local Wisdom is noble values that apply in the life of local communities, among others, to protect and manage the environment and natural resources sustainably.
- j. Traditional Knowledge is part of Local Wisdom which is the substance of knowledge from the results of intellectual activities in the traditional context, skills, innovations, and practices of indigenous peoples and local communities that include traditional ways of life, both written and unwritten, passed on from one generation to the next related to the protection and sustainable management of the environment and natural resources.
- k. Indigenous Forest Designation and Stipulation Map is the initial process of a certain area becoming an Indigenous Forest and a map of the area that has been designated as an Indigenous Forest area.

CHAPTER III

DESCRIPTION OF THE BAAR TRIBE COMMUNITY

3.1 Brief History of the Baar Tribe

3.1.1 Existence and Local Wisdom of the Baar Tribe

The Baar Tribe has a long history dating back to their ancestors who settled in the administrative area of East Manggarai, especially in the central mountains to the coast. Along with the expansion of the regency, most of the members of the Baar tribe have moved to other areas.



Figure 1: Traditional leaders of the Baar Tribe ki-ka (Tribal Chairman: Iberahim Malik, Dorp Marotauk: Hasan Abas, Dorp Ruki: Safar Bang, Dorp Damu: Much Ganjil Iberahim)

The Baar Tribe now lives and settles in Ngada Regency, while a small portion still maintains its residence in Golo Lijun (Kembo) Village, Elar Sub-district, East Manggarai Regency, which is directly adjacent to Ngada Regency. The indigenous Baar people are also scattered in several other villages, such as Latung, Itejaya, and Riung.

3.1.2 Local Wisdom that Survives Until Today

The local wisdom of the Baar Tribe has existed for hundreds of years and is still proven to exist until 2024. Although times continue to evolve, the Baar Tribe

can live in harmony with the changing times without sacrificing the natural resources that are part of their ancestral heritage.

Their customary land, known as "tanah pirong", is still home to a variety of protected and respected animal species, such as:

- Yellow-crested Cockatoo
- Eagle
- Deer
- Mbau (Komodo dragon)
- Wild Boar
- Bat
- Monkey
- Snakes, and many more.

The existence and sustainability of these animals in the land of Pirong is a tangible symbol of the sustainable nature management practices carried out by the indigenous people of the Baar Tribe. They manage natural resources wisely while maintaining the balance of the existing ecosystem, a form of local wisdom that must be preserved.

3.1.3 The Role of Indigenous Peoples in Nature Conservation

The Baar Tribe's success in preserving their natural resources can be an inspiration to the world. Like other indigenous communities in Indonesia, the Baar Tribe proves that they are capable of actively participating in nature conservation. They do not only rely on modern technology, but also incorporate their cultural values contained in customary law to safeguard nature and biodiversity in their customary territories.

Support for customary law, including recognition by the government, is crucial in respecting the noble values contained in the Baar Tribe's customary regulations. This is part of preserving the culture and biodiversity that has been passed down from generation to generation by their ancestors.

3.1.4 Bookkeeping of Baar Tribe Customary Regulations

The Baar Tribe's customary regulations are an integral part of the local wisdom that has been passed down from generation to generation. Therefore, it is very important to book customary regulations so that they can be a reference and learning for the younger generation of the Baar Tribe.

This bookkeeping not only aims to preserve the customs, but also to ensure that the values can be passed on to the next generation, thus remaining relevant throughout the ages.

3.1.5 Notes from Dialogue with Indigenous Leaders



Photos 1,2. Recording traditional speech at the dorp Damu's house (ki) and at the tribal leader's house (ka) (dok.Inflores)

Some of the important things noted from the dialog with the customary chiefs and traditional leaders in each dorp are:

1. An understanding of the importance of customary regulations: The traditional leaders agreed that the customary regulations of the Baar Tribe need to be written down in the form of legal customary law regulations so that they can serve as guidelines for the community in carrying out their activities.
2. Respect for customary authority: Customary elders in each dorp have the authority to maintain and manage their customary territories. They are committed to maintaining the continuity of traditional ceremonies in their respective areas and ensuring that customary values are maintained.

remain alive.

3. Respect for external guests: The Baar people are very respectful of guests who come to do activities in their customary territory. However, they expect the guests to respect the customary institutions and follow the applicable customary procedures, such as *pintu manuk* (customary procedure in receiving guests).



Figure 3,4. Recording traditional speech at Dorp Ruki's house (ki), *Pintu Manuk* traditional event (ka)

3.1.6 Customary Territory Arrangement and Protection

The Baar people also organize a protected customary area known as "Pirong". This area has high ecological value, and the indigenous community keeps the ecosystem in it well maintained. This management is carried out with the principles of ecological balance and respect for customary rights.

3.2 History of the Onto Torong Padang Region

The Onto Torong Padang region is an important area in the context of the history and culture of indigenous peoples in Ngada Regency, East Nusa Tenggara (NTT) Province, especially for the tribes that inhabit the region. Specifically, Onto Torong Padang is known as an area with local wisdom whose management involves a very close relationship between humans and nature.

The name Onto Torong Padang itself has a deep meaning for the local community. "Onto" can refer to the concept of place or territory, while "Torong Padang" describes a large area of land or an open field, which may have once been a grassland area or land used for various customary and agricultural activities by the local community. The name also reflects the community's relationship with nature, where this fertile and open land is used for various important activities, such as farming and traditional gatherings.

The history of the Onto Torong Padang region stems from the settlement of indigenous people who have inhabited the area for hundreds of years. Indigenous communities in Onto Torong Padang, such as the **Baar** tribe and **Toring** tribe, have

land management system that has been passed down from generation to generation. The land in this area is known as **pirong** land (customary land), which is believed to have high spiritual and ecological value.



The process of recording indigenous speech with dor Marotauk Hasan Abas and Ruki Safar bang (Inflores doc).

Over time, the settlement in Onto Torong Padang developed into a center of social, economic and cultural activities. The indigenous people in

this region have local wisdom in nature management and biodiversity conservation, which is reflected in their sustainable land and forest governance systems. This is where indigenous communities apply local wisdom-based conservation principles that are very relevant to nature conservation efforts in this modern era.

The Onto Torong Padang area not only has ecological value, but is also a center of cultural activity for the indigenous community. This area is often the site of various traditional ceremonies related to thanksgiving for crops, healing rituals, and other celebrations related to respect for ancestors and nature.

For example, the Baar people living in Onto Torong Padang have the **Pintu Manuk** tradition as part of their traditional rituals. This tradition teaches the community to preserve natural resources through respect for animals and plants in their area. In this context, Onto Torong Padang has an important role as a sacred space that connects humans with nature and ancestors.

Along with the times and the expansion of administrative areas, Onto Torong Padang faces various challenges, both in terms of development expansion and threats to environmental sustainability. Nevertheless, the indigenous people of Onto Torong Padang remain committed to maintaining the traditions and nature management systems that have been passed down by their ancestors.

For this reason, recognition of customary rights and mapping of customary territories in Onto Torong Padang is crucial so that indigenous communities can continue to preserve their local wisdom in the face of modernity, while maintaining the ecological balance of the region.

3.2.1 Land Cover and Conservation in North Flores

According to KLHK (2019), the dominant land cover in North Flores includes forest and savanna, with significant primary forest (approximately 35,642 ha) mostly spread across state protected forest areas and community lands. Given the importance of these primary forests, long-term forest management and conservation requires close collaboration between the government agencies that manage the forest areas and the indigenous communities that have rights and authority over the land.



Land cover profile in the Sambinasi Raya area of Riung sub-district

Approximately 22,451 ha of Komodo's indicative distribution and Natural Biodiversity Area (KBA) sites are located in the North Flores land-sea landscape. Coupled with existing primary forests, both inside and outside the state forest area, the total potential of High Biodiversity Value Areas (HBVAs) in the region reaches 58,093 ha. More than half of these potential HBVAs (approximately 30,313 ha) are located on community lands, of which approximately 16,000 ha are primary forests. This shows the importance of collaboration with indigenous communities in carrying out biodiversity conservation, especially outside the state protected forest network.

In addition, there are around 27,708 ha of potential HBVAs in protected forest areas that are currently managed by District FMUs (Forest Management Units). The existence of these forests, both in protected forest areas and on community lands, emphasizes the importance of collaborative roles and the need to ensure that

community lands, emphasizes the importance of a collaborative role between the government and the community in the management and conservation of natural resources.

3.2.2 The Role of Indigenous Peoples in Territory Management

In the land-seascape of North Flores, there are several indigenous communities that traditionally manage their land and sea territories. Among them are the Baar Tribe and the Toring Tribe. The Baar tribe is concentrated in Sambinasi village (Ngada district), but is also scattered in several other villages in the west of East Manggarai district. The Toring tribe, meanwhile, is concentrated in Lengko Sambu village in Ngada district. There are also other indigenous peoples living in the region, such as the Towak, Cila, Tadho and Riung.

The customary lands and territories of these communities require clear recognition and mapping in order to implement other area-based conservation measures (OECMs). This mapping and recognition is crucial to ensure the sustainability of natural resource management by indigenous peoples who have proven local wisdom in maintaining the balance of nature and supporting biodiversity in their territories. Thus, collaboration between indigenous peoples, governments and other relevant parties will strengthen more inclusive and sustainable conservation efforts.

Onto Torong Padang

Onto Torong Padang (Torong Padang Peninsula) located in Sambinasi Village is a clear example of customary land owned communally by the Baar tribe. This land is known as Tanah Pirong, which has not only ecological but also spiritual value for the local community. Pirong Land is safeguarded and protected by adat, as part of a natural resource management system passed down through generations. The management practices of Tanah Pirong include limiting and regulating land use for traditional activities, especially seasonal hunting, which still take place today as a form of cultural and natural resource conservation.

Onto Torong Padang is an integral part of the Komodo distribution area, which means it has a very high conservation value. Given the important ecological role of this area, any conservation measures taken must be based on a mutual agreement between the indigenous community and relevant parties. Effective conservation depends not only on government policies, but also requires the active participation of indigenous communities, who have a deep understanding of the balance of nature and the sustainability of natural resources in their area.

Customary law communities, such as those in Onto Torong Padang, have a unique and special legal status, which makes them both private and public legal entities. As private legal entities, indigenous peoples have the right to take legal actions relating to land ownership and management, including the right to sue or be sued, own land and other property, and make and execute agreements. Conversely, as public legal entities, indigenous peoples also have the authority to regulate and enforce the law in their customary territories. They have the right to regulate order and ensure the implementation of applicable customary law, which includes the application of the principle of personality (customary law applies to members of the indigenous community) and the territorial principle (customary law regulates the customary area concerned).

In addition, indigenous peoples also have sovereignty over their territories, which is recognized through the concept of *beschikkingrecht* or *hak ulayat*. This means that indigenous peoples have the full right to manage and regulate the use of land and natural resources in their territories, including for the purposes of conservation, agriculture, or other traditional activities, without intervention that is incompatible with their customary principles.

Overall, Onto Torong Padang is not just land owned by the indigenous Baar people, but also reflects the integration of local wisdom and conservation policies that support each other. In this case, local wisdom-based customary land management is an important part of biodiversity conservation and conservation area management.

biodiversity conservation and conservation area management in North Flores.

Torong Padang Mythology

The beginning of the formation of Onto Torong Padang as the Land of Pirong, according to the story told by Dor Marotauk, Dor Ruki, Dor Damu, the deputy chief, and the Tribal Chief, stems from a story passed down by seven grandmother brothers. They were known as Pho' Sabi, Pho' Sear, Pho' Lea, Pho' Limeng, Pho' Zhene, Pho' Woka, and Pho' Guru. Once upon a time, they were deeply saddened by the death of their eldest son (anak ngaso). In their grief, they decided to search for eternal life (lako' kawé susului), hoping to find a life that would not end, as a form of hope for their loss.

Their journey started from Mberu Leleng (now East Manggarai), and they crossed the island of Flores (which they called Sandao) until they arrived at Weri Lenthong Doa. In this place, they decided to build a boat called Zong Pelo to continue their quest for eternal life. Before setting sail, they bid farewell to their families. The husband said to his wife, "Ghami pelako kawé susului peoke mata," which means "we will go in search of eternal life." His wife replied, "Ama, miulako ngmba susului, ghami muzimaing bike buang tanak boter pae ome," meaning "Father, if you go in search of eternal life, we will be divided and lost forever."

The husband then replied, "Ghami suli' se," which means, "we will return." With that, the seven men set sail in a Zong Pelo boat to Tanaroom, where they hoped to meet the Sangazi Room.

Arriving at Tanaroom beach, they asked the locals about the location of the Sangazi Room. After finding the place, they were well received by Sangazi Room, who greeted them with greetings

and banquet. After finishing their meal, the Sangazi Room asked about the purpose of their visit, "Mi mai pe perlu apang?" which means, "What did you come for?"

The seven brothers replied, "Ghami mai kawé muri pepaing pe oke mata, ghami mata ga anak ngaso," which means, "We have come to seek eternal life because our eldest son has died." Hearing this request, Sangazi Room replied, "Ao nggoes easy, but on condition, 'Wla wie pitu iso pitu'," which means, "This can be done, but on condition, you must fast for seven days, seven nights without sleep."

The seven brothers accepted the condition, and afterwards, Sangazi Room gave them kris and swords, which were pinned to their waists as a sign of courage and preparation for the test.

While undergoing the conditions given by Sangazi Room, the seven brothers were able to endure six days and nights without sleep. However, on the seventh night, they were no longer able to and finally fell into a deep sleep, losing their self-consciousness. Seeing that they were unable to continue the test, Sangazi Room took back the dagger that was previously given to them. In addition, Sangazi Room also shaved off the seven brothers' beards, moustaches, and eyebrows as part of the lesson they had to receive.

To wake them up from their unconscious slumber, Sangazi Room sprinkled water on their eyes and ears. Once they were awake, Sangazi Room asked them to notice what they had lost-the kris, beard, and eyebrows-which were now gone.

In the end, Sangazi Room gave an important piece of advice that contained deep wisdom: that nothing lasts forever, and every living being will surely experience death in due time. Hearing this,

the seven brothers cried hysterically, feeling the depth of the meaning of t h e advice.

To calm them down and comfort their sad hearts, Sangazi Room gave them a number of items as symbols of life and sustainability, including:

- 1 pair of rengge mai (deer),
- 1 pair of tumalalang dogs,
- 1 pair of bebe beang (fish),
- 1 pair of manuk zanggo mai (chicken),
- belang betang beda' (bamboo),
- belang betong warah (red bamboo),
- pokot lawe (carp trawl),
- lareng (tuba),
- telo' manuk (chicken egg),
- kongkak woza (husk),
- gumbang (water jar),
- mandura (sword),
- tokonggot (long sword).

These items are not just for entertainment, but also as a reminder that life goes on, even though death is an inevitable part of the life cycle. It was hoped that these items would bring peace and wisdom to the seven brothers so that they could accept reality and move on with wisdom and appreciation for the transience of life.

Next, Sangazi Room ordered the seven brothers to return to meet their children and wives in the land of Sandao (Flores). Upon their arrival in Sandao, they sailed on a Zongpelo boat, circling every bay to find the right place for them to live. At each bay they visited, they threw away Kongkak Woza (rice husk) and Telo Manuk (chicken egg) that they brought as a sign or signal. If these two objects

drowned, it was a sign that the place was suitable for them to settle, and they would release the animals given by Sangazi Room as a gift.

After traveling around several bays, they finally arrived at Kelambu Bay, but their Zongpelo boat could not anchor due to overcrowding (Protzong). They then continued their voyage towards Wae Npong. The eldest of the seven brothers ordered them to disembark and carry the urn carried by Mekanepong. When passing through Padang Garam, the urn fell and broke, and from the broken urn came out a spring which is now known as Wae Npong.

Afterwards, they sailed again and arrived at Nanga Lolong (Damu), where they sang, "Keos Zongpelo Konong Nanga Lolong rede tanggo ende," meaning that Zongpelo's boat stopped at Nanga Lolong, planting thorny leaf plants as a fortress. They continued their journey to Lolang Bay, then moved west to Onto (Torong Padang Peninsula). At this place, the seven brothers again released Telo Manuk and Kongkak Woza, and both sank, signaling that this was the place of their final journey.



Figure 5. Watu Wangka site in Sambinasi raya

Here, they built Rompo Rakit and anchored at Watu Wangka Bay, unloading all their belongings and gifts from Sangazi Room. They released Bebe Beang fish, brought Tumalalang dogs, Renggemai deer and Zanggo Mai chickens to Onto (Rompo Rakit). The seven brothers then crowned Pho' Limeng to lay the traditional ceremonial stone (Nambe) at Onto Torong Padang. After that, they started taking care of the Tumalalang dogs and Renggemai deer by feeding them keroh and pasek.

During the Nambe ceremony, Pho' Limeng released Bebe Beang at Watu Wangka Bay, planted Tanggo Ende at Damu harbor (Nanga Lolong), and Belang Betang Beda at Padaraghot, located between Taeng and Siok villages. In their daily lives, Tumalalang and Renggimai live peacefully together, eating and doing activities together.

However, one day, Renggimai asked Tumalalang for permission to borrow his horn. The request was granted, and Tumalalang removed his horn and handed it to Renggimai. After the horn was placed on Renggimai's head, he asked, "Is it suitable for me to wear your horn?" Tumalalang replied, "It fits perfectly." Hearing this, Renggimai took Tumalalang's horn away. Tumalalang tried to chase Renggimai to get his horn back, but was unsuccessful, and Renggimai continued to run into the forest saying, "If you dare, take it on my head and chase me!"

Since then, Tumalalang and Renggimai have been feuding and chasing each other. This story became the basis of a traditional hunting ritual performed by the indigenous Baar people, where they use dogs to hunt, as a symbol of the feud between two creatures who once lived in peace, but are now involved in conflict for generations.

This story is not only the origin story of Onto Torong Padang, but also illustrates the values of Baar tribal life connected to spirituality, loyalty and sacrifice. This Pirong land is now considered a sacred territory and protected by the customs passed down by their ancestors.

Philosophical Verses of the Baar Tribe

The poems of the Baar tribe in every traditional event are poems containing messages of wisdom and satire to indigenous people who commit less commendable actions, zanggo mai poems and sayings are used by the Baar tribe for rentok, Kaizo, Alaza events, some of these traditional sayings as sung by Dor Marotauk Mak Hasan Abbas as follows:

No	Idiom, Proverb	Meaning
1.	<i>Manuk zanggo muri, kako kelo mbaling</i>	The crowing of the rooster zanggo muri reminds the indigenous people of the Baar tribe to worship God immediately. God"
2-	<i>dungku zukuzu youak ising tanak</i>	don't judge people by their simple appearance
3.	<i>Ghese berek ndaeng pabir</i>	Togetherness in all things
4.	<i>Ghang tent pa'a inung use siku</i>	when eating knees and elbows touch there is no distance and difference, Bermagna Equality gender role status
5.	<i>Longko momok keliremi</i>	Solid and strong unity
6.	<i>Sak tana na'ang sak watu wa'ung</i>	Earth and stone are inseparable.
7.	<i>Oke sear senggo lengga, oke sasar walawata</i>	Do not open the rope of unity, because it will be scattered
8.	<i>Okay ngati ngangir, okay mamu lewang</i>	Don't be a joker and don't get into arguments.
9.	<i>Okay pa' pa'a okay lelit tekong</i>	Don't feel stron and like fight g
10.	<i>Bong malang onto, mai riwudadi</i>	When hunting onto, many who visit
11.	<i>Maki riwudadi zagha tana naang</i>	Maki Many People keep tana inheritance
12.	<i>Wulung watu waung, maki singdadi lete ndiru ndereng</i>	Maki is ready to guard the inherited land
13.	<i>Lalong Makimalos iro angor walu kalok, mai tambang mai kempeng, pe ruwuk rudu pe mboporiko.</i>	Strong leadership and nurturing many people.

Baar Tribe

The Baar tribe is a group of indigenous people consisting of several families, each with a distinctive cultural identity, language, rules and customs. This diversity reflects the richness of traditions that are maintained and passed on from generation to generation. In the social structure of the Baar tribe, there are 12 extended families, each of which has a different role and function in the social life of the community. These families are:

Fam Maki, Fam Medeng, Fam Rungang, Fam Wangkung, Fam Sari, Fam Baluk, Fam Lokon, Fam Lindang, Fam Nio, Fam Pau, Fam Wae Raut, and Fam Tadho.

Each family has traditions and local wisdom that are closely related to the social and ecological life of the area where they live. For example, some families may have specific territories that they customarily manage, or have specific roles in traditional ceremonies and natural resource management. The customs that apply in each family also strengthen the social structure and maintain harmony between tribe members.

In this context, the Baar language has an important role as a communication tool that also contains cultural values. In addition, the customary rules that apply in each family serve to maintain order and preserve the culture and natural resources that are part of their ancestral heritage.

Overall, the diversity of families in the Baar tribe illustrates the importance of a social structure based on customs and culture that has developed over hundreds of years, as well as the vital role each family plays in maintaining the continuity of their social, cultural and environmental life.

3.3 Customs and Government Structure of the Baar Tribe

The **Baar Tribe's** customary institutional structure is still well maintained and quite complete, reflecting the sustainability of the social and customary systems that exist in their community. Based on the theory of indigenous peoples, the customary structure of the Baar Tribe consists of several important positions that have their respective functions and roles in maintaining the continuity and regulation of their customary, social and cultural life.

The following is the customary structure that exists in the Baar Tribe:

1. **Tribal Chairman:** Ibrahim Malik
 - As the highest leader in the customary organization, the Chief is responsible for all matters relating to the implementation of customary law, decision-making involving the indigenous community, and maintaining harmony and continuity of traditions.
2. **Deputy Chief:** Zakaria Syahrir
 - The Vice-Chief has an important role in assisting the Chief in carrying out his duties and responsibilities, as well as replacing the Chief if he is unable to carry out his duties.
3. **Dor Morotauk:** Hasan Abas
 - Dor Morotauk serves as a liaison between the indigenous community and outside parties and has the authority to resolve customary disputes or disputes.
4. **Dor Ruki:** Safar Bang
 - As the guardian of customary values, Dor Ruki has a role in maintaining social security and ensuring that every customary decision is carried out fairly.
5. **Dor Damu:** Muh Ganjil Ibrahim
 - Dor Damu plays a role in regulating customary activities in certain areas, such as in terms of natural resource management and regulating the social life of indigenous peoples.
6. **Penggawa:** The Penggawa
 - The Penggawa are individuals who have responsibilities in the implementation of customary activities at the lower level. They are tasked with organizing and facilitating daily customary activities as well as ensuring that every member of the community complies with the applicable customary rules.

In addition to a well-organized customary structure, there is also a village government structure that has an administrative role that supports the existence and survival of the **Baar** people. This village government structure functions to organize and manage village administration and ensure that community life runs in accordance with the provisions of customary law and government.

community life runs in accordance with the provisions of customary law and the government.

With a strong customary institutional structure and a well-organized village government, the **Baar Tribe** has managed to maintain their customary values in the face of changing times. These two structures work synergistically, ensuring that the social, economic and cultural life of the Baar people continues to run harmoniously and in accordance with applicable customary laws.

Government Structure of Sambinasi, Sambinasi Tengah and Sambinasi Barat Villages

1. Sambinasi Village

Sambinasi Village Head: Hasan Bali

The Village Head has an important administrative role, responsible for the general management and regulation of village life, including development, social welfare, and education in the village.

Village Administrative Area:

Sambinasi Village, with the administrative center located in Damu Hamlet, has an area bounded by hills on the south side and the north coast of Flores on the north side. The village borders Lerong Village to the east and Sambinasi Tengah (Ruki) Village to the west.

With a population of 403 people consisting of 115 households, the village has strong cultural characteristics, especially in terms of gender activities, where almost every female household is active in weaving activities, which is one of the main characteristics of this village.

Weavers in Sambinasi Village:

One of the most striking activities in the village is weaving, which has become an integral part of the community's daily life. There are around 50 weavers in the village, most of whom are women. Weaving activities in Sambinasi Village are not only a part of the culture, but also a source of livelihood for many families, with

source of livelihood for many families, with the resulting weavings being a highly valued commodity in the local market.

Damu Hamlet as the Adat Center:

Damu Hamlet, located in Sambinasi Village, is the oldest hamlet in the customary territory of the Baar Tribe. As the center of traditional life, Damu Hamlet is not only a place to live, but also a place where various traditional activities and rituals carried out by the community take place. The hamlet plays an important role in the implementation of customary structures and village governance, as well as maintaining the traditions and culture of the Baar Tribe.

2. Sambinasi Tengah Village

Sambinasi Tengah Village, located in the administrative area of Riung Sub-district, is led by a woman named **Norma Baso**. The village has a government center located in Ruki Hamlet, which is one of the hamlets in Sambinasi Tengah Village. Geographically, Sambinasi Tengah Village has a northern side bordering the northern waters of Flores, while the southern side of the village is surrounded by rolling hills. On the east side, Sambinasi Tengah Village is directly adjacent to Sambinasi Village, and on the west side it is adjacent to Sambinasi Barat (Marotauk) Village.

With a population of approximately 221 people consisting of 63 households, this village has very strong social characteristics, especially in the context of community economic activities. As part of the Baar community, weaving is the main activity carried out by women. There are 20 women weavers in the village, and of these, 13 are recipients of village funds to develop their weaving skills and businesses. Weaving activities are not only a cultural heritage, but also a very important source of livelihood for the community, especially for women in Sambinasi Tengah Village.

3. West Sambinasi Village

Sambinasi Barat Village, which is another part of the administrative area of the Baar Tribe, is led by **Sanusi Budu** as the Village Head. The administrative center of Sambinasi Barat Village is located in Marotauk Hamlet, which is the main point for village government management and coordination. The village also has similar social and cultural characteristics to Sambinasi Tengah Village, with women active in weaving activities as part of their cultural identity.

With a population of approximately 349 people consisting of 96 households, this village has very strong social characteristics, especially in the context of community economic activities. As part of the Baar community, weaving is the main activity carried out by women. There are around 85 women weavers in this village. Livestock potential can be seen from the number of 75 cattle, 23 horses and 400 goats. Weaving activities are not only a cultural heritage, but also a very important source of livelihood for the community, especially for women in Marotauk hamlet, West Sambinasi Village.

4. Riung Sub-district

The administration of Kecamatan Riung is under the leadership of Camat Kasmin Belo, who is responsible for administrative coordination at the kecamatan level. As Camat, **Kasmin Belo** leads and oversees the activities of the villages in the Riung Sub-district area, including Sambinasi Tengah Village and Sambinasi Barat Village, and ensures that various government policies are effectively implemented at the village level. In this regard, the Camat also has an important role in facilitating the relationship between the village government and higher levels, both in terms of policy, resource management, and development programs that take place in the sub-district.

Thus, both **Sambinasi Tengah** and **Sambinasi Barat Villages**, despite having different leaders and centers of government, are integrated within the broader government system, where the sub-district government plays an important role in ensuring good coordination.

between the village and district level policies. The existing village government structures in these two villages support the continuity of the community's social, cultural and economic activities, and ensure that the traditional values of the Baar Tribe are maintained in daily life.

Customary Territory of the Baar Tribe

The Baar Tribe's customary territory currently includes three villages located in the Greater Sambinasi area, namely West Sambinasi Village located in Marotauk, Middle Sambinasi Village in Ruki, and Sambinasi Village in Damu. These customary areas have divisions that are closely related to the social and cultural structure of the Baar people. Each of these villages was previously known as a dusun, which is now an integral part of the wider customary territory.

In each village, the customary government is led by a Dorp, who has an important task in implementing the customary procedures that apply in their respective hamlets. This Dorp functions as a leader who not only organizes the social life of the community, but also leads various traditional ceremonies that are an integral part of the Baar people's lives. The main task of a Dorp is to ensure that customary values are maintained and carried out in accordance with the traditions inherited by the ancestors.

In addition to their duties in carrying out traditional ceremonies at the village level, the Dorp also gather together during traditional hunting, which is a very important annual agenda in Baar culture. This customary hunt is not only an effort to fulfill food needs, but also has a deep symbolic meaning in strengthening relationships between communities and maintaining natural preservation. The entire indigenous community, including the Dorp from each village, participate in this hunt, which symbolizes unity and harmony in preserving their customary territory.

In addition to the traditional hunt, there is also a ceremony to ask for rain (Kwething) which is held as a form of respect for nature and as an effort to maintain the balance of the ecosystem.

maintain the balance of the ecosystem. This ceremony involves all the Dor and Chiefs, as well as the community who gather together to pray and ask for rain to fertilize the land and maintain the sustainability of life in their customary territory.

Thus, the customary territory of the Baar Tribe, which includes three villages in Sambinasi Raya, is not only limited to geographical divisions, but also reflects a social structure based on customary and cultural values that live in community life. Each village has an important role in maintaining and carrying out traditional ceremonies that have deep meaning, as well as strengthening unity among the Baar people throughout the region.

3.4 Customary Law Society

Customary law society is a concept that refers to a group of people who live with a legal order and customary values that have developed and been carried out for generations. The definition of customary law communities according to several experts provides a clear description of the rights, obligations and social structures that exist within them.

According to **Kusumadi Pujosewojo**, a customary law community is a community that arises spontaneously in a certain area, without any stipulation or order from a higher authority. This society is formed on the basis of strong solidarity between its members, who have the view that outsiders are not part of them. Their territory is considered a source of wealth that can only be utilized by members of the community itself. This illustrates the independence and harmony within indigenous communities, which is based on mutual trust and understanding.

Ter Haar defines a customary law community as a group of people who are organized, settled in a certain area, and have power and wealth, both visible and invisible. In this society, life together is lived in a way that is considered natural in accordance with nature, without any intention or tendency to dissolve the ties that have been established.

existing. This shows that in customary law communities, the existence and relationships between members have strong ties, where they feel bound to the land and the surrounding environment, and do not intend to leave the existing order.

According to **Hazairin**, customary law communities are groups of people who have the wherewithal to live independently, with a unity of law, rulers, and a protected environment with shared rights to the land and water that is the source of life for all members. In these communities, land and water are not only seen as natural resources, but as common rights that must be preserved and utilized fairly by each member.

In the view of indigenous leaders who are members of **AMAN (Alliance of Indigenous Peoples of the Archipelago)**, a customary law community is defined as a group of people who are bound by the customary legal order that applies in the group. They are members of a legal community based on common residence or descent. This emphasizes the importance of cultural and social ties formed on the basis of customary law that guides their lives together.

According to **Van Vollenhoven**, a customary law community is a human unit that has a regular structure, a fixed territory, rulers or administrators, and property that can be tangible (such as land or heirlooms) or intangible (such as titles of nobility). In customary law societies, property is considered part of the identity and sustainability of a community, which is managed based on prevailing traditions and customary rules.

As such, customary law communities are entities that have a distinctive social and legal order, which enables them to coexist with nature, manage natural resources sustainably, and maintain cultural heritage and traditions that have existed for centuries. The existence of these indigenous peoples is important to be understood and

They not only live in an organized social unit, but also preserve the customary laws that are the basis of their lives.

Characteristics of Customary Law Societies

Here are some **characteristics of indigenous** peoples according to experts, from various sources:

Characteristics of Customary Law Societies According to Maria SW Sumardjono

- They are a human group,
- Has its own wealth apart from individual wealth,
- Has certain territorial boundaries
- Has certain authority.

Characteristics of Customary Law Societies According to Ter Haar

- An organized human unit,
- Settled in a certain area,
- Has rulers,
- Has tangible or intangible property, where the members of the unity each experience life in society as a natural thing according to nature and no one among the members has the thought or tendency to dissolve the bonds that have grown or leave it in the sense of breaking away from the bond forever.

Characteristics of Customary Law Society According to Soerjono Sokanto

- Humans who live together, which theoretically amounts to two people in its minimum size.
- These humans associate and live together for a long period of time.
- They are aware that these humans are part of a unity, and they are a system of living together that produces a common life.
- They are a system of life together that produces culture.

From the definition of the term customary law society, with the characteristics as described in the theoretical framework, the Baar Tribe is a customary society that fulfills the elements mentioned and is a solid customary law society by having a certain territory, having a certain language, having its own language, each other is still bound by kinship (*anak wina, anak rona*) and carrying out the same traditional rituals.

**CHAPTE
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CLOSING**

Customary law communities, with all the completeness of their social and legal orders, play an important role in preserving the culture, environment and natural resources in their customary territories. Their existence is not only as organized social groups, but also as guardians of traditions, values and land rights that have been passed down from generation to generation. With customary principles governing communal life, indigenous peoples are able to maintain the sustainability of their lives in harmony with nature and among fellow community members.

Along with the times and the challenges faced, it is important for us to recognize and respect the existence of customary law communities. This recognition is not only a form of appreciation for cultural diversity, but also an effort to protect their rights that have been established long before the modern state legal system existed. With a deeper understanding of indigenous peoples, it is hoped that we can jointly support their survival and welfare, and ensure that they can continue to live their lives in accordance with the customary laws that have become an integral part of their identity.

Through the sustainability and recognition of indigenous peoples, we are safeguarding the nation's rich cultural heritage and the preservation of nature that belongs together, not only for the present generation, but also for a better future.