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Analysis Of The Implementation Of Regional Regulation No. 2 Of 2024 Of Central Kalimantan Province On The Recognition And Protection Of The Dayak Customary Law Community In Dusun Selatan Subdistrict

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Abstract: This study aims to analyze the implementation of the Provincial Regulation of Central Kalimantan Number 2 of 2024 concerning the Recognition and Protection of Indigenous Law Communities, particularly regarding the Dayak indigenous communities in Dusun Selatan District. The main focus of this regulation is to provide recognition and protection for the rights of indigenous communities, especially regarding land rights and indigenous culture, which have often been neglected in various development policies. This research uses a empiric juridical approach to assess how this regional regulation can protect these rights and identify the challenges in its implementation on the ground. The findings indicate that although Provincial Regulation Number 2 of 2024 provides a strong legal basis for the recognition of indigenous rights, its implementation still faces many challenges, especially in the legalization of indigenous land rights, outreach to indigenous communities, and the protection of indigenous cultures from the impacts of modernization and development. Therefore, while there are positive steps through this regulation, the protection of indigenous rights still requires more coordinated and effective efforts from all relevant parties to ensure these rights are fully realized.

Keyword: Indigenous Community Recognition, Regional Regulation, Cultural Protection, Customary Law, Central Kalimantan.

INTRODUCTION

Recognition and Protection of Customary Law Communities in Indonesia, Including the Dayak Customary Law Community in Dusun Selatan Subdistrict, is an important issue involving legal, social, cultural, and political aspects. The Dayak customary law community has traditions and laws passed down through generations, which include regulations regarding ulayat (customary land rights), management of natural resources, and the social and cultural structure they adhere to (Farina et al., 2024). However, despite the Dayak community having strong customary laws, the recognition of their rights within the national legal system is still limited and often not fully acknowledged. This issue stems from the incompatibility between

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customary law and state law, as well as the lack of adequate legal protection for their rights, particularly in relation to land ownership, natural resource management, and the preservation of their culture (Gorby et al., 2023).

In Central Kalimantan Province, particularly in Dusun Selatan Subdistrict, the Dayak customary law community faces significant challenges regarding the recognition and protection of their rights. This indigenous community is often marginalized in various development processes and public policies, which do not accommodate their interests. This is reflected in the management of land and natural resources that tend to ignore their customary rights, even though these lands and resources have become an integral part of their way of life (Wibisono, 2024). One important step to address this issue is the issuance of Regional Regulation No. 2 of 2024 on the Recognition and Protection of Customary Law Communities, which is expected to provide a clear legal foundation for the protection of the rights of indigenous communities, specifically the Dayak community in Dusun Selatan Subdistrict.

The primary goal of Regional Regulation No. 2 of 2024 is to provide recognition and protection for the rights of indigenous communities in the region, including rights to land, the management of natural resources, and the preservation of their cultural traditions. This regulation is expected to strengthen the position of customary law communities within the national legal system and provide protection for their rights, which are often overlooked in development policies. In this context, it is important to analyze the extent to which the implementation of this regional regulation can provide tangible benefits to the Dayak customary law community in Dusun Selatan Subdistrict, particularly in terms of the recognition of ulayat rights and the preservation of their cultural heritage.

However, despite the issuance of Regional Regulation No. 2 of 2024 as a government commitment to recognizing and protecting indigenous communities, various challenges remain in its implementation. One of the main issues is the low level of understanding among indigenous communities about this regulation, which affects their participation in the legal and administrative processes related to the recognition of their rights. Furthermore, local governments face obstacles in coordination among institutions, as development policies often contradict the rights of indigenous communities. There are also barriers in the field, such as discrepancies between government policies and the social and cultural conditions of indigenous communities, as well as the interests of external parties who often seek to disregard the rights of indigenous communities for economic purposes (Miasiratni, 2024).

In line with this, the implementation of Regional Regulation No. 2 of 2024 also faces challenges in terms of drafting more detailed regulations regarding the mechanism for recognizing ulayat rights and the management of natural resources based on customary law. Although this regional regulation provides a legal foundation for the recognition of indigenous communities, without clear implementing regulations and concrete procedures, the recognition process will still face significant obstacles. Many parties still question the effectiveness of this regulation in providing true legal protection for the Dayak customary law community, especially in the face of development pressures that often disregard their rights. Therefore, a more in-depth evaluation is needed regarding the extent to which the implementation of this regulation has progressed and its impact on the situation of the indigenous community in Dusun Selatan Subdistrict.

Moreover, it is also important to assess whether this regulation has addressed the urgent needs of the Dayak community, such as access to their land and natural resources, which are often the subject of disputes. The Dayak customary law community in Dusun Selatan Subdistrict, like other indigenous communities, has a very close relationship with the land and the surrounding environment, which is not only their place of residence but also a source of livelihood and part of their cultural identity. Therefore, the recognition of ulayat rights and control over natural resources managed according to customary law is crucial for the survival

and sustainability of their culture. Without protection for these rights, indigenous communities will continue to be marginalized and vulnerable to exploitation, which can threaten the preservation of their culture and way of life.

A deeper issue also arises in terms of policy implementation related to the management of natural resources in areas that are considered ulayat land by indigenous communities. There are many cases where companies or other parties attempt to seize control over the natural resources in these areas, without considering the legitimate customary rights of indigenous communities over the land and resources. Although Regional Regulation No. 2 of 2024 provides a legal basis for the protection of these rights, challenges in policy implementation remain significant, especially in the context of the relationship between the government, indigenous communities, and private interests involved in the management of natural resources.

In light of these issues, this study aims to analyze the extent to which the implementation of Regional Regulation No. 2 of 2024 has a positive impact on the Dayak customary law community in Dusun Selatan Subdistrict, as well as identify the challenges and obstacles faced in its application. This research is expected to provide a clearer picture of the effectiveness of this regulation in recognizing and protecting the rights of indigenous communities, and to offer recommendations for improving policy and implementation practices moving forward. Thus, this research will not only contribute to understanding the dynamics of customary law in Indonesia but also provide an important contribution to advancing the welfare of the Dayak customary law community in Central Kalimantan.

Through this study, it is hoped that a better understanding of the importance of recognizing and protecting indigenous law communities within the national and regional legal systems will be achieved. Furthermore, the findings of this research are also expected to serve as a reference for local governments in formulating policies that are more favorable to indigenous communities, as well as providing direction for more inclusive development that takes into account the rights of indigenous communities as an integral part of Indonesia's cultural and social diversity. This is crucial to creating a balance between development and the protection of indigenous rights so that no group is left behind in the ongoing development process.

METHOD

The research method used in this study is an empirical juridical method, aimed at analyzing the implementation of Regional Regulation No. 2 of 2024 of Central Kalimantan Province concerning the Recognition and Protection of Customary Law Communities, specifically in the Dusun Selatan Subdistrict. The empirical juridical approach is employed to assess the extent to which this regional regulation has been implemented in the field and to determine the effectiveness of legal protection for the rights of the Dayak indigenous community, such as their rights to land and cultural heritage. In this approach, the study not only examines the existing legal provisions but also explores how these laws are applied and accepted by the indigenous community and the institutions involved in their implementation (Wiraguna, 2024).

In data collection, this research uses two main types of data. Primary data is obtained through direct interviews with various relevant parties, including the Dayak indigenous community, local government officials, and parties involved in the implementation of this regional regulation. Through these interviews, the research aims to gather perceptions and experiences of the indigenous community and relevant officials regarding the recognition and protection of their rights, as well as the challenges faced in implementing Regional Regulation No. 2 of 2024. Secondary data is obtained from literature reviews related to customary law,

regional regulations, and previous studies on the recognition of indigenous rights in Indonesia, which are used to enrich the analysis.

The data analysis technique used in this study is qualitative analysis with a descriptive approach, aiming to provide an in-depth understanding of how this regional regulation is applied in the field. This research also identifies factors affecting the effectiveness of the regulation's implementation, such as bureaucratic barriers, the lack of understanding among indigenous communities about their rights, and the misalignment between government policies and the cultural values of indigenous communities. Through this empirical juridical approach, this study seeks to offer a comprehensive view of the recognition and protection of the rights of customary law communities in Dusun Selatan Subdistrict, as well as recommendations for improving the implementation of the regional regulation.

RESULTS AND DISCUSSION

The Alignment of the Implementation of Regional Regulation No. 2 of 2024 on the Recognition and Protection of the Dayak Customary Law Community in Dusun Selatan Subdistrict

The implementation of Regional Regulation No. 2 of 2024 of Central Kalimantan Province concerning the Recognition and Protection of Customary Law Communities should create a significant change in providing recognition and protection for the rights of indigenous communities, particularly the Dayak customary law community in Dusun Selatan Subdistrict. The main objective of this regulation is to ensure that indigenous communities receive recognition for their ulayat rights, which are often overlooked in various exploitative development policies that disregard local interests. The implementation of this regulation is expected to provide a clear legal foundation for the protection of these rights and to prevent the exploitation of land and natural resources, which have been an integral part of the Dayak indigenous community's social and cultural life.

However, in practice, the implementation of this regional regulation faces significant challenges in achieving its initial goals. One of the primary challenges is the low level of understanding of the regulation's substance among the indigenous community. The Dayak customary law community in Dusun Selatan Subdistrict, despite having a solid social structure and strong traditions, does not always have adequate knowledge about the formal regulations enforced by the local government. This leads to a lack of active participation from the indigenous community in the process of recognizing their rights as outlined in the regional regulation. Without sufficient understanding, the indigenous community may not be able to fully exercise their rights, despite the regulation providing a clear legal foundation for their protection (Anugrahnu, 2025).

One of the main objectives of Regional Regulation No. 2 of 2024 is the recognition of the ulayat rights of indigenous communities. Ulayat rights are rights recognized under customary law, relating to the control and management of customary lands by indigenous communities. Land is a critical element in the life of the Dayak indigenous community, as it not only serves as a source of livelihood but also as a place that symbolizes their spiritual and cultural connection. In its implementation, although this regulation has provided recognition for ulayat rights, the formal process of recognizing these rights within the applicable legal system is often hindered by bureaucracy and difficulties in reconciling customary law with national law.

Additionally, this regulation mandates the recognition and protection of natural resources managed by indigenous communities. The Dayak customary law community, like many other indigenous communities, relies on natural resources for their daily life. The management of these resources is based on customary rules passed down through generations. However, despite the regional regulation providing a legal basis for the protection of rights to natural

resources, a significant challenge arises in the implementation of resource management based on local wisdom. Resource management based on customary law is often not recognized within the state legal system, leading to potential conflicts between indigenous communities and parties seeking to exploit natural resources without considering indigenous rights (Parunadi, 2025).

The importance of cultural sustainability is also one of the goals intended to be achieved through Regional Regulation No. 2 of 2024 of Central Kalimantan Province. The Dayak indigenous community has cultural values that are closely related to land management, natural resource management, and their social life. This regulation provides protection for the efforts to preserve these cultural values. However, in practice, the ongoing development policies in Central Kalimantan often do not accommodate the interests of cultural preservation for indigenous communities. Many development projects are carried out without directly involving indigenous communities in the planning and execution processes, which risks damaging their social and cultural fabric. This has become one of the major obstacles to ensuring that cultural protection for indigenous communities is maximized.

The implementation of this regulation is also hindered by the lack of coordination between the local government and indigenous communities. Despite the fact that this regulation provides a legal foundation for the recognition of indigenous rights, many areas remain untouched by the dissemination or understanding of their rights. Local government officials often focus more on rapid physical development without considering strengthening the capacity of indigenous communities to understand and access their rights. Weak coordination between government institutions and indigenous organizations becomes an obstacle to implementing policies that are oriented toward indigenous communities. Therefore, greater efforts from the local government are required to involve indigenous communities in every decision-making process that concerns their rights.

Additionally, many implementing regulations are still not available or effectively applied to ensure the proper implementation of Regional Regulation No. 2 of 2024. Without further regulations detailing the mechanisms for recognizing ulayat rights and managing natural resources more specifically, the recognition of these rights will not be effective on the ground (Parunadi, 2025). The local government needs to formulate and implement more detailed and clear regulations to facilitate the recognition and protection of indigenous rights concretely, so that these rights can be properly applied by both the indigenous communities and other parties involved in the management of natural resources.

Regarding the recognition of ulayat rights, there are also issues related to the validation of the status of customary land managed by the Dayak community in Dusun Selatan Subdistrict. The process of legalizing customary land is often hindered by stringent administrative requirements and a lack of understanding between indigenous communities and state authorities regarding the applicable legal mechanisms (Tanuramba, 2019). Although this regional regulation recognizes the ulayat rights of indigenous communities, this recognition is often blocked by bureaucracy that does not recognize or respect the customary law held by the Dayak community. The process of legalizing customary land within the state legal system often cannot proceed according to the procedures desired by the indigenous community, leading to legal uncertainty for them.

Regional Regulation No. 2 of 2024 of Central Kalimantan Province also regulates the rights to land and natural resources, which have long been sources of livelihood for the Dayak indigenous community. However, in its implementation, the main issue lies in the conflict of interests between those wishing to develop the economic sector, such as plantation and mining companies, and the indigenous communities who seek protection for their rights to their customary lands. The ambiguity regarding the boundaries between customary lands and areas managed by the state or companies often leads to disputes (Ramadhani et al., 2025), which

ultimately threatens the continuity of the indigenous community's rights to land and natural resources.

Although this regulation provides a strong legal foundation, continuous monitoring and evaluation of its implementation are necessary to ensure that the regulation's objectives are achieved effectively. One important step that needs to be taken is the periodic evaluation of the success of this regulation's implementation on the ground, including identifying the challenges faced by indigenous communities and the local government in executing the policy (Jemarut et al., 2022). This evaluation will provide a clearer picture of whether the regulation has achieved its goals or if there are still shortcomings in its implementation that need to be addressed.

As part of efforts to improve the effectiveness of the implementation, it is also necessary to provide education and training to indigenous communities and local governments on the importance of recognizing indigenous rights and how to access available legal protections (Allorerung et al., 2024). This education will strengthen the capacity of indigenous communities to advocate for their rights and improve the ability of local governments to understand the needs and aspirations of indigenous communities in planning and implementing development policies. These efforts will create a more inclusive space for indigenous communities to actively participate in the regional development process.

Ultimately, although Regional Regulation No. 2 of 2024 of Central Kalimantan Province provides a strong legal foundation for the recognition and protection of customary law communities, its implementation requires closer cooperation between the local government, indigenous communities, and other relevant parties. With proper coordination, a deep understanding, and a strong commitment from all parties, the regulation's initial objectives of recognizing and protecting the rights of indigenous communities can be optimally achieved. This will create a balance between development and the preservation of indigenous rights and ensure the sustainability of the culture and life of the Dayak customary law community in Dusun Selatan Subdistrict.

Evaluation of the Recognition and Protection of Indigenous Rights Based on Regional Regulation No. 2 of 2024 of Central Kalimantan Province

Regional Regulation No. 2 of 2024 of Central Kalimantan Province concerning the Recognition and Protection of Customary Law Communities represents a significant step in providing recognition and protection for the rights of indigenous communities, particularly the Dayak customary law community in Dusun Selatan Subdistrict. This regulation addresses various aspects related to the recognition of rights over land, natural resources, and culture, which are integral parts of the indigenous communities' way of life. As a community that has traditionally managed and controlled customary land, the right to land is one of the fundamental rights recognized in this regulation. The recognition of indigenous land rights by the local government aims to ensure that indigenous communities not only manage these lands traditionally but also hold legitimate rights under state law, which have often been neglected in development processes.

However, despite the provisions set forth in Regional Regulation No. 2 of 2024 regarding the recognition of customary land rights, the implementation of these provisions faces numerous challenges. One of the primary challenges is the legalization and administrative processes surrounding customary land rights, which are often hindered by complex and bureaucratic procedures. The Dayak indigenous community in Dusun Selatan Subdistrict often lacks official documents or formal evidence recognized by the state regarding their land ownership. The land managed by indigenous communities is often not officially registered, leading to legal uncertainty regarding their rights (Parunadi, 2025). In this regard, although the

regional regulation provides a legal foundation, significant obstacles remain in practice that prevent the full recognition of customary land rights.

On the other hand, the recognition of customary land rights outlined in this regional regulation must be accompanied by the protection of the ulayat rights of indigenous communities. Ulayat rights include the right to control and manage land that has been part of the indigenous communities' traditions and culture. However, in practice, the recognition of ulayat rights is still limited to formal administrative arrangements (Lubis et al., 2025), while the spiritual and social relationship between indigenous communities and their land is often not well accommodated within the existing regulations. Therefore, the protection of ulayat rights recognized in this regional regulation needs to be strengthened with more concrete legal mechanisms, allowing indigenous communities to maintain control over the land and natural resources they traditionally manage.

In addition to land rights, this regional regulation also recognizes and provides protection for the culture of the Dayak indigenous community. The culture of the Dayak indigenous community, which includes traditions, customs, language, and arts, is an integral part of their identity. The Dayak community in Dusun Selatan Subdistrict relies heavily on their indigenous culture to regulate their social, economic, and spiritual life. Regional Regulation No. 2 of 2024 provides a legal foundation for protecting and preserving this culture through various policies that support the development and preservation of local culture (Anugrahnu, 2025). One concrete step regulated by this regulation is the recognition of cultural sites, traditional ceremonies, and values that are part of the indigenous community's life.

However, despite the regulation providing protection for the culture of indigenous communities, its implementation on the ground has not been maximized. One of the main issues is the lack of support from the government in providing the necessary infrastructure and facilities to preserve the culture. Indigenous communities often have to struggle on their own to maintain their traditions and culture amidst the growing forces of modernization (Oktaviani & Kurnia, 2023). The local government, while having declared cultural protection in this regulation, has not sufficiently focused on cultural preservation through policies that are deep and integrated with regional development.

Additionally, efforts to protect indigenous culture are hindered by a lack of understanding and awareness among the broader community, including local government officials, about the importance of sustaining indigenous culture. Many development projects overlook the cultural aspects of indigenous communities and even risk damaging cultural sites and intangible heritage of the Dayak community. Development processes that do not actively involve indigenous communities in the planning and execution phases often lead to environmental and cultural damage that cannot be reversed. Therefore, the implementation of this regional regulation must involve the active participation of indigenous communities in every planning and development process that impacts their culture.

The implementation of this regulation must also address cultural education for the younger generation of indigenous communities. Without a deep understanding of their culture, the younger generation of indigenous communities will become increasingly disconnected from their cultural roots. Therefore, cultural education is essential as part of efforts to preserve the indigenous community's cultural heritage (Rannu et al., 2023). The local government needs to ensure that existing education programs accommodate the needs for cultural preservation, including teaching traditional values and local languages that are at risk of disappearing.

The recognition of land and cultural rights in Regional Regulation No. 2 of 2024 must also be accompanied by the protection of the economic rights of indigenous communities. For instance, the Dayak indigenous community in Dusun Selatan Subdistrict relies on managing the natural resources on their customary lands for their livelihoods, such as agriculture, plantations, and fishing (Pranandhita et al., 2020). This regulation provides a foundation for

protecting these economic rights, but the recognition of these rights is not enough based solely on administrative arrangements. Protection of the economic rights of indigenous communities must include access to markets, the right to manage natural resources, and recognition of traditional resource management systems based on local wisdom.

In this regard, the management of natural resources by the Dayak indigenous community in Dusun Selatan Subdistrict must be carried out with consideration for sustainability principles and recognition of their customary rights. Any exploitation permits for natural resources by third parties, such as large corporations, must be granted with the consent of the indigenous communities who hold ulayat rights over the land (Salinding, 2019). This will ensure that indigenous communities can continue to manage natural resources sustainably, in line with their traditions, without the fear of losing rights to land or resources that have been part of their lives for centuries.

The protection of indigenous rights also includes the recognition of their customary legal systems. The Dayak customary law in Dusun Selatan Subdistrict plays a vital role in regulating their social and economic life. The recognition of this customary law in the regional regulation provides space for indigenous communities to govern their lives in accordance with the values and norms they have followed for generations (Zaidin, 2020). However, the challenge is how this customary law can be integrated with the more formal state legal system. Here, the local government's role is crucial in creating a dialogue between customary law and national law, so that both can complement each other and provide optimal protection for indigenous communities.

Overall, although Regional Regulation No. 2 of 2024 has provided a legal foundation for the recognition and protection of the Dayak indigenous community's rights in Dusun Selatan Subdistrict, significant challenges remain in its implementation. Various obstacles, ranging from a lack of understanding of the regulation by indigenous communities to limited government support for cultural preservation, indicate that much still needs to be done to effectively recognize and protect the rights of indigenous communities. Therefore, further efforts from all parties—government, indigenous communities, and the private sector—are needed to ensure that this regulation can be properly implemented and provide maximum benefits to the Dayak indigenous community in Dusun Selatan Subdistrict.

CONCLUSION

The conclusion of this study indicates that Regional Regulation No. 2 of 2024 of Central Kalimantan Province has provided an important legal foundation for the recognition and protection of the rights of the Dayak indigenous community in Dusun Selatan Subdistrict, particularly regarding the recognition of land rights and the protection of their customary culture. However, the implementation of this regulation still faces various challenges, such as the low level of understanding among the indigenous community regarding the existing regulation, as well as bureaucratic obstacles and the misalignment between administrative procedures and customary law practices. The process of recognizing customary land rights is hindered by administrative difficulties and the lack of clarity regarding the legalization of customary land in the field, indicating that despite a strong legal foundation, this recognition has not yet been fully effective in providing tangible legal protection for indigenous communities.

Furthermore, although this Regional Regulation provides space for the protection of customary culture, the preservation of Dayak culture still faces significant challenges related to modernization and development, which do not always consider the interests of local culture. Active participation from indigenous communities in decision-making related to land and natural resource management, as well as the preservation of their culture, needs to be strengthened. The local government must improve coordination and raise awareness about the

importance of recognizing the rights of indigenous communities in every development policy. Therefore, while positive steps have been made through Regional Regulation No. 2 of 2024, the challenges in its implementation require further efforts to ensure that the rights of the Dayak indigenous community in Dusun Selatan Subdistrict are optimally protected and effectively implemented.

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