

Elaboration of Legal Anthropology and Anthropolinguistic Studies on the Existence of the Moronene Tribal Community in Hukaea Laea Traditional Area

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Abstract

Elaboration of legal anthropology and anthropolinguistic studies places the Moronene indigenous people as speakers who live communally with certain standards in maintaining customs and managing natural resources. This research aims to determine the existence of the Moronene indigenous community after the establishment of the Hukaea Laea customary area



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and to find the concept resulting from the elaboration of legal anthropology and anthropolinguistics studies. This research uses a theoretical (legal anthropology and anthropolinguistic) framework as a guide that serves as a guide for empirical research in the field. The research findings indicate that the implementation of legal anthropology studies to elucidate the existence of the Moronene Indigenous community encompasses the historical recognition of Moronene customary land rights and the legal norms applicable within the community. Meanwhile, the implementation of anthropolinguistics reveals that language is not only a means of communication but also a tool for affirming the existence and sustainability of Indigenous culture. The result of the elaboration of these two fields is the concept of sustainable tourism, that aims to minimize the impact on the environment and socio-cultural aspects while also providing economic benefits to the local community.

KEYWORDS *Legal Anthropology, Anthropolinguistic, Indigenous Community, Hukaea Laea.*

I. Introduction

The dimensions of customary law society or indigenous society are not only limited to the existence of communities, territories and institutions, but each individual carries the responsibility to maintain a holistic understanding of sustainable living, biodiversity conservation and the importance of preserving ecosystems¹. Hukaea Laea indigenous

¹ Prarthona Datta et al., "Youth Response to Climate Change: Learning from Indigenous Land-Based Camp at the Northern Saskatchewan Indigenous Communities, Canada," *EXPLORE* 20, no. 5 (September 2024): 102985, <https://doi.org/10.1016/j.explore.2024.02.003>.

community, the oldest tribe that inhabits the mainland region of Southeast Sulawesi with a traditional territory of 29,164 Ha which is classified into 4 areas, namely *Inalahi Popalia*, *Inombo*, and *Lueno*². This community lives and resides in a pattern of synergistic relationships in forest management and utilization.³

The legal instruments relating to the recognition of the Moronene tribal community consist of Regional Regulation Number 4 of 2015 concerning the Recognition, Protection and Empowerment of the Moronene Hukaea Laea Indigenous Community in Bombana Regency and Bombana Regent's Decree Number 1459 of 2023 concerning the Determination of the Hukaea-Laea Traditional Area. This determination will not only have an impact on the legal status and rights of the community in managing their natural resources, but also have implications in a wider realm, existence of the community itself as individuals in a community to maintain values, norms and points of view in facing the currents of globalization and modernization. The government projects that the existence of these indigenous communities will become a tourism destination with the aim of providing a real picture that preserved customs provide prosperity for the people.

Currently, the management of this area has not been optimally integrated with the local government's tourism service programme, and there is still minimal infrastructure to support the prospects of tourism activities. Therefore, a study is needed that elaborates on the pluralism of various scientific fields to obtain study results in the form of concepts orientated towards efforts to maintain the existence of indigenous communities. The related areas of study include legal studies that look at

² J Nur et al., "Environmental Rights of the Indigenous Peoples of Moronene Hukaea Laea in the National Park Conservation Area," *IOP Conference Series: Earth and Environmental Science* 343, no. 1 (October 1, 2019): 012065, <https://doi.org/10.1088/1755-1315/343/1/012065>.

³ Jabal Nur et al., "The Role of Customary Law Community of Moronene Hukaea Laea in Managing Ulayat Forests in the Rawa Aopa Watumohai Conservation Area," *Journal of Law, Policy and Globalization* 90, no. 6 (October 31, 2019), <https://doi.org/10.7176/jlpg/90-06>.

the rights of indigenous peoples, legal anthropology that examines communities living together with their own moral values, customs, and culture, which set them apart from other groups. The main question of this research is about the Moronene tribe's indigenous community and how it continues to exist after the creation of the Hukaea Laea traditional area, based on insights from legal anthropology and studies of language and culture related to the Moronene tribe.

This research consists of two approaches, the first approach uses a legal anthropology approach to show differences in collective and individual understanding of traditional relationships with land in each indigenous community group⁴. Legal anthropology studies on the existence of customary law communities have the significance of knowing how a law that applies internally within the community is born and maintained. This approach will then be elaborated with anthropolinguistics as the second approach, based on the Sapir-Whorf hypothesis which states that language influences a society's way of thinking,⁵ In this case language not only determines cultural patterns, but also determines the ways and paths of human thought; and therefore also influences his behavior. The script of *Pu'uno Ronga Tekale Ano To Moronene*⁶ belonging to the Moronene indigenous community will also be studied, which contains the history of the formation of the community in the Hukaea Laea area. The results of the elaboration of these two approaches were then compiled to form a concept that describes the quite complex reality of the existence of the Moronene indigenous people.

⁴ David S. Trigger, "Anthropology in Australian Indigenous Legal Cases: What I've Learned from the Law and What Lawyers Have Learned from Me," *Anthropological Forum* 33, no. 3 (July 3, 2023): 162–75, <https://doi.org/10.1080/00664677.2023.2278402>.

⁵ Harriet Ottenheimer, *The Anthropology of Language: An Introduction to Linguistic Anthropology* (Wadsworth Publishing Company, 2006).

⁶ Mutmainnah, "PU'UNO RONGA TEKALE ANO TO MORONENE: MANUSKRIP PENYELAMAT KLAIM MASYARAKAT ADAT HUKAEA," *Seshiski: Southeast Journal of Language and Literary Studies* 1, no. 2 (December 30, 2021): 112–20, <https://doi.org/10.53922/seshiski.v1i2.20>.

Based on data from Scopus, Web of Science and Google Scholar, there has been a lot of research that examines customary law communities or indigenous studies in various parts of the world. However, research that examines the relationship between anthropology and customary law is not very significant, especially Moronene indigenous people as the object of research. Some of these studies include; Customary Law in Indonesia: Sociological and Anthropological Perspective of Islamic Law⁷, Strategy for Recognition and Protection of Indigenous (Legal) Community Rights: A Socio-Anthropological Approach⁸, The Existence of Moronene Indigenous Peoples in Hukaea Laea Village, Bombana Regency, Indonesia⁹.

Specific studies regarding the Moronene indigenous community on a national scale, both related to legal aspects such as recognition¹⁰ and protection¹¹ of customary land¹² as well as those related to the social life of the community such as the study of traditional rituals¹³, the

⁷ Dedi Sumanto, "HUKUM ADAT DI INDONESIA PERSPEKTIF SOSIOLOGI DAN ANTROPOLOGI HUKUM ISLAM," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (December 31, 2018): 181, <https://doi.org/10.31958/juris.v17i2.1163>.

⁸ R Yando Zakaria, "Strategi Pengakuan Dan Perlindungan Hak-Hak Masyarakat (Hukum) Adat: Sebuah Pendekatan Sosio-Antropologis," *BHUMI: Jurnal Agraria Dan Pertanahan* 2, no. 2 (November 30, 2016): 133, <https://doi.org/10.31292/jb.v2i2.66>.

⁹ Anwar Hafid et al., "The Existence of Moronene Indigenous Peoples in Hukaea Laea Village, Bombana Regency, Indonesia," *International Journal of Innovation, Creativity and Change* 14, no. 1 (September 17, 2020).

¹⁰ Bakri Sulaiman, "Moronene Indigenous Recognition and Protection Regulation Hukaea Laea in Bombana County," *Jurnal Hukum Volkgeist* 5, no. 2 (June 24, 2021): 160–66, <https://doi.org/10.35326/volkgeist.v5i2.1203>.

¹¹ Andi Yaqub et al., "Dehumanisation Of Moronene Hukaea Laea Indigenous Community In Setting The Boundary Of Ulayat Rights," *Al-'Adl* 14, no. 2 (July 31, 2021): 118, <https://doi.org/10.31332/aladl.v14i2.2932>.

¹² Yahyanto et al., "Konsep Kepemilikan Tanah Adat Suku Tolaki Mekongga Serta Hak Atas Tanah Ulayatnya," *Jurnal Multidisiplin Dehasen (MUDE)* 2, no. 1 (January 31, 2023), <https://doi.org/10.37676/mude.v2i1.3687>.

¹³ Rika Afriana S, La Ode Syukur, and Salniwati, "RITUAL MOWUWUSOI PADA ETNIS MORONENE DI DESA HUKAEA LAEA KECAMATAN LANTARI JAYA KABUPATEN

environment¹⁴, ethnobotany¹⁵ and ethnopharmacology. The difference and novelty of this research with previous research is the use of elaboration techniques from legal anthropology and anthropolinguistic studies to discover and formulate the concept of the existence of the Moronene indigenous community as a form of innovation.

This research was conducted in the Hukaea Laea Traditional Area, Lantari Jaya District, Bombana Regency, Southeast Sulawesi Province. This research is qualitative research, using a theoretical basis as a guide to focus research in the field. The types of data in this research consist of primary data and secondary data. Primary data was obtained from the field through observation methods and structured interviews with traditional stakeholders, indigenous communities and local government. Secondary data consists of data that is already available, such as regulations relating to the recognition of the Moronene indigenous community, as well as related research data originating from books, journals, official websites and other credible sources.

II. The Existence of the Moronene Tribe's Indigenous Community after the Determination of the Hukaea Laea Customary Area

BOMBANA,” *LISANI: Jurnal Kelisanan Sastra Dan Budaya* 2, no. 2 (December 16, 2019), <https://doi.org/https://doi.org/10.33772/lisani.v2i2.740>.

¹⁴ Heksa Biopsi Puji Hastuti et al., “Traditional Ecological Knowledge for the Deer Conservation in the Form of Folklore,” in *Advances in Social Science, Education and Humanities Research* (Paris, France: Atlantis Press, 2021), <https://doi.org/10.2991/assehr.k.210413.051>.

¹⁵ Heru Setiawan and Maryatul Qiptiyah, “KAJIAN ETNOBOTANI MASYARAKAT ADAT SUKU MORONENE DI TAMAN NASIONAL RAWA AOPA WATUMOHAI,” *Jurnal Penelitian Kehutanan Wallacea* 3, no. 2 (July 1, 2014): 107, <https://doi.org/10.18330/jwallacea.2014.vol3iss2pp107-117>.

1) Legal Anthropology Study on the Existence of the Moronene Tribe Indigenous Community

Legal Anthropology is a branch of anthropology that studies law in the context of culture and society. Its primary focus is understanding how various community groups make, practice, and understand law within their social and cultural framework. Legal anthropology does not only look at formal laws written in statutes but also at unwritten rules, such as customs, norms, and traditions that apply in specific communities¹⁶. Therefore, the implementation of legal anthropology studies to describe the existence of the Moronene Tribe indigenous community after the determination of the Hukaea Laea Customary Area will be analyzed based on several indicators as follows; history of recognition of customary land rights of Moronene, legal norms that apply within the Moronene indigenous community and efforts to maintain internal rules and traditions of Moronene

The history of the recognition of customary land rights for the Moronene is a long journey involving the Moronene indigenous community in Southeast Sulawesi in fighting for their rights to customary land¹⁷. The Moronene community is one of the indigenous tribes that inhabit the Bombana Regency area, Southeast Sulawesi. Their customary land includes forests, rivers, and agricultural land used for generations to meet their daily needs. This community traditionally lives with local wisdom closely related to nature and the natural resources around them. Along with government policies related to managing natural resources and expanding protected forest areas, land acquisitions began to occur in the Moronene area. This includes establishing the Rawa Aopa Watumohai National Park (TNRAW) in 1990.

¹⁶ Huria rifdah roffi, "DEEP LEGAL PLURALISM" (Center for Open Science, February 22, 2021), <https://doi.org/10.31219/osf.io/tj45a>.

¹⁷ Fiharudin, Wa Ode Zamrud, and Bakri Sulaeman, "Pengakuan Dan Implementasinya Terhadap Masyarakat Adat Moronene Hukaea Laea Di Kabupaten Bombana," *Wajah Hukum* 7, no. 1 (April 5, 2023): 1, <https://doi.org/10.33087/wjh.v7i1.698>.

The establishment of TNRAW claimed previously customary land for the Moronene community as state conservation areas, which caused the community to lose access to the land and natural resources they depended on. 2005: The government began to take a more inclusive approach by involving indigenous communities in discussions related to forest and national park management. In 2013, the Indonesian Constitutional Court issued a ruling that affirmed that customary forests were no longer part of the state forest area, including those located in conservation areas such as TNRAW. This ruling became an important basis for the recognition of customary rights. Furthermore, in 2017, through a series of mediation processes, the Bombana Regency Government together with the central government gave official recognition to the Moronene indigenous community regarding their rights to customary land. The community was given the right to manage their land while still paying attention to environmental conservation aspects.

Based on this recognition, the Moronene indigenous people now have formal rights to their land. They can return to managing forests and agricultural land traditionally, while maintaining environmental sustainability in accordance with customary law. This recognition also strengthens the position of indigenous people in facing outside parties who want to exploit natural resources in their area. The struggle of the Moronene people to gain recognition of their customary land is part of a larger dynamic in the context of the recognition of customary rights in Indonesia. This recognition not only restores the rights of the community to their land, but also becomes an essential model in the management of natural resources based on local wisdom¹⁸ which is in line with the principles of environmental sustainability.

¹⁸ Jabalnur, "Konsep Pengelolaan Wilayah Hak Ulayat Masyarakat Hukum Adat Moronene Hukaea Laea," *Halu Oleo Law Review* 4, no. 1 (February 6, 2020): 1, <https://doi.org/10.33561/holrev.v4i1.10918>.

The legal norms of the Moronene indigenous community, like customary legal norms in general, are based on local wisdom that has been passed down from generation to generation. These norms regulate the social, economic, and spiritual life of the Moronene community and their relationship with the surrounding environment. In terms of customary land and natural resource management. Customary land or customary land is not owned by individuals, but by the customary community as a whole. Individual rights to land are limited to the right to manage and utilize it, but cannot be traded. The Moronene community has strict rules regarding forest utilization. Forests are considered a sacred part of customary land, so that tree felling, animal hunting, and exploitation of natural resources are carried out carefully, following customary rules that maintain the balance of nature.¹⁹ For example, tree felling may only be carried out for very urgent needs such as building a house or fulfilling ritual needs. The Moronene community has a customary sanction system for those who violate customary norms. Violations such as theft, forest destruction, or violations of the rights of other individuals will be punished with various sanctions,²⁰ ranging from fines to temporary exclusion from the community. If a dispute occurs between community members, it is resolved through mediation led by a traditional leader. This process not only considers material or formal legal aspects, but also pays attention to social harmony and family values.²¹

Every member of the Moronene indigenous community has an obligation to maintain and preserve traditions and customary norms. The younger generation is taught from an early age about customary values through informal education provided by the elders. The legal norms of the Moronene indigenous community reflect the principles of living side by

¹⁹ Kasra Jaru Munara, *Moronene Dalam Lintasan Sejarah dan Peradaban Austronesia* (Kendari: Yayasan Sangia Mokole Munara, 2021).

²⁰ Rekson Solo Limba, *Sejarah Peradaban Moronene* (Yogyakarta: Lukita, 2015).

²¹ Rambe, *Kebudayaan Moronene: Berbagai Ritual Sekitar Mata Pencabarian Hidupnya: Tinjauan Geografis, Historis, Dan Antropologis* (Makassar: Nas Media Pustaka, 2022).

side with nature, respecting ancestors, and maintaining social harmony. These norms are passed down from generation to generation and remain relevant in regulating daily life, especially in the context of natural resource management and dispute resolution. Their customary laws not only function as social rules, but also as a manifestation of a rich cultural identity. Apart from the realm of legal certainty, in order to preserve culture and local wisdom in order to maintain their existence,²² The Moronene indigenous community continues to teach customary values and traditions to the younger generation. Customary education is not only conveyed orally through stories, but also through customary ceremonies, rituals, and the implementation of daily customary laws. As time goes by, where the challenges of the times continue to change and the entry of digital technology disruption in various areas of life, including in the joints of the life of the Moronene customary law community, so that a process of adaptation to the challenges of technology integration is needed while maintaining customary values, the Moronene community has also begun to adapt to technological developments. For example, several communities have begun to utilize modern agricultural technology to increase crop yields, without violating customary principles in land management. Several customary areas have begun to develop the potential for custom-based tourism and ecotourism. By introducing their traditions and natural beauty to tourists, the Moronene community is able to obtain additional sources of income, while still preserving nature and traditions.

2) Anthropolinguistic Study of the Existence of the Moronene Indigenous Community

Anthropological linguistic review is important to understand how language not only functions as a means of communication, but also as a

²² Anton Ferdinan, *Bombana Dalam Sorotan Pers: Berita Proses Terbentuknya Kabupaten Bombana* (Jakarta: Yayasan Pustaka Obor Indonesia, 2024).

means to maintain the values, traditions, and social practices²³ that shaped the Moronene identity. In this context, Alessandro Duranti's anthropological linguistic theory provides a relevant framework for understanding the relationship between language and indigenous peoples²⁴. Through interviews with Hukaea Laea traditional leaders, a picture of the knowledge system and social and cultural construction of the Moronene Hukaea Laea indigenous people has been obtained. According to Anton Ferdinan, there are several manifestations of culture and language that live in the Hukaea Laea indigenous people, including oral literature, cosmology and local knowledge, customary rules in social interaction, noble values, and traditional dances.

Moronene tribe culture has many varieties of oral literature. Moronene people who live in the Hukaea Laea Traditional Area, also share various oral literary traditions. Based on research by A.D Firman, the Moronene language is in the category of experiencing decline. The causes include because the Moronene language is less used in the realm of neighbors and traditional ceremonies, not utilized in the realm and new media, the availability of language and literacy teaching materials in quantity is very small and not utilized for learning the Moronene language in schools or communities²⁵. The local knowledge system of the Moronene community is related to natural phenomena. In addition, there is a traditional oath of brotherhood, namely the *tanduale* tradition, which has been included in the intangible cultural heritage of the Ministry of Education and Culture (Kemdikbud) in 2021. The Tanduale traditional

²³ Ida Ayu Made Wedasuwari, "KAJIAN LITERATUR: BAHASA, BUDAYA, DAN PIKIRAN DALAM LINGUISTIK ANTROPOLOGI," *Wacana Saraswati Majalah Ilmiah Tentang Bahasa, Sastra Dan Pembelajarannya* 20, no. 1 (July 28, 2020): 1–5, <https://doi.org/10.46444/wacanasaraswati.v20i1.186>.

²⁴ Alessandro Duranti, *Linguistic Anthropology: A Reader* (John Wiley & Sons, 2009).

²⁵ A.D. Firman, Hidayatul Astar, and Mardi Nugroho, "VITALITAS BAHASA MORONENE DI KABUPATEN BOMBANA (Vitality of Moronene Language in Kabupaten Bombana)," *Kandai* 19, no. 1 (May 31, 2023): 17, <https://doi.org/10.26499/jk.v19i1.4551>.

oath is a conflict reconciliation that can reduce all problems. The Moronene community believes that this tradition is effective in reducing conflict. For hundreds of years, there has been no conflict that has widened after the *tanduale* traditional oath was carried out as the unifier of society.

Therefore, based on the description above, it can be seen that the Moronene language is an important part of the identity of the Moronene community. This study shows that the Moronene language continues to be maintained in everyday life even though there is an influence from Indonesian as the national language which also influences their mindset and culture. This approach is relevant to explore how indigenous peoples use language as a tool to maintain their identity and existence amidst the pressures of globalization and modernization. Through this study, it is revealed that language is not only a means of communication, but also a means to affirm the existence and sustainability of indigenous peoples' culture.

III. Concept of the Result of the Elaboration of Legal Anthropology and Anthropolinguistics Study on the Existence of The Moronene Tribe's Indigenous Society

The Elaboration Technique is a method that links concepts from one field of study with another field of study. The purpose of this elaboration is to produce a concept that supports efforts to increase tourism value in the Hukaea Laea Traditional Area. The Moronene indigenous community in Southeast Sulawesi has great potential in the context of tourism, especially in relation to sustainable tourism, namely tourism that aims to minimize environmental and socio-cultural impacts while providing economic benefits to local communities. As an indigenous community group that

has a culture, tradition, and close relationship with nature, the Moronene community can play an important role in creating forms of tourism that not only benefit tourists, but also the local community, while preserving the environment and cultural heritage. The Moronene indigenous community lives in an area close to the Rawa Aopa Watumohai National Park, which has a rich and diverse ecosystem, ranging from mangrove forests, savannas, swamps, to beaches. The Moronene community has in-depth knowledge of their environment, which can be an asset in the development of ecotourism. Tourists interested in nature and biodiversity can be taken on a tour of the forest, learning about local plant and animal species, and understanding how indigenous people maintain this ecosystem.

The relationship between the Moronene indigenous people and tourism can be developed through a sustainable tourism approach that focuses on preserving nature, culture, and empowering the local economy. With proper management, tourism can be a tool to strengthen the Moronene cultural identity, preserve the natural environment, and provide sustainable economic benefits to local communities. Community-based ecotourism²⁶ can empower the Moronene indigenous people as local tour guides who can introduce tourists to traditional ways of preserving nature and living in harmony with the environment. This can also provide additional income for the community without damaging the ecosystem they protect. The traditions, language, and rituals of the Moronene are a unique and rich cultural heritage. Culture-based tourism can be developed by offering authentic experiences to tourists, such as witnessing or participating in traditional ceremonies, enjoying traditional handicrafts, and hearing folk stories passed down from generation to generation. This

²⁶ Endah Tisnawati et al., "STRATEGI PENGEMBANGAN EKO-WISATA BERBASIS MASYARAKAT DI KAMPUNG WISATA REJOWINANGUN," *INERSIA: Informasi Dan Ekspose Hasil Riset Teknik Sipil Dan Arsitektur* 15, no. 1 (May 13, 2019): 1–11, <https://doi.org/10.21831/inersia.v15i1.24859>.

not only provides unique experiences to tourists but also helps preserve cultural traditions that may be threatened by modernization.

In addition, the traditional tourism village can be a model for developing cultural tourism in the Moronene region, where tourists can stay with local people, learn their traditions, and respect the way of life that the community has lived for centuries. Tourism development in the Moronene traditional area can also provide direct economic benefits to the community. By becoming part of the tourism value chain, such as becoming tour guides, selling handicrafts, or providing homestay-based accommodation, the Moronene community can enjoy the economic benefits of tourism without abandoning their identity. Through a sustainable tourism approach, natural resources are maintained, while indigenous communities have the opportunity to gain economic benefits through direct involvement in the tourism industry.

Local products such as traditional foods, handicrafts, and forest products can be offered to tourists as a form of support for the local economy. Although tourism offers opportunities, there are challenges that must be considered, such as the potential social impacts of modernization that can change the cultural order and traditions of the Moronene indigenous community. If not managed carefully, tourism can result in excessive commercialization of culture or damage local social and environmental harmony. Therefore, it is important to ensure that tourism development is carried out with the full involvement of the Moronene community and with respect for the customary values they hold. One of the keys to the success of sustainable tourism in the Moronene indigenous community territory is inclusive management based on customary rights.

The government, tourism organizations, and communities must work together to ensure that indigenous communities have control over their lands and resources, and are involved in every decision related to tourism. With the protection of customary rights, the Moronene community can become the main managers of nature-based and cultural

tourism destinations in their territory. This also ensures that they get long-term benefits from tourism, both in the form of economic and preservation of their cultural heritage and environment. The following chart outlines the mechanism of the concept of sustainable tourism which is the result of the elaboration of legal anthropology and anthropolinguistic studies.

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²⁷ Andri Sulistyani, Rd. Siti Sofro Sidiql, and Chelsy Yesicha, "PERSEPSI MASYARAKAT LOKAL TERHADAP PENGEMBANGAN DESA WISATA BERBASIS ADAT," *Jurnal Kebijakan Publik* 11, no. 1 (April 16, 2020): 39, <https://doi.org/10.31258/jkp.11.1.p.39-46>.

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IV. Conclusion

Tourism development in the Moronene customary territory must fully involve the local community and respect traditional values. Inclusive management based on customary rights is key to sustainability, with active roles from the government, tourism organizations, and the community. This ensures that indigenous people maintain control over their resources and gain long-term benefits economically, culturally, and environmentally.

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