

## **MATAKAU AS NATURAL RESOURCE MANAGEMENT CUSTOMARY LAW IN MALUKU**

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### **Abstract**

*The management of natural resources based on local wisdom contains the understanding that natural resource management is based on local wisdom by establishing areas that are used as priotected areas and must be maintained and not exploited and as guardians of forest ecosystems. The purposes of this research were to analyze and examine the shape of Matakau in indigenous law communities in Maluku and the implications of matakau as customary law in maintaining and preserving environmental management in Maluku. This research was a normative juridical research, which conducted on the legal principles, in the sense of the value (norm) of concrete laws and legal systems. The approaches used in research were statute approach and conceptual approach. Matakau (Prohibition sign) is a customary law that applies in almost all islands in the Maluku Province. Matakau can be interpreted as a prohibition to take the results of certain natural resources as an effort to preserve the quality and population of natural biological resources (animal and plants) that should continue to be maintained and preserved as part of the local wisdom of indigenous people in Maluku.*

**Keywords: Matakau; Local Wisdom; Indigenous People**

### **INTRODUCTION**

Natural resources have economic value when managed into quality goods. However, the management and processing carried out by humans tends to exploit haphazardly without considering the impact that will occur in the future. Given that everyone has equal access, natural resources can be exploited exaggeratedly. Over exploitation of natural resources leads to the *tragedy of common*.<sup>1</sup>

In general, the governance of natural resources carried out by an Indigenous People recognizes the existence of various statuses of mastery and utilization. The form and status of mastery of natural resources can be divided into 4, namely: public property (*open acces*), state property (*state*), private or individual property (*private*), and joint property (*command*). The management of natural resources by indigenous people cannot be separated from the local wisdom of the indigenous people it self.<sup>2</sup>

Local wisdom is a view of life, science, and various life strategies that are in the form of activities carried out by local communities to answer various

<sup>1</sup> Hidayat, 2011, *Management of Natural Resources Based on Local Institutions*, Jurnal Citra Lekha, Pg. 34-40.

<sup>2</sup> *Ibid*.

problems in fulfillment needs. In addition, local wisdom can also be interpreted as a system in the order of social life, politics, culture, economy, and environment that live in local communities. Special characters *inherent* in local wisdom are dynamic, sustainable, and tied up in their communities.<sup>3</sup>

Management of natural resources based on local wisdom means that in the management of natural resources must be implemented the concept of local wisdom, namely by establishing areas that are used as areas that must be maintained and cannot be exploited to be used as guardians of forest ecosystems. In addition, natural resource management must consider the future impacts caused by current natural resource management actions.

Maluku is one of the provinces in Indonesia where most indigenous peoples in Maluku still maintain local wisdom in the management of natural resources. In Maluku culture, in addition to known customary law *Sasi*, also known *Matakau*. These two rules of customary law, are still maintained and carried out by indigenous people in Maluku, because it is trusted and believed to be useful in the management and maintenance of Natural Resources and the Environment.

Based on the description above, the problems that will be studied in this research are: (1) How is the form of *Matakau* in indigenous people in Maluku? (2) How to implementing customary law *Matakau* in the management of natural resources in Maluku?

This research is a normative juridical research, i.e. research conducted based on legal principles, in concrete legal value (norm) and legal system<sup>4</sup>. The approach used in research is the statutory approach<sup>5</sup> and conceptual approach<sup>6</sup>.

## DISCUSSION

### Local Wisdom Theory

Conceptual ideas that live in society, grow and develop continuously in the consciousness of society that can be approached from religious values, ethical values, aesthetics, intellectual or even other values such as economics, technology and others are referred to as a local wisdom.<sup>7</sup>

Local wisdom is an entity that determines the honor and dignity of people in their communities. Human effort by using their intellect (cognition) to act and behave toward something, object, or event in a given space is understood as local wisdom<sup>8</sup>. A cultural

<sup>3</sup> Wagiran, 2012, *Character Development Based on Local Wisdom Hamemayu Hayuning Bawana* (Identification of Cultural-Based Character Values), Uny Character Education Journal: Yogyakarta, Pg. 29.

<sup>4</sup> Sudikno Mertokusumo. 2009, *legal discovery*, Liberty, Yogyakarta, Pg. 29.

<sup>5</sup> Theory Hutchinson, 2002, *Researching and Writing in Law*, Law Book Co, Pyrmont ST. Australia, Pg. 55.

<sup>6</sup> Peter Mahmud Marzuki. 2009. *Law Research*. Kencana Prenada Media Group, Jakarta, Pg. 93.

<sup>7</sup> Munawar and Said A, 2003, *Fikih Interfaith Relations*, Ciputat Press, Jakarta, Pg. 29.

<sup>8</sup> Nurma Ali Ridwan, 2007, *Scientific Foundation of Local Wisdom*, *Journal of Islamic and Cultural Studies*, Pg. 27-38.

synthesis created by local actors through repeated processes, through internalization and interpretation of religious and cultural teachings socialized in the form of norms and used as guidelines in everyday life is called local wisdom.<sup>9</sup>

Local wisdom can be interpreted as a thought about life based on clear reason, good mind, and contained positive things and can be translated as a work of reason, deep feelings, character, forging, and advice for human glory<sup>10</sup>. Local wisdom is the outlook on life and science and various life strategies that are tangible activities carried out by local communities in answering various problems in meeting their needs<sup>11</sup>.

Unwritten rules which is a reference to society that covers all aspects of life, in the form of:

1. The rules arrangement that concerns relationships between human beings, such as the rules of marriage, manners in everyday life;
2. The rules concern the relationship of humans with nature, animals, plants that aim more at conservation efforts of nature; and
3. The rules concerning man's relationship with the unseen, such as God and supernatural spirits are also referred to as a local wisdom. Local wisdom can be in the form of customs, institutions, wise words, proverbs.<sup>12</sup>

Local wisdom is discernment, discretion or habits built on noble traditions passed down through generations by ancestors from generation to generation. Therefore, local wisdom becomes something very significant in a society.

### **Theory of Natural Resource Management**

Natural resources are elements consisting of natural resources of plants and animals with non-biological elements around them that overall make up the ecosystem. Natural resource has a role in fulfill human needs. Juridically, the meaning of natural resources is contained in Article 1 paragraph 9 of Law No. 32 of 2009 on Environmental Protection and Management. Natural resource is an environmental element consisting of biological and non-biological resources that overall form the unity of the ecosystem.

Natural resource management is intended to improve the quality of the environment that is high, safe and humanely guaranteed. Only in conditions of high environmental quality, humans benefit more from environmental risks. More specifically, the understanding of natural resource management includes two things as follows:<sup>13</sup>

1. Human efforts in transforming natural resource ecosystems in order to obtain maximum and sustainable benefits;

<sup>9</sup> Ahmad Ali haidlor, 2010, *Local Wisdom as the Foundation of National Development, Harmony of Multicultural and Multireligious Journals*. 34 (IX), Pg.5.

<sup>10</sup> Wagiran, 2012, *Op.Cit*

<sup>11</sup> Akhmad Muhaimin Azzet, 2011, *The Urgency of Character Education in Indonesia*, Ar-Ruzz Media, Yogyakarta, p 16.

<sup>12</sup> *Ibid*

<sup>13</sup> Dian Taufik Ramadan et al, 2012, *Conflict resolution between the community and mining companies of North Sumatra Province*, Journal of Natural Resources and Environmental Management, Bogor Agricultural Institute.

2. The process of allocating natural resources in space and time to fulfill human needs by always striving for:
  - a) Considerations between human populations and resources.
  - b) Prevention of damage to natural resources and the environment.

Without conservation efforts, there is a crisis of natural resources, declining quality, scarce supplies, reduced diversity, etc. Utilization of natural resources is divided by its nature, namely Natural and non-biological resources. Article 12 paragraph 1 of Law No. 32 of 2009 states that the utilization of natural resources is carried out under the Environmental Protection and Management Plan. Basically all natural resources including biological resources must be utilized for the welfare of society and mankind in accordance with their abilities and functions.

Its utilization must be in such a way in accordance with Law No. 5 of 1990 on Conservation of biological natural resources and ecosystems, so it can sustainably for the present and the future. The utilization and preservation as mentioned above must be implemented in a harmonious and balance manner as an embodiment of the principle of conservation of biological natural resources and ecosystems.

### **The form of *Matakau* on Indigenous People in Maluku**

*Matakau* is a prohibition sign that is installed on a particular plant or location in a garden to prevent early harvesting and/or theft by scaring off the thief<sup>14</sup>. *Matakau* signify that the garden and the plants in it have been protected by spells and curses so that it is prohibited from being taken or stolen<sup>15</sup>. Because of its similarity to the custom of *sasi* which also prohibits the exploitation of certain natural resources, but installed by family or individuals so that it is also known as personal *Sasi*.<sup>16</sup>

*Matakau* (Prohibition sign) is a special custom that applies almost all islands in Maluku Province (Buru, Seram, Ambon, Lease Island, Banda, Kei Island, Aru and southwest islands), and North Maluku (Halmahera, Ternate) as well as Papua (Raja Ampat Island, Sorong, Manokwari, Nabire, Biak and Numfor, Yapen, Waropen, Sarmi, Kaimana and Fakfak). *Matakau* also has other names, in northern Halmahera namely *Bubugo* in Galela and *Hobubugo* in Tobelo. *Matakau* is also known as a way of processing natural resources in the coastal villages of Halmahera. *Matakau* is a culture that is still used to protect natural resources and the environment. The name is also different in each region, but the function remains the same.

The term *Matakau* comes from the local languages in Maluku collectively known as *Tana* language. *Matakau* means red eyes<sup>17</sup>. The color red has long been used in the moluccas. Red means hot or dangerous and is hooked with magical powers and

<sup>14</sup> Ellen Roy, 2016, "[Nuauulu Ritual Regulation of Resources, sasi and Forest Conservation in Eastern Indonesia](#)". *South East Asia Research*, Pg. 6.

<sup>15</sup> *Ibid*

<sup>16</sup> *Ibid*.Pg. 17.

<sup>17</sup> Bartels Dieter, 2017, *Under the Shade of Mount Nunusaku: Muslim Christians Living Side by side in Central Maluku, Volume I: Culture*. Jakarta: Kepustakaan Populer Gramedia (KPG). ISBN 9786024241506, Pg. 852.

curses<sup>18</sup>. In *Naulu* language spoken in the area of Sepa State, *Matakau* is named as *wate* or *masinnate*.<sup>19</sup>



Figure 1: The shape of *your eyes* marked with red cloth by the people of Maluku

There is no sign of any special objects that *matakau*. Coconuts, husk or fiber from palm trees, bottles containing corn kernels, pictures of people on medium wood, coconut husk, red cloth ties, and others can be used.<sup>20</sup>



Figure 2: Another form of *matakau* made of wood and coconut skin made to form a cross in indigenous peoples in Maluku.

The installation of *Matakau* aims to prevent theft while punishing thieves with magical curses. The curse is in the form of misfortune, wounds, and certain diseases. A thief can get a hernia if you ignore *matakau* made of coconuts wrapped in fiber from palm trees and hung in a mini house. Other diseases found as a curse for violation of this sign are leprosy, scabies in the genital area, back pain, fever (high heat), and ulcers.

<sup>18</sup> *Ibid*, Pg. 603.

<sup>19</sup> Ellen, Roy, 2016, *Op.Cit*, Pg.16

<sup>20</sup> Otto Ton and Pedersen Poul, 2005, *Tradition and Agency: Tracing Cultural Continuity and Invention*. Aarhus: Aarhus University Press. ISBN 8779349528, Pg.217.



Violators can be exposed to leprosy if they violate a sign in the form of a bottle containing corn kernels as many as seven pieces that depend on the mini house. Meanwhile, other diseases will infect offenders if they violate the sign in the form of a picture of people on a hanging wooden medium. The curse contained in *matakau* can only be effective if the installer realizes that the thief has violated the sign installed and decides to activate the magical curse with the right spell.<sup>21</sup>

Today, *Matakau* is commonly found and survives in the midst of the current Islamization and Christianization of Maluku. However, it is rarely found in Christian areas because they consider it incompatible with Christian teachings<sup>22</sup>. Some Christian countries that are not too obedient still know this *Matakau* custom<sup>23</sup>. In devout Christian areas, residents still put up *Matakau-like* signs with the aim of scaring people without having curses and spells on it.<sup>24</sup>

Every society in the world has a legal system within its territory. There is no nation that does not have their national laws. The national law of the nation is a reflection of the culture of the nation concerned. Because law is the reason of the nation and grows from the awareness of the nation's law, the law will appear from the reflection of the nation's culture.<sup>25</sup>

In Indonesia, one of the laws that is the mirroring of the nation's personality is customary law, which is the incarnation of the nation's soul from century to century<sup>26</sup>. The customs owned by the regions are different, although the basis and nature of one is Indonesian. Therefore, the Indonesian custom is said to be *Bhinneka Tunggal Ika*, which means different, but still one. The custom is always evolving and always following the development of the community and closely related to folk traditions. Thus, custom is a precipitate of decency in society, whose truth has gained general recognition in that society.

Customary law is a law that grows from the consciousness of the community, which is a reflection of the taste and sense of the nation's culture<sup>27</sup>. In the development in the field of law, there is often a statement, whether in its formation will use customary legal materials, which are the law itself, or even use law from outside (foreign).

Customary law is a term given by legal science circles in the past to groups, guidelines and facts that regulate and regulate the lives of Indonesian people. Scientists at that time saw that the People of Indonesia, who lived in the corners lived in order and they lived in an orderly manner based on the rules they made themselves.<sup>28</sup>

<sup>21</sup> *Ibid.* Pg. 217.

<sup>22</sup> *Ibid*

<sup>23</sup> Ellen Roy, *Op.Cit.*, hlm. 19.

<sup>24</sup> Otto and Pedersen, *Op.Cit.*, Pg. 217.

<sup>25</sup> Anto Sumarman, 2003, *Customary Law Perspective Now and In The Future*, Adi Cita Karya Nusa, Yogyakarta, Pg. 1.

<sup>26</sup> Surojo Wignjodipuro, 1982, *Introduction and Principles of Customary Law*, Gunung Agung, Jakarta, Pg. 1

<sup>27</sup> Eka Susylawati, *The Existence of Customary Law in the Indonesian Legal System*, al-Ihkâ Vol. 4 No .1 Juni 2009.

<sup>28</sup> M. Koesnoe, 1979, *Notes against Customary Law Today* (Airlangga University Press, Surabaya, Pg.122.

From the perspective of customary law, *matakau* as part of the local wisdom of indigenous peoples, then *matakau* can be categorized as customary law for the people of Maluku, especially in Central Maluku, Waitasi, Siompu, Pakarena, district kairatu west sera, which still carries out this *matakau* tradition. Thus, *Matakau* is one of the concrete manifestations of the implementation of customary law in Maluku to maintain, protect and preserve the environment and natural resources available in indigenous peoples in Maluku so that it is not taken excessively.

*Matakau* as part of customary law in Maluku, because *Matakau* are born from the legal awareness of the people in Maluku will be important to maintain and preserve the environment in the form of garden products, even to maintain and protect hamlets owned by the community.

### **Implications of the Implementation of Matakau Customary Law in Natural Resource Management in Maluku**

Indigenous people in Maluku have a strong motivation and get the most passionate incentives to protect forests because it concerns the sustainability of their lives compared to others. They have original knowledge on how to maintain and utilize forest resources in the habitat of indigenous people in Maluku, and has customary laws to enforce and customary institutions that regulate harmonious interaction between them and their forest ecosystems. The rights of the indigenous people are protected by the state as stated in Article 18 in the 1945 Constitution of the Republic of Indonesia.

*Matakau* generally only installed in period before harvest only. The duration of installation varies from one to several months depending on the type of plant or tree protected from theft (before harvest time). In addition to its short duration, this prohibition sign is installed on certain plants or relatively narrow areas and is limited to gardens that are no more than one hectare.<sup>29</sup>

*Matakau* can be interpreted as a prohibition to take the results of certain natural resources as a preservation effort to maintain the quality and population of these natural resources. Because the regulations in the implementation of this prohibition also concern the regulation of human relations with nature and between people in the area imposed by the prohibition, *Matakau*, in essence, is also an effort to maintain the manners of community life, including efforts towards equitable distribution or income from the results of environmental resources to all local residents.

Lokollo explained that there are six philosophical objectives that affect the implementation of *matakau* custom, namely as follows:<sup>30</sup>

<sup>29</sup> Ellen Roy, *Op.Cit.* Pg. 16.

<sup>30</sup> Nur Aida Kubangun, 2017, *National Values and Local Knowledge, "Contribution to Cultural Life in Maluku"*, Proceedings of National Seminar, Historical Education Study Program of Faculty of Teacher Training and Education Unpatti, Ambon, Pg. 51.

1. Provide general guidance on human behavior, to provide limits on the rights of society, to express women's rights, to give a definition of women's status and their influence in society.
2. Prevent criminality, to reduce acts of depravity such as stealing.
3. Distribute the natural resources they have evenly to avoid conflict in the distribution of natural resources, namely between people from different villages or sub-districts.
4. Determine how to manage natural resources, both at sea and on land to improve the welfare of the community, for nature preservation.

Thus, *matakau* can be one of the efforts of traditionally orderly arrangement through customary law institutions whose result is the preservation of natural resources of indigenous people in Maluku. Based on what was stated by Lokollo above, *matakau* can be a general guideline for the community to protect their rights so as to prevent criminal acts which ultimately realize natural resource management that can improve people's welfare.

## CONCLUSION

*Matakau* as a sign of prohibition in customary law communities in Maluku still exists and is used by some indigenous peoples to protect, preserve and maintain their natural resources. At this moment, *Matakau* can be found and survives in the midst of the current Islamization and Christianization of Maluku. However, it is now rarely found especially in Christian areas because they consider it incompatible with Christian teachings. Some Christian countries that are not too obedient still know this *Matakau* custom. In devout Christian areas, residents still put up *Matakau*-like signs with the aim of scaring people without having curses and spells on it. Management of natural resources based on local wisdom contains the understanding that natural resource management is based on the concept of local wisdom, namely by establishing areas that are used as areas that must be maintained to maintain forest ecosystems and cannot be utilized or exploited excessively. Thus, *Matakau* can be one of the efforts of traditionally orderly arrangement through customary law institutions whose result is the maintenance of Natural Resources in the Indigenous People in Maluku.

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