Preservation of Rammang-Rammang biodiversity: Questioning legal certainty of local community

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Abstract. Since the plan of marble mining activity initiated which potentially exploiting the Rammang-Rammang karst and its contained biodiversity, the Salenrang local community draws an act of rejection and initiates to protect its local area through establishing Rammang-Rammang karst as a tourism object. After such an area became the main tourist destination, the district government began trying to be the dominating actor on the management of the area by planning to withdraw retribution which draws attention since such policy does not involve the local community participation as the main actor of the tourism site. This article aims to encourage the implementation of legal certainty for local communities as the main actor for community-based tourism (CBT) that will be given right to manage its own local resources which based from the participatory rights guaranteed in Law No. 32 Year 2009, to fulfill the right to live and to get benefit from its natural resources guaranteed in the constitution of Indonesia. This research utilizes normative legal research by obtaining data from literature study and case study from Rammang-Rammang karst area and its local community. The result shows that there is an absence of legal protection on the recognition of Salenrang local community as the primary manager of the Rammang-Rammang karst area which is essential to be enforced in order to implement the effort of community empowerment for sustainable tourism.

1. Introduction

Indonesia as a country which is abundant of biodiversity and various topography, with 140000 km² area of karst ranging from Papua till Aceh actually plays an important role in tackling the climate change as one of the carbon sinks has estimated absorbed 13842 Greenhouse Gas (GG) carbon dioxide each year in Indonesia. [1] Furthermore, its distinct of landscape and richness in its historical value and biodiversity have positioned many karst sites as a tourism attraction.

According to article 60 on Government Regulation No.26 Year 2008 concerning Spatial Plan (PP 60/2008), karst area is qualified as a unique landscape area under the national geological conservation area where article 2 on Ministry of Mineral Resources and Energy No. 17 Year 2012 concerning Determination of Karst Landscape Area (Permen ESDM 17/2012) have pushed regional government to establish its Karst landscape area in order to protect its function such as; natural water management, containing uniqueness and scientific value as a research and investigation object for scientific
development and the management of utilization of Karst landscape area. Furthermore, the Karst area with its geodiversity that have been established as a part of geoheritage asset shall be protected by all sector of government, stakeholders, and local society as regulated in article 12 Ministry of Mineral Resources and Energy No. 1 Year 2020 concerning Guidelines for Determining Geological Heritage (Permen ESDM 1/2020).

However, the lack of government participation and initiatives has become one of the obstacles in protecting the karst area in Salenrang village, Rammang-Rammang. In 2008, the local government granted a mining license (IUP) to Anhui Conch Cement Ltd that will be managed by PT Conch Maros South Sulawesi Mineral where the permit is pertaining to the marble and limestone mining which will potentially exploit and destructing the karst area [2]. Nevertheless, the rejection of such permit and exploitation plan by local community (Union of Salenrang Society) have successfully discontinued the mining activity by turning Rammang-Rammang karst into a tourism site (containing by-boat adventure services and hostel and cafe) that is fully managed by local community [3] which then escalated Rammang-Rammang popularities as one of the tourism site in Maros Regency.

After years of the local community struggle and initiatives to establish Rammang-Rammang as a popular tourist attraction in South Sulawesi which proven that in 2015, Rammang-Rammang have become the second most visited tourist area with 68% percentage within the estimated ecotourism value reaching into 70 billion Rupiah each year [4], the Maros Regency again came into Rammang-Rammang in order to request local community to pay retribution through Regencial Regulation No. 33 Year 2015 which then rejected by local community and regarded as a one-sided regulation which does not involve local community in formulation of such policy as the main actor of tourism activity in such area. This phenomenon then notions the aim of this research which is to urge the necessity for the local community to be recognized legally to manage and to gain profit from its own karst area through a holistic Community-Based Tourism (CBT) implementation.

This research also aims to investigate the local community involvement in karst management in Salenrang village, Rammang-Rammang. Within 45,000 hectares of karst area contained with huge potentials of geodiversity (karst; ammarrung stone hills), biodiversity (aves and fish species; Macaca Moura), and cultural diversity (mallelopi or boating culture in Pute river) that has become the quintessential components included in Rammang-Rammang as one of the geosites in Maros-Pangkep national geopark, which brings positive impact to empowerment of local community prosperity as the main actor for CBT potentials and contributing positively in preserving the natural area of Rammang-Rammang, its biodiversity, and in tackling the climate change [5].

2. Research method
This research utilizes normative legal research through obtaining data from literature study, and case study from Rammang-Rammang karst area and its local community. The primary legal materials obtained from relevant regulations, and secondary legal materials obtained from various related literatures which are analyzed descriptively to reveal the result of this paper.

3. Results and discussion

3.1. Legal basis of attributing legal certainty to local communities for tourism purpose
The basis for attributing legal certainty lies on the position of local communities as a group of people which are communally living and growing with its environment has actually have the customary rights for them related to their own area and its natural resources and especially an emotional bond with their living area in various dimensions including cultural, spiritual, social, economic, and a strong dependency on its area of survival and identity [6].

By recalling the article 33 paragraph (3) Constitution of the Republic of Indonesia which has attributed rights to local communities to utilize the earth, water, and contained natural resources for
the greatest prosperity of them, it is a paramount important state for the nation through its local government to protect and fulfill the rights of local communities through a stringent act such as a written regulation. Such mandate have been further attributed through article 12 of Provincial Regulation of South Sulawesi No.3 Year 2019 concerning Protection and Management of Karst Essential Ecosystem Maros-Pangkep (Perda 3/2019) which specifically mentioned that the target urges to develop capacity and community empowerment in a participatory, equitable and environmentally friendly manner in the Karst landscape which ensure the sustainability of society and living biodiversity, to preserve the environment for maximum prosperity of society and aims to increase the role of community in protecting and managing karst area that can only be maximally reached through a legal recognition which is further shall be regulated in a regional regulation although such mandate has not been yet accommodated by regional government.

Moreover, the mandates set forth by Ministry of Forestry and Environment Regulation No. P.43/MENLHK/SETJEN/KUM.1/6/2017 specified in article 12 have attributed tasks to local government which one of it is to facilitate the local community through prioritizing for providing access for their aspiration and for sustaining partnership that such mandate has strengthened the urgency for local government that shall take a role as facilitator in promoting and implementing further legal recognition in its hierarchical higher regulation such as in a decree, regency/provincial regulation that also involving the local community aspiration in its formulation (since the only recognition for local community only attributed by Village regulation that needs to be pushed more into higher recognition level to promote and strengthen the existence of local community).

3.2. Normative Review of Community Based Tourism (CBT)
In general, CBT is a configuration of tourism which focuses on empowering local communities with its local wisdom to become the main actor in owning, managing, and operating tourism activity (such as, but not limited to: adventure tourism; cultural tourism; ecotourism; and agritourism) for local growth which not only focusing on economic aspect to improve local communities prosperity, but also in terms of preserving the indigenous traditions and culture, and to corroborate into sustainable development of the environment where the ASEAN have set its CBT standard for ASEAN countries including Indonesia that given 8 standards for a holistic CBT which are: [7]
1) Community ownership and management;
2) Contribution to social well-being;
3) Conserving and improving the environment;
4) Encouraging interaction between local community and guests;
5) Quality tour and guiding services;
6) Quality food and beverage services;
7) Quality accommodations;
8) Performance of CBT Friendly Tour Operators (FTO).

These standards are a quintessential basis for policy makers in Indonesia to set as a guideline in formulating legal regulations pertaining to CBT. Furthermore, the concept of CBT implementation has actually been regulated in Indonesia under the Government Regulation No. 50 Year 2011 concerning Master Plan on National Tourism Development under article 29 which strategized on the policy direction on local community empowerment on CBT through maintaining the potential of local resources as its tourism attraction based on local wisdom through local community empowerment which have instructed local government to:
1) Strengthen society’s community in local level to corroborate their capacity and role in developing tourism;
2) Empowering potentials and capacity of local community in tourism development;
3) Maintaining understanding and awareness of society pertaining “sadar wisata” (tourism-aware) in sustaining regional tourism and a conducive climate.

Such instruction that attributed by aforementioned regulation have become a specific form of a program which is the tourism-aware society (Pokdarwis) regulated under the Ministry of Tourism and
Creative Economy Regulation No. 12 Year 2020 concerning Strategic Plan of Ministry of Tourism and Creative Economy 2020-2024 which focuses to empower local potentials with its special characteristic built through living culture and heritage to manage its own area responsibly that will develop a management system which will become the wheel of economic activities through geotourism and the establishment of Pokdarwis will corroborate into the preservation of environment and its living biodiversity (such as natural landscape, agricultural resources, lakes, and waterways) that is further needs to be conserved and saved from the impact of climate change.

3.2.1. CBT and its Best Practice in National Scope. Several regions in Indonesia with its geotourism site have implemented CBT and considered it as one of the best practices, such as in Pangandaran karst area and Tangkahan ecotourism. The CBT concept in Pangandaran karst area is implemented through Social Community of Tourism Driving Force (KOMPEPAR) which is fully managed by local society that has been recognized through Provincial Regulation of West Java No. 28 Year 2010 Concerning Development of Southern Part of West Java which have accommodated the legal recognition of local community and is also synchronized within the local culture as the living law/custom in purpose on maintaining an optimal synergy between government as the facilitator, and the local community as the primary actor in owning and managing the Pangandaran karst area as a green geotourism site which brings a huge impact due to high rate of visitors which profiting local community but also lets them to live and grow along with their living environment without perpetrating any damage to the area and its contained biodiversity [8].

Another best practice that can be taken as an example is how the Tangkahan local community which previously most of the society only gaining income by becoming as an illegal logger but then turned into an initiative by proliferating an ecotourism area and establishing Tangkahan Tourism Institution (LPT) in their forest area which then signed under a Memorandum of Understanding with Gunung Leuser National Park (GNLP) since its area is also classified as a conservation zone which supports in preserving the forest coverage and its biodiversity and gaining the prosperity of its local community. [9] Such initiative then facilitated by the multisectoral government (provincial, regency, and central government) through a recognition and accelerating partnerships with tourism stakeholders such as the elephant jungle trekking for tourist as the result of partnership with Conservation Response Unit (CRU) of Tangkahan, local community also manages on tourist services by providing services for tourists including local cultural attractions, traditional food cooking session, tour guide which are able to speak in english for showing its biodiversity and view of nature where all of this efforts resulted into a positive impressions especially in its environmental management, and tourism destination management [10].

3.2.2. CBT in Preserving Rammang-Rammang Biodiversity. The fact that local communities are now establishing a tourism-aware society (Pokdarwis) that independently manages its area as a tourism site which became one of the programs launched by the Ministry of Tourism, have brought into a notion that there is an initiative by the local communities to empower their area as a tourism site where several services has been provided by Pokdarwis based on its area potential and culture [11]:

1) Based on the mallopi culture along the Pute river surrounded by karst, the Pokdarwis provides traditional boating services for tourists to enjoy the karst landscape by boat which costs around Rp. 250,000,- for each boat;
2) By acknowledging the existence of ammarrung stone hills classified as geodiversity and the tianang stone that is rich in cultural heritage, Pokdarwis also have designed a boating track which will end in such stone hills that tourists can also bought food and drinks from local shops;
3) Tourists also provided homestays and hostels in a form of eco-lodge either only for photo sites or for staying, which is surrounded by karst, mountains, and caves that cost around Rp. 350,000,- per night.

The aforementioned initiatives has actually become the evidence of effective management by local communities which successfully pushed the enactment of Perda 3/2019. According to an
interview with Wahana Lingkungan Hidup Indonesia (WALHI), the local community have attempted to gain legalization of recognition through three method: proposing Salenrang village as a pro-climate village; proposing social forestry scheme as specified in the Ministry of Forestry and Environment Regulation No. 83 Year 2016 concerning Social Forestry in purpose to gain rights on managing their land; and proposing its area as object of Land Utilization for Agrarian Reform (TORA) as specified in Presidential Regulation No. 86 Year 2018 concerning Agrarian Reform. However, all three methods are still in a grey area of whether being accepted or rejected by the government which brings uncertainty in seeking further alternatives in gaining legal recognition.

The Salenrang local community needs a higher recognition especially after the visit of Ministry of Tourism and Creative Economy in Rammang-Rammang which inaugurates the Salenrang village as a tourism village that further needs to be recognized through legalization by local government in a written regulation in order to corroborate the pathway for Rammang-Rammang Karst area to be elected as UNESCO Global Geopark (UGG) that fully protects the contained biodiversity, geodiversity, and cultural diversity in international level. [12] Where it has been regulated that one of the criterias for UGG is that there shall be areas with a management body (that can be in a form of local communities as actors representing the area) having legal existence recognized under national regulation, and that the UGG shall actively involve local communities and indigenous peoples as key stakeholders in such geopark where it is required to draft a co-management plan which will protect its living landscape and conserving its cultural identity [13].

4. Conclusion
Under the constitution and further specialized regulations, it has guaranteed the rights of local communities to be recognized in owning and managing its living area that further come into existence in a form of CBT proliferated by the Ministry of Tourism and Creative Economy that set standards which have stressed into the section of community ownership and management in such tourism areas. Furthermore, the existing examples of best practices in CBT, in which local government as facilitator actively engaging local communities in owning and managing its own tourism area by recognizing and easing partnership to empower them shall be the attention of local government especially in regency which governs Rammang-Rammang area.

The preservation of Rammang-Rammang and its contained biodiversity requires a multisectoral cooperation specifically in terms of successfully proposing the idea of qualifying Rammang-Rammang as a UGG area where its criteria have obligated local government to strengthen the engagement between local communities as the primary actor of CBT by facilitating its needs to be recognized along with their cultural identity, their need for prosperity, and their purpose to preserve and protect its living area and its biodiversity.

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