

Co-Existence And Protection Of The O'hongana Manyawa Indigenous People In The Nickel Mining Area

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Abstract

Nickel mining in Halmahera, especially in Central Halmahera and East Halmahera Regencies, makes a major contribution to the national economy through the downstream of strategic minerals. However, these activities have serious impacts on the forest ecosystem and the lives of the O'Hongana Manyawa indigenous people, which relies heavily on their living space for cultural sustainability and livelihoods. This research aims to analyze the co-existence between mining activities and the protection of indigenous communities, with a focus on the legal framework, evaluation of protection practices. The research uses empirical legal methods through in-depth interviews, field observations, and secondary document studies. The research results show that the overlap of mining concession areas with the living spaces of indigenous communities causes environmental damage, social marginalization and loss of cultural identity. Existing regulations, such as AMDAL, do not fully protect the rights of indigenous peoples because their implementation is weak. Therefore, a more balanced approach is needed, such as recognition of traditional territories, application of the principles of Free, Prior and Informed Consent (FPIC), as well as empowerment programs based on local culture. In conclusion, protection of indigenous communities must be a priority to ensure social, cultural and ecological sustainability amidst industrial development.

1. Introduction

Indonesia, a country rich in natural resources, holds the largest nickel reserves in the world (Dwiyono et al., 2023). In recent years, the increasing global demand for nickel, particularly for electric vehicle batteries, has driven extensive nickel exploration and extraction. However, despite its significant economic potential, nickel mining presents various challenges, especially for indigenous communities living near mining areas (Kusyanti & Suhartono, 2024). The presence of the mining industry often directly threatens the sustainability of the living spaces of these communities, who have long relied on the balance of the ecosystem in their territories.

The O'Hongana Manyawa indigenous people in central Halmahera is one of the remote indigenous groups with a deep attachment to their living space. The forest and its surrounding ecosystem are not only a source of livelihood but also an integral part of the cultural and spiritual identity of this community. The presence of mining activities in their territory often leads to conflict, as it impacts environmental degradation, land eviction, and the continuity of their traditions (Risal et al., 2017). This situation creates tension between the need for national economic development and efforts to protect the human rights and cultural sustainability of indigenous communities (Kurnianto. et al., 2024).

O'Hongana Manyawa's living space is disrupted by nickel mining, highlighting the dilemma between national economic interests and the rights of indigenous peoples. In many cases, industrial demands often overlook the principle of coexistence, which is essential for the sustainability of both human and natural life in harmony (Salim, 2016). As a result, indigenous people like O'Hongana Manyawa are vulnerable to social, economic, and cultural marginalization. They lose access to land, which is a vital source of food and livelihood, and face the risk of losing the cultural identity passed down through generations.

In addition, the existence of policies that are insufficiently responsive to the protection needs of indigenous communities exacerbates their vulnerability (Abdullah, 2020). Although regulations exist to protect the rights of indigenous peoples, their implementation is often ineffective. Weak coordination between the government, companies, and local communities has resulted in a lack of systematic protection that ensures the survival of remote indigenous communities amidst the pressures of industrialization (Pramudya et al., 2022). Furthermore, existing regulations often fail to directly involve indigenous communities, meaning decisions made do not reflect their needs or perspectives on environmental and land management (Gunawan, 2023).

Co-Existence is a crucial concept in addressing this issue (Amin, 2019). It involves more than just physical coexistence; it must also encompass respect for the rights of indigenous peoples, environmental protection, and the sustainable management of natural resources (Kusumohamidjojo, 2011). This approach requires synergy among stakeholders, including the government, companies, and indigenous communities, to achieve a balance between economic exploitation and the protection of the fundamental rights of indigenous peoples (Widiastuti et al., 2024). Building trust and cooperation among these parties is a critical first step toward creating a just solution.

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al., 2024). Building trust and cooperation among these parties is a critical first step toward creating a just solution.

In this context, it is crucial to design systematic protection strategies for remote indigenous people, such as the O'Hongana Manyawa. This protection should not only address legal aspects but also empower indigenous peoples to navigate the changes occurring in their territory (Nadriana et al., 2022). A participatory approach, one that directly involves them in the decision-making process, is essential for creating fair and sustainable solutions (Budiana et al., 2023). Involving indigenous communities in decision-making is also a way to ensure that their needs are reflected in the policies developed (Yusuf & Effendi, 2021).

Various studies show that the success of protecting indigenous communities often depends on recognizing and leveraging Various studies show that the success of protecting indigenous communities often depends on recognizing their local wisdom (Mukhtar & Jannah, 2018). Indigenous peoples, such as the O'Hongana Manyawa, possess traditional knowledge that can serve as a foundation for environmental management. By involving them in natural resource governance, opportunities arise to integrate modern needs with sustainable traditional practices (Partini et al., 2024). Management rooted in local wisdom not only preserves the environment but also strengthens the cultural identity of indigenous communities (Febrianty et al., 2023).

This background underscores the importance of conducting in-depth research on the impact of nickel mining on the O'Hongana Manyawa's living space, as well as on effective protection strategies. The aim of this research is to identify the challenges faced by indigenous communities in dealing with mining activities and to formulate coexistence strategies that enable the systematic protection of their living space.

2. Research Method

This research employs empirical legal research methods that combine a statutory approach and a case law approach to analyze the issues of coexistence and protection of the O'Hongana Manyawa indigenous peoples in the context of nickel mining. This method was chosen not only to examine the applicable legal framework but also to assess the practical implementation of the law in the field (H. Deni Nuryadi, 2016; Martin et al., 2024).

The research focuses on three main aspects. First, an analysis of the national legal framework that regulates the rights of indigenous peoples, environmental protection, and natural resource management, including Law Number 4 of 2009 concerning Mineral and Coal Mining, as well as other related regulations. Second, a study of a concrete case involving the O'Hongana Manyawa indigenous peoples and the impact of nickel mining on their living space. Third, an evaluation of the legal protection practices carried out by the government and companies, as well as the participation of indigenous peoples in the decision-making process.

Data collection was conducted using a combination of qualitative and quantitative methods. Primary data were gathered through in-depth interviews with members of the O'Hongana Manyawa indigenous peoples, government representatives, mining companies, and non-governmental organizations involved in the issue. Direct observations at mining sites and traditional community areas were also made to understand environmental conditions and the interactions between the involved parties. Secondary data included legal documents, government reports, academic studies, and relevant media coverage (Simamora & Sinaga, 2016).

Using a normative approach to evaluate the alignment between statutory regulations and their implementation in practice. Empirical data from the cases studied were examined to identify conflict patterns, protection practices, and opportunities for improving coexistence between indigenous

communities and mining activities. This research also employed a triangulation method to ensure data validity by comparing various sources of information (Alfansyur & Mariyani, 2020).

It is hoped that the research findings will make a meaningful contribution to understanding the challenges faced by the O'Hongana Manyawa indigenous peoples, as well as to formulating policy and practice recommendations that promote fair and sustainable coexistence in the nickel mining area.

3. Results and Discussion

Nickel Mining in O'Hongana Manyawa's Living Space

The management of mineral resources in North Maluku Province, particularly in Central and East Halmahera Regencies, reflects a duality of economic benefits and social-ecological impacts. On one hand, this region boasts significant mineral resources, including nickel, iron sand, chromite, and coal, which are considered national strategic assets (Bobby & Basani, 2024). On the other hand, mining activities place considerable pressure on the living space of the remote O'Hongana Manyawa indigenous peoples, which has long relied on the forest ecosystem for its livelihood.

Mineral resource management policies are governed by the North Maluku Province Spatial Planning Regional Regulations for 2013-2033, which are aligned with national policies, including Presidential Regulation Number 109 of 2020 concerning National Strategic Projects (PSN). This includes the development of the Weda Bay Industrial Area, operated by PT Indonesia Weda Bay Industrial Park (IWIP). The area serves as a hub for downstream nickel production to meet global demands, such as for electric vehicle batteries. However, the development of these areas takes place on land that overlaps with the living spaces of indigenous peoples, including their hunting, farming, and sacred sites.

Ecologically, mining activities in this area have led to significant environmental damage, including large-scale deforestation, river pollution, and forest degradation. Data shows that approximately 60% of Central Halmahera is covered by mining business permits (IUP), including areas designated as protected forests and production forests. This threatens the sustainability of the ecosystem, which is the foundation of life for the O'Hongana Manyawa community. For example, damage to sago palms and river habitats disrupts the community's access to its primary food source.

From a social perspective, the existence of the PSN exacerbates the marginalization of the O'Hongana Manyawa indigenous peoples. Interview results indicate that this community is increasingly being displaced from their traditional territory due to mining activities and infrastructure development. Another factor driving their displacement is the government's resettlement program, which aims to integrate them into modern lifestyles. However, many community members struggle to adapt due to their deep attachment to the forest, which is integral to their identity and culture (Wibawa & Syafiq, 2021). Government programs often fail to consider this aspect, leading to suboptimal implementation.

From a legal perspective, even though regulations such as AMDAL exist to minimize environmental impacts, their implementation remains a challenge. Mining companies like PT Weda Bay Nickel hold valid permits based on Contracts of Work, but the implementation of environmental management often disregards the rights of indigenous communities. This situation reflects a conflict between the interests of economic development and the protection of human rights, particularly the rights of indigenous peoples to their land and surrounding resources.

Co-existence between the mining industry and indigenous communities can actually be realized with a law-based approach and community participation. Law Number 6 of 2023 concerning Job Creation and various other related regulations need to be implemented fairly, by

prioritizing the protection of the rights of indigenous peoples. In addition, an approach based on participatory mapping and recognition of customary territories can be a solution to reduce land conflicts. The government and companies also need to provide adequate compensation and empowerment programs that are relevant to the community.

This discussion highlights that while the policy and implementation of mineral resource management in North Maluku have contributed to the economy, a more balanced approach is needed. The systematic protection of the O'Hongana Manyawa indigenous peoples must be reinforced through stricter regulations, consistent enforcement, and fair conflict resolution mechanisms.

Co-Existence and Systematic Protection of the O'Hongana Manyawa Remote Indigenous Community in the Nickel Mining Area

The Remote Indigenous Community (KAT) of O'Hongana Manyawa, better known as the Tobelo Dalam Tribe or Togutil, is an indigenous group that lives nomadically in the forest areas of Central and East Halmahera. They have a close relationship with nature, especially forests, which serve as both their living space and source of livelihood. The term O'Hongana Manyawa literally means "Tobelo people who live in the forest," in contrast to O'Hoberera Manyawa, which means "Tobelo people who live outside the forest" or in coastal areas. Some members of the community have started to settle in certain areas, such as Dodaga Village in East Halmahera Regency, through the Remote Indigenous Community (KAT) placement program.

For the O'Hongana Manyawa community, the forest is not just a living space but the center of their social cosmology. They divide the forest into several categories: *Manga Wowango* (a sacred forest where ancestral spirits reside), *Pongana* (primary forest used for hunting and gathering), and *Raki Ma'Amoko* (large gardens that provide key food sources such as sago, langsat, and other forest products). The *Manga Wowango* area is considered a prohibited zone that cannot be exploited carelessly due to its high spiritual value. This system of categorizing the forest reflects their tradition of respecting the balance between humans and nature. Traditional rituals that honor ancestral spirits are an integral part of their lives, such as ceremonies before clearing the forest or traditional activities carried out in sacred locations like Ake Jira and Mein, the resting places of their ancestors.

The oral traditions they adhere to, such as *Wowango* (life) and *Lilingiri* (search), serve as guidelines for this community in protecting and utilizing natural resources. *Wowango* teaches the importance of sustainability, emphasizing that people must protect forests and their resources to ensure they can be passed on to future generations. Meanwhile, *Lilingiri* outlines the procedures for hunting, gathering, and utilizing forest products based on need, without causing harm or over-exploiting them. These traditions form the foundation of values that strengthen their connection to the forest, fostering a lifestyle in harmony with the environment. In fact, they link every phase of human life with nature, such as planting a tree at the birth of a child and burying the umbilical cord beneath it, and placing the body on a tree at the time of death.

Unfortunately, the existence of this community is now threatened by nickel mining activities in the Halmahera area, particularly by PT Weda Bay Nickel (PT WBN). This mining operation covers a large concession area, including the Mein and Aruku Mangaili regions, which are the primary living spaces of the O'Hongana Manyawa community. The extensive exploitation activities not only destroy forest ecosystems but also disrupt the traditions and spiritual life of these communities. Losing the forest means losing their identity, culture, and source of livelihood. Sago

trees, medicinal plants, and other forest products, which are essential to their way of life, are becoming increasingly difficult to access, forcing them to abandon the traditional lifestyle they have maintained for centuries (Haq et al., 2022).

The impact of mining activities is not only ecological damage but also a violation of traditional principles, such as "taboos," which protect certain areas from exploitation. These taboos serve an important ecological function by regulating resource use, protecting vulnerable species, and preventing overexploitation. However, pressure from national strategic projects that prioritize nickel mining weakens the bargaining position of indigenous communities. The gradual loss of their living space threatens the continuity of their culture and rights.

To address this challenge, comprehensive and systematic legal protection is needed for remote indigenous communities such as the O'Hongana Manyawa. Article 18B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia provides a constitutional basis for the recognition and protection of customary law communities. The government must immediately formulate regional legal frameworks that recognize the rights of indigenous peoples to their territories and ensure the protection of their living spaces. The principles of Free, Prior, and Informed Consent (FPIC), as outlined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169, should also be applied. This principle requires that indigenous peoples be provided with adequate information, given the freedom to express their consent, and be involved in decision-making regarding the management of natural resources in their territory.

However, implementing FPIC in nomadic traditional communities, such as the O'Hongana Manyawa, is not without challenges. The approach must consider their nomadic lifestyle and sensitivity to contact with outside parties. One solution is a strategy that involves direct dialogue with the community through traditional representatives or local assistants. Additionally, the government must ensure that mining companies comply with the principles of sustainability and social responsibility in their operations, including providing fair compensation to the affected indigenous communities (Sarare et al., 2024).

It is important to remember that protecting remote indigenous communities, such as the O'Hongana Manyawa, is not only about preserving the continuity of their culture but also about safeguarding the ecosystems that support human life as a whole. The forests they have protected play a crucial role in maintaining the global ecological balance (Thamrin, 2013). By providing them with proper protection, we not only respect human rights but also contribute to broader environmental conservation efforts (Putra & Azhar, 2024). Therefore, legal protection, recognition of traditional rights, and a human-centered approach are urgent steps to ensure the survival of the O'Hongana Manyawa community amidst the ongoing threat of industrialization.

4. Conclusion and Suggestion

Conclusion

Nickel mining in Halmahera, particularly in the Central and East Halmahera regions, provides significant economic benefits through its contribution to the downstream processing of national strategic minerals. However, this activity also has a major negative impact, both ecologically and socio-culturally, particularly on the O'Hongana Manyawa traditional community. The livelihoods of these communities, which depend heavily on forests as a source of sustenance and an integral part of their cultural identity, are now threatened by land clearing, ecosystem degradation, and the overlap of traditional lands with mining concession areas. Although regulations governing

environmental protection and the rights of indigenous peoples exist, their implementation on the ground remains suboptimal, leading to ongoing conflicts between economic development and the protection of indigenous peoples' rights. Weak legal protection and social marginalization further exacerbate the challenges faced by these communities, making it one of the urgent issues that require a balanced approach.

Suggestion

To achieve sustainable co-existence between mining activities and the O'Hongana Manyawa indigenous peoples, more balanced policies and their firm implementation are needed. The government must strengthen the recognition of customary territories through participatory mapping and specific regional regulations, as well as ensure the application of the Free, Prior, and Informed Consent (FPIC) principle in every decision-making process related to natural resource management. Mining companies must consistently uphold the principles of sustainability and social responsibility, including providing fair compensation and empowerment programs that are rooted in local culture. Additionally, a transparent and fair conflict resolution mechanism is needed to address the social and environmental impacts resulting from mining activities. All parties, including governments, companies, and civil society, must collaborate to ensure that natural resource management supports not only economic growth but also protects human rights, culture, and the ecosystems that sustain the lives of indigenous communities and society as a whole.

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