

# GOVERNING KRATOM FROM AN INDIGENOUS PEOPLES' PERSPECTIVE

A STUDY OF THE DAYAK KALIS INDIGENOUS COMMUNITY IN KAPUAS HULU,  
WEST KALIMANTAN



**Authors:**

Aisya Humaida  
Kiki Marini Situmorang  
Risty Nabila

**Reviewers:**

Tody Sasmitha Jiwa Utama  
Albert Wirya

**Editor:**

Dian Purnomo

**Illustrator and Layouter:**

Generasi PINTAR

**Translator:**

Sastra Lingua Indonesia

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# PREFACE

Three years before delivering a speech condemning the genocide in Palestine, which was widely edited and galvanized support from leftist groups around the world, Gustavo Petro stood at the same podium to issue a warning about another war. At that time, he had been serving as President of Colombia for only one month. In his inaugural opportunity to articulate the position of his new administration before world leaders, he spoke about tropical rainforests and narcotics.



**The perpetrator of narcotics dependence is not the tropical rainforest; the perpetrator is the irrationality of global power,”** he stated.

The connection between these two issues may appear incongruous, yet it is in fact deeply evident in Latin American countries. Geopolitical pressures and the international narcotics legal framework have influenced Latin American states, including Colombia, to emulate the war on drugs policy pioneered by United States President Richard Nixon in the 1970s. This decades-long war has resulted in extensive loss of life, human rights violations, and widespread suffering. Among those most severely affected are indigenous peoples in the Andes and Amazon regions, who have long cultivated coca in forested areas.

On this basis, Colombia supported the Bolivian government's initiative to seek a reclassification of raw coca leaves from Schedule I narcotics. They argued that this classification represents a historical injustice arising from stigma against developing countries. For indigenous peoples, coca leaves have long been cultivated and constitute a central element of their spiritual life and traditional medicine. Nevertheless, more powerful actors have exerted pressure on small-scale farmers to close their lands and have criminalized them on the grounds that they are deemed to contribute to cocaine production.

The Indonesian government can learn from the experiences of these Latin American countries in managing its own native plants. One such plant currently situated at a policy crossroads is kratom, an indigenous Indonesian plant whose history of use has been carefully preserved by the Dayak Kalis Indigenous Community in Kapuas Hulu, Kalimantan. Geopolitical pressures and the hysteria of war have generated conflicting positions among government ministries regarding the legality and utilization of kratom. Amid the noisy debates on impacts, potential harms, business interests, and export–import dynamics, one crucial issue is often overlooked, namely how indigenous peoples exercise autonomy in managing the plants found within their customary forests.

The Community Legal Aid Institute (**LBHM**) prepared this report to amplify indigenous peoples' perspectives in the governance of plants that are perceived as narcotics. We believe that indigenous voices can serve as an antithesis to outdated war-on-drugs policies and can encourage national leaders to adopt bolder positions in governing narcotics based on evidence.

Such courage has already been proclaimed from the same podium at the United Nations General Assembly. On September 23, President Prabowo Subianto paraphrased a saying attributed to Thucydides by declaring, "The strong cannot always be right; what is right must be right." It is now time for him to honor that declaration by taking a stand with those who have long been marginalized within narcotics policy.

Best regards,

**Albert Wirya**

Director



CHAPTER I

# INTRODUCTION

## I.A. **Background and Research Question**

Regulation of local plants often overlooks the experiences of indigenous peoples who have long utilized these plants in their daily lives, whether for medicinal, cultural, or economic purposes. One example is cannabis, which, prior to its prohibition and classification as a Schedule I narcotic, had been widely used by the Acehnese Indigenous Community for medicinal purposes as well as as a culinary spice.

Following cannabis, kratom (*Mitragyna speciosa* Korth) has also become one of the local plants generating policy debate in Indonesia due to proposals to prohibit it. Over the past decade, the direction of regulation in Indonesia has demonstrated marked ambivalence. In 2016, the Food and Drug Supervisory Agency (Badan Pengawas Obat dan Makanan/BPOM) prohibited the use of kratom for medicinal purposes.<sup>[1]</sup> Subsequently, in 2017, the National Committee for Changes in the Classification of Narcotics and Psychotropics proposed that kratom be classified as a Schedule I narcotic, which was further reinforced by the National Narcotics Agency (Badan Narkotika Nasional/BNN) in 2019.<sup>[2]</sup> At the same time, other policies have regulated kratom as a trade commodity. Regulation of the Minister of Trade No. 21 of 2024 on the Second Amendment to Regulation of the Minister of Trade No. 23 of 2023 concerning Export Policies and Regulations (Permendag 21/2024) affirms the economically valuable status of kratom in the global market by regulating its sales standards.

This ambivalence is not only evident at the national regulatory level, but is also reflected in legal practices and regional policies. Several court decisions between 2014 and 2024 in the jurisdiction of West Kalimantan demonstrate differing treatments of kratom. In cases involving fraud and falsification of commercial documents, kratom has been categorized as a valuable good and must be returned to its owner once court proceedings are completed. However, when kratom is found together with other narcotics evidence, it is subject to destruction. In the

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<sup>[1]</sup> Circular Letter No. HK.04.4.42.421.09.16.1740 of 2016 on the Prohibition of the Use of *Mitragyna speciosa* (Kratom) in Traditional Medicines and Health Supplements.

<sup>[2]</sup> Circular Letter of the National Narcotics Agency (BNN) of 2019 (Circular of the Head of BNN No. B/3985/X/KA/PL.02/2019/BNN).



context of kratom governance at the regional level, kratom is regulated under the Regional Regulation of Kapuas Hulu No. 4 of 2024, which emphasizes kratom as a commercial commodity, with a focus on trade aspects, quality standards, and market access. Meanwhile, the Regulation of the Governor of West Kalimantan No. 33 of 2022 classifies kratom as a non-timber forest product, emphasizing ecological dimensions, conservation, and recognition of the role of medicinal plants in community life. These two regional regulations indicate that kratom is simultaneously viewed as an economic asset and as part of a forest ecosystem with cultural and ecological value.

From a historical perspective, kratom has been used by the people of West Kalimantan since the 19th century to treat various ailments, such as diarrhea, wounds, and muscle pain.<sup>[3]</sup> This demonstrates a close relationship between local communities and kratom that goes beyond the dichotomy of narcotics classification and commercial trade. Field findings among the Dayak Kalis Indigenous Community in Kapuas Hulu show that kratom is not merely a trade commodity, but rather an integral part of local knowledge and cultural practice. Farmers in Nanga Danau and Nanga Tubuk rely on kratom as their primary source of income, while customary leaders emphasize its social and health functions, including its use as a stamina enhancer and traditional medicine. By discussing the experiences of the Dayak Kalis Community in utilizing kratom, this policy paper argues that kratom governance cannot be separated from indigenous peoples' perspectives. The fundamental question posed is: how do indigenous peoples perceive and engage in the governance of kratom?

This report consists of six chapters. Following the Introduction, Chapter II provides a brief overview of kratom, including the characteristics of the compounds it contains. Chapter III discusses the regulation of kratom and the surrounding debates, while Chapter IV examines more closely the relationship between the Dayak Kalis Indigenous Community in Kapuas Hulu and kratom. Subsequently, in Chapter V, drawing on the experiences of the Dayak Kalis Community, the researchers demonstrate how kratom is used and perceived by indigenous peoples and other stakeholders in the field. Finally, Chapter VI presents conclusions and policy recommendations for more equitable and sustainable governance.

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<sup>[3]</sup> Ratna Herawatiningsih, et.al., *Ethnobotany of Kratom Plants by Society Around the Labian DAS in Labian Ira'ang Village, Batang Lupar Sub-District, Kapuas Hulu Regency*, Jurnal Hutan Lestari (2024) Vol. 12 (1): 165-176, accessed via: <https://jurnal.untan.ac.id/index.php/jmfkh/article/viewFile/72344/75676602069>.



The significance of this research lies in its effort to bridge the gap between state policy and indigenous community practices. In doing so, this policy paper enriches the literature with empirical accounts that are rarely available, highlighting regulatory contradictions that tend to focus either on prohibition or commodification. The primary contribution of this study is the incorporation of indigenous peoples' perspectives as a foundation for policy analysis, thereby enabling kratom governance, and narcotics governance more broadly, to be more consistent with societal realities.

## I.B. **Research Methodology**

### **Literature Review**

This study began with a literature review aimed at identifying kratom-related regulations, collecting information and publications on the benefits of kratom, examining governance frameworks centered on indigenous peoples, and exploring the reasons why involving them in policy formulation is essential. The review encompassed legal documents, ministerial and regional regulations, as well as academic literature on ethnobotany and narcotics policy.

### **Field Study**

To strengthen the findings derived from the literature review, this research also conducted interviews and observations through direct visits to the Dayak Kalis Indigenous Community in Kapuas Hulu, West Kalimantan, from May 16 to 20, 2025. Semi-structured interviews and observations were carried out with the following groups and institutions:

1. Indigenous community members who are kratom farmers in Nanga Danau and Nanga Tubuk, Kalis Subdistrict, Kapuas Hulu
2. Indigenous community members who are kratom buyers in Nanga Danau and Nanga Tubuk, Kalis Subdistrict, Kapuas Hulu
3. Customary leader in Nanga Danau
4. Customary leader in Nanga Tubuk
5. Dayak Customary Council
6. Malay Customary Council
7. Association of Indigenous Peoples Defenders of the Archipelago (Perhimpunan Pembela Masyarakat Adat Nusantara/PPMAN) of West Kalimantan
8. Provincial Health Office of West Kalimantan
9. Provincial Office of Environment and Forestry of West Kalimantan
10. Provincial Office of Industry and Trade of West Kalimantan

Data collected from these interviews are presented descriptively and analyzed using legal and human rights frameworks, as articulated in both international and national legal instruments.

The researchers acknowledge certain limitations in the presentation of the findings. First, the field study was conducted over a relatively short period, such that the interviews and observations may not fully capture the complexity of the social, cultural, and economic dynamics of indigenous communities. Second, although the informants were selected to represent a range of relevant stakeholders, including farmers, buyers, customary leaders, civil society organizations providing support to indigenous communities, and regional government agencies, time and access constraints meant that national-level actors were not involved. Third, reliance on interviews and secondary literature introduces the possibility of interpretive bias.

Accordingly, the findings of this study constitute an initial portrayal of the legitimacy of indigenous peoples' participation in policy governance. Moreover, this research underscores the importance of incorporating indigenous peoples' perspectives as a foundation for further discussion and future research on indigenous community-based kratom governance.



CHAPTER II

## **UNDERSTANDING KRATOM (MITRAGYNA SPECIOSA KORTH)**



## II.A. **Origins, Distribution, and Uses of Kratom**

Kratom (*Mitragyna speciosa* Korth) is a tropical tree belonging to the Rubiaceae family. It was first identified and published in early 1839 by Pieter Willem Korthals, a Dutch botanist.<sup>[4]</sup> Kratom is widely distributed across Southeast Asia, including Thailand, Malaysia, Papua New Guinea, and Indonesia.<sup>[5]</sup> In botanical classification, kratom is categorized as a plant that grows naturally in humid tropical forests,<sup>[6]</sup> typically reaching a height of 4-9 meters with a canopy width of approximately 5 meters, although it can grow as tall as 15-30 meters.<sup>[7]</sup>

In terms of varietal classification, kratom is generally distinguished by the color of the veins on its leaves: green, red, and white.<sup>[8]</sup> Green-vein kratom is known for its balanced effects, providing both energy and relaxation, making it suitable for daily activities.<sup>[9]</sup> Red-vein kratom is more commonly used as a pain reliever and natural sedative and is therefore often utilized for relaxation or to aid sleep.<sup>[10]</sup> White-vein kratom, by contrast, tends to produce stimulating effects and enhance focus.<sup>[11]</sup> In Indonesia, kratom is predominantly found in West Kalimantan, particularly in areas surrounding the Kapuas River basin.<sup>[12]</sup> The most commonly encountered types are green- and red-vein kratom, while white-vein kratom is relatively rare.<sup>[13]</sup> As a result, green- and red-vein kratom dominate both local trade and export markets.<sup>[14]</sup>

The use of kratom leaves has long been practiced traditionally among local communities. Typically, kratom leaves are consumed by chewing them in a manner

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<sup>[4]</sup> Dr. apt. Adang Firmansyah, M.Si, *et.al.*, *Kratom: Kajian Botani, Fitokimia, Farmakologi, Isolasi, dan Analisis*, Deep Publish (2021), p. 4, accessed via: <https://ipusnas2.perpusnas.go.id/book/1ce3ee6d-02fb-4117-878e-687b0c0ecbe6/789493d9-4f7c-48d1-ad32-e2c120461f68>.

<sup>[5]</sup> Slamet Wahyono, *et.al.*, *Kratom Prospek Kesehatan dan Sosial Ekonomi*, Ministry of Health: Health Research and Development Agency Press, (2019): 1.

<sup>[6]</sup> Mukhlisi, *et.al.*, *Flora di Habitat Bekantan Lahan Basah Suwi Kalimantan Timur*, Forda Press (2018): 70.

<sup>[7]</sup> Adang Firmansyah, *Op.cit.*, p. 19.

<sup>[8]</sup> *Ibid.*, p. 8.

<sup>[9]</sup> Egon Arenberg, *Unveiling the Spectrum: A Deep Dive into Kratom Colors and Strains*, ACS Laboratory (2023), accessed via: <https://www.acslab.com/kratom/kratom-colors-and-strains?utm>.

<sup>[10]</sup> *Ibid.*

<sup>[11]</sup> *Ibid.*

<sup>[12]</sup> Adang Firmansyah, *Op.cit.*, p. 25.

<sup>[13]</sup> *Ibid.*

<sup>[14]</sup> *Ibid.*



**Figure 1:** Kratom with red veins

similar to betel chewing, brewing them like tea, or burning and smoking them like cigarettes.<sup>[15]</sup> For indigenous communities in West Kalimantan, kratom plays an important role in daily life, which has led to its popular designation as the “Leaf of Heaven from Kalimantan.”<sup>[16]</sup> The leaves are often used as a stamina enhancer for farmers and fishers who work for extended periods in fields and rivers.<sup>[17]</sup>

In addition, kratom is regarded as an alternative form of traditional medicine and as a sleep aid. Some indigenous communities even associate kratom with cultural practices and local wisdom related to maintaining health.<sup>[18]</sup> These practices demonstrate that the plant holds significant social and cultural value for indigenous peoples.

In other Southeast Asian countries, such as Thailand and Malaysia, kratom likewise has a long history of use in community life. In Thailand, for example, kratom, known locally as “kakuam” or “thom”,<sup>[19]</sup> has been used for centuries as a traditional remedy to alleviate fatigue and as an alternative treatment for diarrhea or fever.<sup>[20]</sup> Notably, although kratom was once prohibited, Thailand removed it from

<sup>[15]</sup> *Ibid.*, p. 95.

<sup>[16]</sup> *Ibid.*, p. 1.

<sup>[17]</sup> *Ibid.*, p. 44.

<sup>[18]</sup> Ratna Herawatiningsih, Rita Sabtiani, Gusti Eva Tavita, Etnobotani Tanaman Kratom (*Mitragyna speciosa*) oleh Masyarakat di Sekitar DAS Labian di Desa Labian Ira’ang Kecamatan Batang Lupar Kabupaten Kapuas Hulu, Jurnal Hutan Lestari (2024) Vol. 12 (1), p. 165 – 176.

<sup>[19]</sup> Farah W. Suhaimi Nurul H.M, et.al., *Neurobiology of Kratom and its Main Alkaloid Mitragynine*, Brain Research Bulletin (2016), accessed via: <http://dx.doi.org/doi:10.1016/j.brainresbull.2016.03.015>.

<sup>[20]</sup> Saingam D, Assanangkornchai S, Geater AF, Balhithip Q. *Pattern and Consequences of Kratom (Mitragyna speciosa Korth.) Use Among Male Villagers in Southern Thailand: A Qualitative Study*. Int J Drug Policy (2013), accessed via: <https://doi.org/10.1016/j.drugpo.2012.09.004>.

the list of banned narcotics in 2021 and legalized its use for both medical and commercial purposes as a form of official recognition of its economic value and health benefits.<sup>[21]</sup>

Malaysia also has a long-standing tradition of kratom use, where it is known as “ketum.”<sup>[22]</sup> Decoctions of kratom leaves have long been consumed as a beverage believed to refresh the body, help reduce pain, and form part of traditional healing practices in rural communities.<sup>[23]</sup> In addition, Malaysian communities also consume kratom leaves in the form of processed juice. However, due to the bitter taste of kratom leaves, they are typically mixed with sweeteners or other sweet beverages.<sup>[24]</sup>

## II.B. **Compounds Contained in Kratom**

The alkaloid compounds present in kratom leaves each play an important role in explaining why this plant has long been used by communities in Southeast Asia.<sup>[25]</sup> Mitragynine is the principal alkaloid<sup>[26]</sup> and a distinctive indole alkaloid<sup>[27]</sup> found in kratom that is not present in other plants.<sup>[28]</sup> Its content accounts for approximately two-thirds of the total alkaloid composition in kratom leaves.<sup>[29]</sup> This compound acts on the same brain receptors as pain-relieving drugs (opioid

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<sup>[21]</sup> Tilleke & Gibbins, Thailand’s Updated Guidelines on Kratom in Food and Herbal Products, AustChamThailand (2025), accessed via: <https://www.austchamthailand.com/thailands-updated-guidelines-on-kratom-in-food-and-herbal-products/>.

<sup>[22]</sup> Kamarudin Ahmad dan Zorah Aziz, Mitragyna speciosa Use in the Northern States of Malaysia: A Cross-Sectional Study, Journal of Ethnopharmacology (2012), p. 446, accessed via: <https://doi.org/10.1016/j.jep.2012.03.009>.

<sup>[23]</sup> *Ibid.*

<sup>[24]</sup> Adang Firmansyah, *Op.cit.*, p. 3.

<sup>[25]</sup> Alkaloids are naturally occurring nitrogen-containing compounds with strong biological effects. In medical contexts, alkaloids are used as analgesics, stimulants, anticancer agents, antimalarial drugs, and in the treatment of respiratory, cardiovascular, and neurological conditions (britannica.com).

<sup>[26]</sup> Luisa Boffa, *et.al.*, Alkaloid Profiles and Activity in Different Mitragyna speciosa Strains, Natural Product Communications (2018) Vol. 13, No. 9, p. 1111-1116.

<sup>[27]</sup> A subclass of alkaloids. All indole alkaloids are alkaloids, but not all alkaloids are indole alkaloids.

<sup>[28]</sup> Vânia Meireles, *et.al.*, Mitragyna speciosa: Clinical, Toxicological Aspects and Analysis in Biological and Non-Biological Samples, National Library of Medicine (2019).

<sup>[29]</sup> Guido Huisman, *et.al.*, Examining the Psychoactive Differences between Kratom Strains, International Journal of Environmental Research and Public Health (2023).



receptors), and is therefore known to alleviate pain, albeit through a relatively mild mechanism.<sup>[30]</sup> In addition, mitragynine also affects adrenergic nerve receptors associated with alertness, contributing to a calming effect on the body.<sup>[31]</sup> At low doses, mitragynine can produce feelings of freshness and increased energy, thereby helping individuals remain motivated and active.<sup>[32]</sup>

Another compound is 7-hydroxymitragynine (7-HMG), which is a derivative formed through direct transformation of mitragynine.<sup>[33]</sup> This transformation occurs through two pathways. First, within the human body, mitragynine is metabolized by liver enzymes (P450).<sup>[34]</sup> Second, outside the human body, harvested kratom leaves undergo natural oxidation through exposure to air during storage and processing. The concentration of 7-HMG in kratom constitutes only about 2% of the total alkaloid content in kratom leaves.<sup>[35]</sup> Despite its relatively low concentration, its potency in reducing pain is estimated to be three to ten times stronger than morphine.<sup>[36]</sup> Its exceptionally high analgesic potential has therefore been regarded as one of the primary factors underlying the opioid-like effects of kratom.<sup>[37]</sup> For this reason, this compound is considered highly valuable for medical research as a potential alternative to conventional analgesics, which often carry a high risk of dependence.<sup>[38]</sup>

In addition to these two primary compounds, kratom also contains speciogynine and speciociliatine. Speciogynine accounts for approximately 7% of the total alkaloid content in kratom.<sup>[39]</sup> Unlike mitragynine, which primarily acts on opioid receptors, speciogynine interacts more extensively with serotonin receptors, contributing to mood-stabilizing effects and exhibiting antidepressant-like properties.<sup>[40]</sup> Another compound, speciociliatine, constitutes only about 1% of the total alkaloid content in kratom leaves.<sup>[41]</sup> Nevertheless, despite its small proportion,

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<sup>[30]</sup> *Ibid.*

<sup>[31]</sup> *Ibid.*

<sup>[32]</sup> Kratom (*Mitragyna speciosa* Korth), Drug Enforcement Administration (2025).

<sup>[33]</sup> Luisa Boffa, *et.al.*, *Op Cit.*

<sup>[34]</sup> Rakshit S. Tanna, *et.al.*, Translating Kratom-Drug Interactions: From Bedside to Bench and Back, Special Section on Perspective on Drug Metabolism and Disposition, Part II-Minireview (2023).

<sup>[35]</sup> *Ibid.*

<sup>[36]</sup> *Ibid.*

<sup>[37]</sup> Vânia Meireles, *et.al.*, *Op.Cit.*, 26.

<sup>[38]</sup> *Ibid.*

<sup>[39]</sup> *Ibid.*

<sup>[40]</sup> Guido Huisman, *et.al.*, *Op.Cit.* 27.

<sup>[41]</sup> Vânia Meireles, *et.al.*, *Op.Cit.* 26.

this compound plays an important role because it can act as a partial agonist at opioid receptors.<sup>[42]</sup> As such, it contributes to pain-relieving effects and sensations of comfort, although its effects are not as strong as those of mitragynine or 7-HMG.<sup>[43]</sup> Together, these compounds help promote bodily relaxation.

Another compound identified in kratom is paynantheine (PAY), which accounts for approximately 9% of the total alkaloid content.<sup>[44]</sup> This compound, together with speciogynine, demonstrates a high affinity for serotonin receptors, indicating serotonergic activity.<sup>[45]</sup> The serotonergic system itself plays a crucial role in regulating mood and emotions.<sup>[46]</sup> This characteristic allows PAY to contribute effects distinct from those of mitragynine or 7-HMG, which predominantly act on opioid receptors.

Through the combined action of these alkaloids, kratom is able to provide a range of benefits, including pain relief, reduction of fatigue, improved sleep quality, and alleviation of inflammation. This combination helps explain why kratom has long been used by local communities not only as an energy enhancer, but also as a “natural medicine” for various ailments.

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<sup>[42]</sup> Rakshit S. Tanna, *et.al.*, *Op.Cit.* 32.

<sup>[43]</sup> Vânia Meireles, *et.al.*, *Op.Cit.* 26.

<sup>[44]</sup> *Ibid.*

<sup>[45]</sup> Rakshit S. Tanna, *et.al.*, *Op.Cit.* 32.

<sup>[46]</sup> Julie G. Hensler, *Serotonin in Mood and Emotion, Handbook of Behavioral Neuroscience*. Chapter 3.5, Vol 21 (2010).



CHAPTER III

# **THE DEBATE AND REGULATION OF KRATOM**



Policies governing the classification of plant-based narcotics, as reflected in Article 111 of Law No. 35 of 2009 on Narcotics, are grounded in a highly punitive approach and lack transparent mechanisms explaining how a substance may be included in, removed from, or have its status altered within the narcotics classification system. In this context, the discourse surrounding the prohibition of kratom has emerged by following a pattern similar to that applied to cannabis, without being preceded by a comprehensive scientific assessment.

Over the past decade, a number of government policies have pushed kratom toward classification as a Schedule I narcotic, even though none of these policies provide an adequate scientific basis or an open regulatory mechanism accessible to the public.<sup>[47]</sup> At the same time, the State has developed economic policy instruments that recognize kratom as a legal commodity with high value. The constellation of kratom-related regulations over the past ten years can be outlined as follows:

**1. Regulation of the Head of the Food and Drug Supervisory Agency (BPOM) No. HK.00.05.41.1384 of 2005 on the Criteria and Procedures for the Registration of Traditional Medicines, Standardized Herbal Medicines, and Phytopharmaceuticals**

- This document is publicly accessible at: [Regulation of the Head of BPOM of 2005](#)
- In Appendix 14 of this regulation, kratom is listed as a category of plant prohibited from use in traditional medicines, standardized herbal medicines, and phytopharmaceuticals. No explanation is provided regarding the reasons underlying this prohibition.

**2. Circular Letter No. HK.04.4.42.421.09.16.1740 of 2016 on the Prohibition of the Use of *Mitragyna speciosa* (Kratom) in Traditional Medicines and Health Supplements**

- This document is publicly accessible at: [Circular Letter of BPOM of 2016](#)
- This regulation provides the rationale for the prohibition of kratom as stated in the Regulation of the Head of BPOM of 2005, namely:

**a. *Mitragyna speciosa* (kratom or ketum) is included in the List of Ingredients Prohibited for Use in Food Supplements and Traditional Medicines.**

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<sup>[47]</sup> Indonesian Food and Drug Supervisory Agency (BPOM), Circular Letter No. HK.04.4.42.421.09.16.1740 of 2016 on the Prohibition of the Use of *Mitragyna speciosa* (Kratom) in Traditional Medicines and Health Supplements.

b. *Mitragyna speciosa* contains the alkaloid mitragynine, which at low doses has stimulant effects and at high doses may exert sedative-narcotic effects.

c. BPOM has never granted marketing authorization for traditional medicine or food supplement products containing *Mitragyna speciosa*.

3. In 2017, the National Committee for Changes in the Classification of Narcotics and Psychotropics proposed that kratom be classified as a Schedule I narcotic.

- Several publications, media reports, and references by the National Narcotics Agency (BNN) state that in 2017 the Committee proposed the inclusion of kratom as a Schedule I narcotic, with a five-year transition period for implementation.<sup>[48]</sup>
- This study attempted to trace the relevant documentation but was unable to locate it. Referring to the Minister of Health Decree No. HK.01.07/MENKES/550/2018 on the National Committee for Changes in the Classification of Narcotics and Psychotropics, the Committee itself was established by a Decree of the Minister of Health.
- In 2017, at least three Regulations of the Minister of Health addressed narcotics classification, revoking previous regulations, and replacing them with updated ones; however, none of these regulations addressed kratom, whether in the form of a proposal or a prohibition:

a. Regulation of the Minister of Health No. 2 of 2017 on Amendments to Narcotics Classification, revoked by;

b. Regulation of the Minister of Health No. 41 of 2017 on Amendments to Narcotics Classification, revoked by;

c. Regulation of the Minister of Health No. 58 of 2017 on Amendments to Narcotics Classification.

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<sup>[48]</sup> Dwi Yuli Handani, *BNN Kratom Dilarang Total Mulai 2022*, [suarasurabaya.net](https://www.suarasurabaya.net), November 5, 2019, accessed via: <https://www.suarasurabaya.net/kelanakota/2019/bnn-kratom-dilarang-total-mulai-2022/>

4. 1. Letter of the Head of the National Narcotics Agency (BNN) No. B/3985/X/KA/PL.02/2019/BNN on BNN's Position Regarding the Circulation and Misuse of Kratom in Indonesia

- BNN describes this letter as support for the 2017 decision of the National Committee for Changes in the Classification of Narcotics and Psychotropics to classify kratom as a narcotic. Similar to the Committee's decision, this letter of support is not accessible to the public.
- BNN has also been the institution most frequently asserting that kratom has been classified as a Schedule I narcotic and urging communities in West Kalimantan to shift to other commodities.<sup>[49]</sup>
- Referring to a 2020 BNN presentation uploaded under the Deputy for Community Empowerment, several recommendations are stated, including:<sup>[50]</sup>

a. Kratom plants and their processed products, including active chemical compounds, should be classified as Schedule I narcotics through a Regulation of the Minister of Health, with a maximum transition period of five years.

b. Issuance of a regulation with legal standing one level below a Regulation of the Minister of Health, pending a decision from the Ministry of Health during the five-year transition period.

c. During the five-year transition period, studies should be conducted on planned land-use conversion, socio-economic impacts, and demographic conditions of local communities.

5. Decree of the Minister of Agriculture No. 104/KPTS/HK.104/M/2/2020 on Commodities Fostered by the Ministry of Agriculture This regulation listed kratom as a medicinal plant commodity under ministerial supervision.

<sup>[49]</sup> Emanuel Edi Saputra, BNN Memberi Masa Transisi Petani Kratom, Kompas.id, November 5, 2019, accessed via: <https://www.kompas.id/artikel/bnn-memberi-masa-transisi-petani-kratom>.

<sup>[50]</sup> Presentation available via: [https://bnn.go.id/konten/unggahahan/2020/01/Kratom\\_Dayamas.pdf](https://bnn.go.id/konten/unggahahan/2020/01/Kratom_Dayamas.pdf).



However, it was revoked by the Decree of the Minister of Agriculture No. 591.1/KPTS/HK.104/M/9/2020 on Commodities Fostered by the Ministry of Agriculture, which no longer includes kratom.

6. Regulation of the Governor of West Kalimantan No. 33 of 2022 on the Development of Non-Timber Forest Products Under this regulation, kratom is included as part of non-timber forest product development and classified as a medicinal plant.
7. Regulation of the Food and Drug Supervisory Agency (BPOM) No. 25 of 2023 on the Criteria and Procedures for the Registration of Natural Product Medicines This regulation revokes the Regulation of BPOM No. HK.00.05.41.1384 of 2005 on the Criteria and Procedures for the Registration of Traditional Medicines, Standardized Herbal Medicines, and Phytopharmaceuticals and once again prohibits all medicinal uses of kratom.
8. Regional Regulation of Kapuas Hulu Regency No. 4 of 2024 on Trade Governance and Kratom Governance This regulation focuses on kratom as a commercial commodity.
9. Regulation of the Head of the National Narcotics Agency (BNN) No. 8 of 2023 on Technical Guidelines for Prohibited Plant Areas, which identifies kratom as a potential new type of prohibited plant.
10. Regulation of the Minister of Trade No. 21 of 2024 on the Second Amendment to the Regulation of the Minister of Trade No. 23 of 2023 on Export Policies and Regulations, which establishes standardized requirements for kratom exports.

Of all these regulations, only the Circular Letter of BPOM of 2016 explicitly prohibits kratom, and the prohibition is limited to medicinal and supplement products. There is no regulation that legally classifies kratom as a Schedule I narcotic, nor is there any regulation that stipulates a five-year transition period as claimed in various BNN statements. On the contrary, the Regulation of the Minister of Trade No. 21 of 2024 and the Regional Regulation of Kapuas Hulu No. 4 of 2024 instead reaffirm the legality and economic value of kratom.

Behind this policy ambivalence, the State appears to have been quicker to absorb the economic value of kratom than to understand the ecological, historical, and cultural relationships between indigenous communities and the plant. The State

primarily views kratom as an export commodity: valuable when traded, yet viewed with suspicion when embedded in local practices of use.

This perspective is strongly criticized by a Kapuas Malay Indigenous Community figure, Itam Durni, who emphasized that kratom has been used since ancestral times as medicine and as part of indigenous knowledge systems. For Durni, kratom is not dangerous as long as it is properly managed; what is needed is clear regulation, not prohibition.<sup>[51]</sup>

Durni underscored the importance of local mechanisms such as purchase permits, the organization of collectors, and the regulation of trade within customary territories to prevent misuse while simultaneously protecting community livelihoods. Durni's statement that "drinking kratom water is actually medicine, so what needs to be regulated is its management" illustrates that indigenous communities possess knowledge and governance practices that are far more contextual than the State's top-down approach.

This interview highlights the core issue: indigenous peoples are the actors who best understand the functions, values, and risks of kratom, yet they are the least involved in policy formulation. The State positions kratom as an object of economic interest and legal control, whereas for indigenous peoples, kratom is part of an ecological landscape, a knowledge system, and a livelihood strategy passed down through generations. Therefore, kratom governance cannot be constructed solely from economic or security perspectives; it must begin with substantive recognition of the rights, knowledge, and lived experiences of indigenous peoples who coexist most closely with this plant.

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<sup>[51]</sup> Interview with Itam Durni, Kapuas Hulu Indigenous Community figure, West Kalimantan, May 18, 2025.



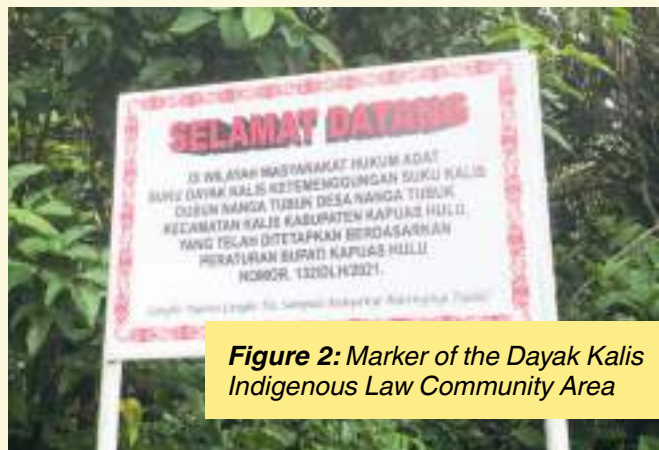
#### CHAPTER IV

### **THE RELATIONSHIP BETWEEN THE DAYAK KALIS INDIGENOUS COMMUNITY OF KAPUAS HULU AND KRATOM (MITRAGYNA SPECIOSA KORTH)**

## IV.A. **Position and Recognition of the Dayak Kalis Community**

The Dayak Kalis Indigenous Community inhabits customary territory in Kalis Subdistrict, Kapuas Hulu Regency, West Kalimantan. This area lies in the upper reaches of the Kapuas River and is characterized by tropical rainforest, swamp lands, and humid hills. Officially, this community has been recognized through the Decree of the Regent of Kapuas Hulu No. 128/DLH/2021 on the Determination of Recognition and Protection of Indigenous Law Communities (Pengakuan dan Perlindungan Masyarakat Hukum Adat/PPMHA) of the Dayak Kalis Tribe of Nanga Danau.<sup>[52]</sup> This recognition strengthens the community's legitimacy to independently manage its customary territory and customary forests as the foundation of its livelihood.

From a sociological perspective, the Dayak Kalis Community forms part of indigenous peoples who possess systems of values, norms, traditional knowledge, customary territories, and customary law passed down through generations.



**Figure 2:** Marker of the Dayak Kalis Indigenous Law Community Area

The Indigenous Peoples Alliance of the Archipelago (Aliansi Masyarakat Adat Nusantara/AMAN) identifies four ancestral legacies that characterize indigenous peoples: cultural identity, traditional knowledge, customary territories as living spaces, and customary institutions. For the Dayak Kalis, customary forests are not merely ecological zones, but living spaces that integrate spiritual, economic, and social relationships.<sup>[53]</sup> Recognition of customary forests therefore entails recognition of the legal systems, values, and identities that they uphold.

<sup>[52]</sup> Indigenous Territory Registration Agency (Badan Registrasi Wilayah Adat/BRWA), "Profil Komunitas Dayak Kalis Nanga Danau: Wilayah Adat, Hukum Adat, dan Sistem Wilayah," BRWA, accessed via: <https://brwa.or.id/wa/view/bENpcnk3U0hXSU0>.

<sup>[53]</sup> Mengenal Siapa Itu Masyarakat Adat, Indigenous Peoples Alliance of the Archipelago (AMAN), Agustus 30, 2021. Accessed via: <https://aman.or.id/news/read/1267>.



The relationship between indigenous peoples and customary forests is both political and normative in nature.<sup>[54]</sup> Dayak communities divide forest areas into specific zones, such as sacred forests, production forests, and shifting cultivation areas, each governed by strict customary laws designed to maintain ecological balance.<sup>[55]</sup> Within their natural resource management system, the Dayak Kalis Community recognizes the concept of Toan Pari'an, or protected forest, which refers to customary conservation areas that function to preserve ecological balance and serve as shared sources of livelihood.<sup>[56]</sup> In addition, they practice the tradition of Ulak Pamali (forbidden pools) as a form of local wisdom to protect rivers and aquatic ecosystems from excessive exploitation, with customary sanctions imposed on violators.<sup>[57]</sup> Conflict resolution mechanisms are likewise carried out through customary deliberation rather than state law, as explained by PPMAN.<sup>[58]</sup> These practices demonstrate the strength of local governance as the foundation of community life.

It is within this context that kratom (*Mitragyna speciosa*) is understood. The history of kratom use in West Kalimantan dates back to the 19th century, when it was utilized for traditional medicinal purposes such as treating diarrhea, relieving muscle pain, and restoring physical stamina.<sup>[59]</sup> Kratom grows naturally within customary territories and has long formed part of the community's ecological knowledge, well before it became entangled in debates on narcotics and trade. This understanding is essential to assessing how the prohibition of kratom would have direct impacts on the livelihood systems, local knowledge, and ecological balance of the Dayak Kalis Community.

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<sup>[54]</sup> Ningrum Ambarsari, *et al.*, "Eksistensi Kedudukan Masyarakat Adat dalam Tata Hukum Indonesia (*The Existence of the Position of Indigenous Peoples in the Indonesian Legal System*)", *Journal of Collaborative Science* 8, no. 2 (February 2025): 1173–1179, <https://jurnal.unismuhpalu.ac.id/index.php/JKS>.

<sup>[55]</sup> Estungkara, *Mengapa Hutan Adat Penting bagi Masyarakat Adat*, Juni 11, 2024, <https://estungkara.id/mengapa-hutan-adat-penting-bagi-masyarakat-adat/>.

<sup>[56]</sup> BRWA, *Profil Wilayah Adat Dayak Kalis Nanga Danau*, bagian "Sistem Penguasaan & Pengelolaan Wilayah," accessed via BRWA's official site, <https://brwa.or.id/wa/view/bENpcnk3U0hXSU0>.

<sup>[57]</sup> Nusantara Fund, "Program Masyarakat Adat Suku Dayak Kalis Nanga Danau Ketemenggungan," *Nusantara Fund*, accessed via <https://nusantarafun>.

<sup>[58]</sup> Interview with Dunasta, representative of the Association of Indigenous Peoples Defenders of the Archipelago (PPMAN), conducted by researchers from the Community Legal Aid Institute (LBHM), West Kalimantan, May 16, 2025.

<sup>[59]</sup> Interview with Teddy Winardi, Dayak Kalis Customary Council, conducted by researchers from the Community Legal Aid Institute, Nanga Danau, May 17, 2025.

## IV.B. **The Politics of Recognition of Indigenous Peoples and Customary Forests**

In principle, recognition of indigenous peoples constitutes a state obligation, as affirmed in international human rights instruments, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>[60]</sup> At the national level, Indonesia's constitutional framework, through Article 18B paragraph (2) of the 1945 Constitution, recognizes the existence of indigenous law communities along with their traditional rights.<sup>[61]</sup> However, such recognition is conditional, as its applicability depends on the State's assessment of whether an indigenous community is considered to be "still in existence" and "in accordance with societal development." As a result, recognition often remains at a symbolic and administrative level, without guaranteeing substantive protection of indigenous peoples' living territories and knowledge systems.

Constitutional Court Decision No. 35/PUU-X/2012 represents an important milestone, as it affirmed that customary forests are no longer part of state forests, but instead fall under the control of indigenous law communities.<sup>[62]</sup> Nevertheless, its implementation remains constrained by lengthy and technocratic procedures. As explained by a representative of PPMAN:

*Because Article 18B of the Constitution still requires a regent's decision, through the mandate of the Regulation of the Minister of Home Affairs No. 52 of 2014, there must be a regional regulation and a decree. Indigenous peoples must be formally determined through a regent's decree. Since 2014, we have therefore conducted advocacy for a regional regulation on the recognition and protection of indigenous peoples. In 2018/2019, a Regional Regulation on the Recognition and Protection of Indigenous Law Communities was issued, which then again mandated the issuance of a regent's decree to make it more specific.*

*(Dunasta, Coordinator of PPMAN of Kalimantan Region)<sup>[63]</sup>*

<sup>[60]</sup> United Nations, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007, Article 26.

<sup>[61]</sup> The 1945 Constitution of the Republic of Indonesia, Article 18B paragraph (2).

<sup>[62]</sup> Constitutional Court of the Republic of Indonesia, Decision No. 35/PUU-X/2012 on the Judicial Review of Law No. 41 of 1999 on Forestry against the 1945 Constitution.

<sup>[63]</sup> Field interview with Dunasta, S.H., M.H., Coordinator of PPMAN of Kalimantan Region, May 15, 2025.

Based on the Regulation of the Minister of Home Affairs No. 52 of 2014 on Guidelines for the Recognition and Protection of Indigenous Law Communities (Permendagri 52/2014) and the Regulation of the Minister of Environment and Forestry No. 9 of 2021 on Social Forestry Management (Permen LHK 9/2021), indigenous communities must undergo a series of stages, including identification, verification, validation, and formal designation by regional governments, before they may apply for the designation of customary forests to the Ministry of Environment and Forestry.<sup>[64]</sup> This process requires territorial maps, proof of historical tenure, customary law, and institutional structures, which are often difficult to fulfill without assistance from civil society organizations.

Current conditions reveal a significant gap between the social existence of indigenous peoples and their legal legitimacy. Of the total 33.6 million hectares of customary territories that have been registered, only approximately 19% have been recognized by regional governments, and the total area of customary forests formally designated has reached only 265,250 hectares.<sup>[65]</sup> This means that the majority of customary territories in Indonesia remain in a legal grey area, vulnerable to criminalization, land grabbing, and overlapping state claims.

This layered political-legal framework has direct implications for communities such as the Dayak Kalis Indigenous Community. Although they have been recognized as an indigenous law community through the Decree of the Regent of Kapuas Hulu No. 128/DLH/2021, recognition of their customary territory does not automatically guarantee the designation of their customary forest. A representative of the Provincial Office of Environment and Forestry of West Kalimantan explained that the State distinguishes between recognition of indigenous law communities (Masyarakat Hukum Adat/MHA) as legal subjects and the designation of customary forests as legal objects:

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<sup>[64]</sup>Ministry of Home Affairs of the Republic of Indonesia, Regulation of the Minister of Home Affairs No. 52 of 2014 on Guidelines for the Recognition and Protection of Indigenous Law Communities.

<sup>[65]</sup> *Status Pengakuan Wilayah Adat di Indonesia*, BRWA, edition of Agustus 9, 2025, accessed via: <https://brwa.or.id/assets/image/rujukan/1754885406.pdf>.

*When we talk about indigenous law communities, they have customary territories, and their recognition is determined by the regent. The decree on indigenous law communities specifies who the indigenous law community is and where its territory is. Based on this recognition, the community can then apply for what is called a customary forest. So they are different: customary forests are part of customary territories, and not the entire customary territory, but only those parts that still have forest cover. Sometimes, out of two thousand hectares of customary territory, only around three hundred hectares can be designated as customary forest.*

*(Setiyo Haryani, Office of Environment and Forestry of West Kalimantan)<sup>[66]</sup>*

He further emphasized that the designation of customary forests cannot be carried out unilaterally by the community:

*We must avoid situations where communities simply claim, 'this is our customary forest, that is our customary forest.' That is why, after recognition of indigenous law communities at the regency level, applications for customary forests must go through the Ministry of Environment and Forestry.*

*(Setiyo Haryani, Office of Environment and Forestry of West Kalimantan)<sup>[67]</sup>*

Regulation of the Minister of Environment and Forestry No. 9 of 2021 and Decree of the Minister of Environment and Forestry No. 1091 of 2024 stipulate that, following designation, communities must prepare a customary forest management plan to ensure the sustainability of the area.<sup>[68]</sup> To date, the government has designated only around 136 decrees on customary forests, covering a total area of 265,250 hectares.<sup>[69]</sup> This regulatory framework underscores that state recognition of indigenous peoples remains heavily dependent on legal-formal mechanisms fully controlled by the government.

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<sup>[66]</sup> Interview with Setiyo Haryani, S.Hut., M.ENV, representative of the Provincial Office of Environment and Forestry (Dinas Lingkungan Hidup dan Kehutanan/DLHK) of West Kalimantan, May 19, 2025.

<sup>[67]</sup> Ibid.

<sup>[68]</sup> Ministry of Environment and Forestry (Kementerian Lingkungan Hidup dan Kehutanan/KLHK), Ministerial Decree No. SK.1091/MENLHK/SETJEN/PLA.0/12/2024 on Customary Forest Management Plans.

<sup>[69]</sup> "Per Juli 2024, KLHK Sudah Tetapkan 136 Unit Hutan Adat Seluas 265.250 Ha," *detikNews*, July 11, 2024, <https://news.detik.com/berita/d-7488394/per-juli-2024-klhk-sudah-tetapkan-136-unit-hutan-adat-seluas-265-250-ha>.

For the Dayak Kalis, however, forests are not merely ecological territories, but living spaces encompassing value systems, customary law, ecological knowledge, and sources of livelihood such as kratom. Consequently, debates over the status of kratom cannot be separated from the political dynamics of customary forest recognition: as long as the State does not provide full recognition of indigenous peoples' living spaces, any policy concerning plants originating from customary territories risks generating new forms of injustice.

#### **IV.C. How the Dayak Kalis Indigenous Community Discovered, Utilized, and Cultivated Kratom**

Kratom (*Mitragynaspeciosa Korth*) constitutes an important component of the tropical forest ecosystem in Kapuas Hulu, West Kalimantan. The plant grows naturally in areas with moist soil contours, particularly along the banks of the Kapuas River and in lowland forest areas rich in alluvial deposits. Ecologically, kratom coexists with other forest vegetation and forms part of an ecological system that is maintained by indigenous communities. Its wild growth pattern and resistance to eradication indicate that the presence of kratom is inseparable from the characteristics of customary forest landscapes in the region.

This area is characterized by a humid tropical climate with high rainfall and consistently warm temperatures throughout the year, creating a natural environment highly conducive to kratom growth. In addition, geographical proximity to water sources such as rivers and swamps ensures sustained soil moisture, which is essential for this plant. Kapuas Hulu is also part of a tropical rainforest zone with dense vegetation cover, providing filtered sunlight that is ideal for kratom growth. Low levels of pollution and environmentally friendly traditional agricultural practices further help preserve the quality of the ecosystem in which kratom thrives.

Soils in Kapuas Hulu, particularly along riverbanks, are rich in nutrients and have good water absorption capacity, allowing kratom roots to grow strong and healthy. Kratom trees, which can reach heights of up to 30 meters, form part of an ecosystem that has been recognized and safeguarded by local communities for



generations. In fact, kratom has existed along the banks of the Kapuas River for thousands of years as a wild plant species well adapted to the alluvial and moist soil conditions of riparian areas.

The plant grows naturally and is allowed to thrive without deliberate intervention. Since ancient times, it has been known as a plant used for traditional medicinal purposes, demonstrating its strong connection to indigenous ways of life that are closely intertwined with nature. Among the Dayak Kalis Community, kratom is known by the local name "purik" and has become an integral part of their culture and knowledge system.<sup>[70]</sup>

In an interview with a representative of PPMAN, it was explained that: "Initially, kratom was simply consumed by the community; it was often used as traditional medicine and drunk when people were tired, but that was all. It is indeed a naturally occurring plant there."



**Figure 3:** *Kratom growing wild in the yards of Dayak Kalis Indigenous Community households*

This statement indicates that kratom is part of the community's ecological knowledge and traditional medicinal practices, rather than a product of modern cultivation.

The shift in the Dayak Kalis Community's perception of kratom began when a plant previously regarded as part of the wild forest acquired economic value in the global market. Kratom leaves that were once harvested solely for traditional medicinal use have now become a primary source of income for many families. A representative of PPMAN explained: "At first, kratom was only consumed by the community, often used as traditional medicine and drunk when people were tired.

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<sup>[70]</sup> Interview with Teddy Winardi, Dayak Kalis Customary Council, conducted by researchers from the Community Legal Aid Institute (LBHM), Nanga Danau, May 17, 2025.

However, after buyers from outside the region began asking for dried leaves, the community started to see kratom as a source of livelihood.”

Farmers in Nanga Danau and Nanga Tubuk villages, most of whom are women, began cultivating kratom around 2012. This process of “turning leaves into money” occurred gradually. Initially, communities harvested leaves from wild trees growing along riverbanks or in nearby forests. As market demand increased, particularly from overseas, kratom began to be cultivated on land surrounding settlements, including in household yards, as part of household economic strategies. Kratom thus became one of the main sources of income, enabling communities to meet daily needs, finance their children’s education, and strengthen local economic resilience.<sup>[71]</sup>

Interestingly, kratom can be found throughout the Kapuas River basin, with at least three types distinguished based on their characteristics and uses, as also documented by CNN.<sup>[72]</sup> The transformation of kratom from a wild plant into a cultivated product reflects the adaptive dynamics of indigenous communities in response to global economic change, without abandoning the local wisdom that has long underpinned their relationship with nature

The utilization of kratom by the Dayak Kalis community reflects not only economic adaptation to market opportunities but also the depth of cultural values and traditional practices associated with it. In terms of economic welfare, kratom has now become a primary livelihood source. In Kalis Raya Village, for example, approximately 80% of residents rely on kratom cultivation and trade for their household economy. Revenues from kratom harvests sold to local collectors or for export have contributed significantly to increased household income, reduced school dropout rates, and enabled children to access education beyond the local area.<sup>[73]</sup>

Beyond its economic value, kratom also serves important functions in the daily lives of the Dayak Kalis community. Its leaves are traditionally chewed or boiled like tea or coffee to alleviate fatigue, treat diarrhea, and support postpartum care.

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<sup>[71]</sup> Interview with kratom farmers, Nanga Danau Village, Kapuas Hulu, conducted by researchers from the Community Legal Aid Institute (LBHM), May 17, 2025.

<sup>[72]</sup> CNN Indonesia, “Menyusuri Ladang Kratom di Rimba Kalimantan,” YouTube video, July 9, 2024, <https://youtu.be/Dc5qxZjdetc>.

<sup>[73]</sup> Dian Selpiani, *Dampak Budidaya Tanaman Herbal Daun Kratom terhadap Tingkat Kesejahteraan pada Masyarakat Muslim di Desa Kalis Raya, Kecamatan Kalis, Kabupaten Kapuas Hulu* (Undegraduate Thesis, IAIN Pontianak, July 2024).

In addition, kratom is used as a natural dye, while its wood is utilized for constructing huts or as firewood.

Within the cultural and customary sphere, kratom holds symbolic and spiritual significance. Its leaves are used in various customary ceremonies, such as "Malatu ase", a ritual offering to ancestors, and are also presented in post-harvest rituals as an expression of gratitude to nature. The Dayak Kalis Community also enforces customary rules governing the harvesting and use of kratom, including prohibitions on leaf harvesting during menstruation and the imposition of customary sanctions for violations of forest resource extraction norms. This demonstrates that kratom is valued not merely as a commodity, but as an inseparable element of the value system, identity, and ecological balance maintained by the Dayak Kalis Indigenous Community.<sup>[74]</sup>

An interview with Itam Durni, a Kapuas Malay Indigenous figure, further explained that without kratom, communities in Kapuas Hulu would lose a vital source of livelihood: "If it is not regulated, the community will be economically constrained; there will be no livelihoods for the people." For this reason, Durni advocates for a management model based on customary rules, including requirements for buyers and collectors to obtain permits. For Durni's community, kratom is both a legitimate medicine and a lawful commodity, but one that must be managed properly: "This is medicine, not something to be treated carelessly."<sup>[75]</sup>

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<sup>[74]</sup> Ratna Herawatiningsih, Rita Sabtiani, dan Gusti Eva Tavita, "Etnobotani Tanaman Kratom (*Mitragyna speciosa*) oleh Masyarakat di Sekitar DAS Labian di Desa Labian Ira'ang, Kecamatan Batang Lupar, Kabupaten Kapuas Hulu," *Jurnal Hutan Lestari* 12, no. 1 (2024): 165–176.

<sup>[75]</sup> Interview with Itam Durni, Kapuas Malay Indigenous Community figure, West Kalimantan, May 18, 2025.



## CHAPTER V

# **LISTENING TO INDIGENOUS PEOPLES IN FORMULATING SUSTAINABLE KRATOM (*MITRAGYNA SPECIOSA* KORTH) GOVERNANCE**



The importance of listening to indigenous peoples' experiences is driven by empirical realities demonstrating that indigenous communities are rarely positioned as equal political subjects.<sup>[76]</sup> Development initiatives that are often framed as engines of progress instead tend to further marginalize them. Indigenous peoples are seldom provided with substantive spaces for participation and are frequently treated merely as objects, with recognition of their existence confined to symbolic gestures, such as the obligation to wear traditional attire or to present cultural performances during state ceremonies.

This condition stands in stark contrast to various international instruments that place indigenous peoples as key actors in shaping sustainable development pathways. One such instrument is Article 8(j) of the 1992 Convention on Biological Diversity, which was ratified through Law No. 5 of 1994. The article emphasizes the importance of respecting, preserving, and maintaining knowledge, innovations, and practices<sup>[77]</sup> that form the foundation for biodiversity conservation and balanced development.

However, such recognition has not been fully realized in national policy, as reflected in policies that continue to marginalize indigenous peoples. This field study documents the ways in which the Dayak Kalis Indigenous Community utilizes kratom, thereby reinforcing the argument that indigenous knowledge constitutes an integrated and valuable framework for engaging with biodiversity.

Accordingly, this section of the study is divided into three thematic areas, which are discussed below.

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<sup>[76]</sup> See the eviction of indigenous communities in North Penajam Paser due to the construction of the Nusantara Capital City (Isnah Ayunda, *Masyarakat Adat di Penajam Paser Utara Tergusur oleh Pembangunan IKN*, Aman, Agustus 21, 2025, accessed via: <https://www.aman.or.id/story/masyarakat-adat-di-penajam-paser-utara-tergusur-oleh-pembangunan-ikn>) and the relocation of Rempang Island communities due to the Rempang Eco-City National Strategic Project (CNN Indonesia, *Warga Pulau Rempang Kukuh Tolak Relokasi Imbas PSN Eco City*, September 10, 2024, accessed via: <https://www.cnnindonesia.com/nasional/20240910062711-20-1142759/warga-pulau-rempang-kukuh-tolak-relokasi-imbas-psn-eco-city>).

<sup>[77]</sup> Further information is available via: <https://www.cbd.int/traditional/default.shtml>.



## V.A. Utilization for Medicine

Debates over the legality of kratom are often centered on its health benefits and associated risks. However, the assumption that the benefits of kratom are outweighed by its potential harms has led to a deadlock regarding its legal status. As discussed earlier, this debate can be traced back to the Regulation of the Head of the Food and Drug Supervisory Agency No. HK.00.05.41.1384 of 2005 on the Criteria and Procedures for the Registration of Traditional Medicines, Standardized Herbal Medicines, and Phytopharmaceuticals, which prohibited kratom from use as a traditional medicine, standardized herbal medicine, and phytopharmaceutical.

That regulation did not explain the reasons underlying the prohibition of kratom for medicinal purposes. This is notable given the substantial body of research indicating that kratom offers health benefits; even where side effects have been identified, the impacts are generally not severe and tend to occur only in conjunction with pre-existing health conditions.<sup>[78]</sup>

Amid intense debate and a growing body of scientific research, the knowledge of indigenous peoples, who have direct, long-standing relationships with kratom, has frequently been overlooked. Indigenous knowledge, accumulated through years of lived experience, is often regarded as unreliable because it does not pass through standardized testing frameworks associated with modern science. Yet it is indigenous knowledge that connects humans with nature and, as such, should serve as an additional lens for understanding integrative health.<sup>[79]</sup>

The medicinal use of kratom by the Dayak Kalis Indigenous Community exemplifies this interconnection between indigenous peoples and nature. This study finds that the Dayak Kalis Community uses kratom in two primary ways: as a topical remedy and as an oral medicine. For topical use, kratom is applied to treat conditions such as eczema and to close wounds, by rubbing kratom leaves onto the affected area.<sup>[80]</sup>

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<sup>[78]</sup> Striley, C. W., Hoefflich, C. C., Viegas, A. T., Berkowitz, L. A., Matthews, E. G., Akin, L. P., Iheanyi-Okeahialam, C., Mansoor, U., & McCurdy, C. R. (2022). Health Effects Associated with Kratom (*Mitragyna speciosa*) and Polysubstance Use: A Narrative Review. *Substance Abuse: Research and Treatment*, 16, 11782218221095873. <https://doi.org/10.1177/11782218221095873>.

<sup>[79]</sup> Mazzocchi, F. (2018). Under What Conditions May Western Science and Indigenous Knowledge Be Jointly Used and What Does This Really Entail? Insights from a Western Perspectivist Stance. *Social Epistemology*, 32(5), 325–337. <https://doi.org/10.1080/02691728.2018.1527412>.

<sup>[80]</sup> Statement by the Dayak Kalis Indigenous Community, Kapuas Hulu, during interviews conducted by LBHM, May 17-18, 2025.

**Figure 4:** Treating wounds with kratom leaves



*Kratom is very beneficial, especially for healing wounds sustained during work, such as cuts from sharp objects. You take the leaves, chew them, and rub them on to close the wound. The bleeding stops immediately, and it heals quickly.*

*(X, Female, Kratom Farmer)<sup>[81]</sup>*

As an oral medicine, kratom is used to alleviate pain, headaches, support stroke therapy, and improve sleep quality.<sup>[82]</sup> One commonly described method involves brewing 9-13 fresh kratom leaves in a 22 cm kettle containing approximately 3-4 liters of water.<sup>[83]</sup>

*It tastes astringent; I only drink one glass. The next morning I wake up feeling refreshed and comfortable.*

*(Y, Female, Kratom Farmer)*

One of the research subjects stated that they prefer the use of herbal remedies to manage the pain they experience.<sup>[84]</sup> The reason given was that the Dayak Kalis Indigenous Community is accustomed to utilizing natural materials to maintain their

<sup>[81]</sup> *Ibid.*

<sup>[82]</sup> *Ibid.*

<sup>[83]</sup> *Ibid.*

<sup>[84]</sup> *Ibid.*

health, such as bay leaves for high blood pressure, soursop leaves for infections, and keijibeling leaves as a diuretic.<sup>[85]</sup> This practice does not indicate a rejection of conventional medicine; rather, it reflects an effort to preserve local wisdom as part of Dayak Indigenous identity, which has long been associated with traditional healing practices.

Recognition of community experience in medical treatment is in fact explicitly articulated in Article 1 point 1 of the 2005 Regulation of the Head of BPOM, which defines traditional medicine as: “materials or formulations in the form of plant-based materials, animal-based materials, mineral materials, galenic preparations, or mixtures thereof, which have been used for generations for treatment based on experience.” Furthermore, Regulation of the Food and Drug Supervisory Agency No. 25 of 2023 on the Criteria and Procedures for the Registration of Natural Product Medicines (PBPM 25/2023), which repealed the 2005 Regulation of the Head of BPOM, accommodates experiential knowledge of treatment through the following two definitions:

- a. Natural product medicine: materials, formulations, or products derived from natural resources in the form of plants, animals, microorganisms, minerals, or other natural resources, or combinations thereof, which have been used for generations or have been proven efficacious, safe, and of quality, and are used for health maintenance, health promotion, disease prevention, treatment, and/or health recovery based on empirical and/or scientific evidence.<sup>[86]</sup>
- b. Empirical evidence refers to evidence of use of materials that have a documented history of intergenerational utilization.<sup>[87]</sup>

However, despite the passage of 18 years from the 2005 regulation to 2023, BPOM has continued to prohibit the use of kratom. This prohibition was even explicitly articulated in the 2016 Circular Letter of BPOM, notwithstanding the fact that the Dayak Kalis Indigenous Community has directly experienced the benefits of kratom. Such regulation not only conveys the impression that kratom has no potential for medicinal use, but also forecloses recognition of indigenous peoples’ experiential knowledge in utilizing kratom.

The prohibition on kratom use has raised questions among community members regarding the compounds and active substances contained in kratom, particularly

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<sup>[85]</sup> *Ibid.*

<sup>[86]</sup> Article 1 point 2 (PBPM 25/2023).

<sup>[87]</sup> Article 1 point 6 (PBPM 25/2023).

when the prohibition is linked to discourse on the potential classification of kratom as a narcotic by the National Narcotics Agency (BNN), one of the stated reasons being its alleged addictive properties.<sup>[88]</sup> This claim stands in contrast to field realities, which indicate otherwise: there are no cases of kratom addiction reported in Kapuas Hulu.<sup>[89]</sup> This fact was conveyed, among others, by the Governor of West Kalimantan for the 2018-2023 period, Sutarmidji, during an audience with the American Kratom Association and the Indonesian Purik Farmers Association on July 28, 2023.<sup>[90]</sup>

*Kratom is said to be banned because its addictive substance is higher than cannabis, but people have never hallucinated after smoking or consuming kratom leaves.*

*(Sutarmidji, quoted from CNN Indonesia)<sup>[91]</sup>*

These empirical experiences are consistent with findings from research conducted in several countries. A study in the United States involving 2,798 people who used kratom, 61% of whom were women and 90% White, reported that 91% used kratom to relieve back, shoulder, and knee pain; 67% for anxiety; and 65% for depression.<sup>[92]</sup> In addition, 41% used kratom to treat opioid withdrawal symptoms, with 35% of these respondents having abstained from opioids or heroin for one year.<sup>[93]</sup>

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<sup>[88]</sup> Wahyu Priyono, *Bahaya Tanaman Kratom sebagai Tanaman Obat Tradisional*, Direktorat Pengawasan Obat Tradisional dan Suplemen Kesehatan Badan Pengawasan Obat dan Makanan Republik Indonesia, August 28, 2024, accessed via: [https://ditwasotsk.pom.go.id/post/bahaya-tanaman-kratom-sebagai-tanaman-obat-tradisional#:~:text=Drug%20Enforcement%20Administration%20\(DEA\)%20menyatakan,tergantung%20dari%20dosis%20yang%20dikonsumsi](https://ditwasotsk.pom.go.id/post/bahaya-tanaman-kratom-sebagai-tanaman-obat-tradisional#:~:text=Drug%20Enforcement%20Administration%20(DEA)%20menyatakan,tergantung%20dari%20dosis%20yang%20dikonsumsi).

<sup>[89]</sup> Statement by Setiyo Haryani of the Provincial Office of Environment and Forestry of West Kalimantan, conveyed to LBHM on May 19, 2025, noting that the Acting Governor of West Kalimantan, Harisson Azroi (September 2023-February 2025), who previously served as Head of the Health Office of Kapuas Hulu, stated that kratom use does not cause addiction.

<sup>[90]</sup> Kalbaronline.com, *Gubernur Sutarmidji: Tak Ada Warga yang Kecanduan Karena Kratom, Wabup Kapuas Hulu: Dampak yang Pasti Ekonomi Naik*, Kalbaronline.com., July 28, 2023, accessed via: <https://kalbaronline.com/2023/07/28/gubernur-sutarmidji-tak-ada-warga-kalbar-yang-kecanduan-kratom-wabup-kapuas-hulu-dampak-yang-pasti-ekonomi-naik/>.

<sup>[91]</sup> CNN Indonesia, *Kepala BNN: Kratom Masuk Narkotika Golongan I Masih Proses*, CNN Indonesia, June 20, 2022, accessed via: <https://www.cnnindonesia.com/nasional/20220619224456-12-810889/kepala-bnn-kratom-masuk-narkotika-golongan-i-masih-proses>.

<sup>[92]</sup> Albert Garcia-Romeu dalam Johns Hopkins Medicine, *Natural Herb Kratom May Have Therapeutic Effects and Relatively Low Potential for Abuse or Harm According to a User Survey*, Johns Hopkins Medicine, March 2, 2020, accessed via: <https://www.hopkinsmedicine.org/news/newsroom/news-releases/2020/02/natural-herb-kratom-may-have-therapeutic-effects-and-relatively-low-potential-for-abuse-or-harm-according-to-a-user-survey>.

<sup>[93]</sup> *Ibid*.

These findings demonstrate that the experiences of the Dayak Kalis Indigenous Community align with evidence from modern research, while simultaneously challenging assumptions that kratom causes addiction. On the contrary, kratom appears to function as a means of addressing addiction. Nevertheless, the Dayak Kalis Indigenous Community considers it important to understand appropriate and safe usage guidelines, particularly given that discourse surrounding kratom prohibition is often associated with the risk of death.<sup>[94]</sup>

*I heard that if you no longer have a gallbladder, there is nothing left to neutralize toxins. So I no longer dare to drink kratom. I do not know for sure what substances it contains. But I clearly felt the benefits when I drank it. My pain disappeared, and I slept well.*  
(X, Female, Kratom Farmer)<sup>[95]</sup>

It is therefore necessary to take into account the wishes of the Dayak Kalis Indigenous Community by regulating kratom governance to ensure consumption within safe limits while preventing adverse effects that have long been a source of concern. Such a policy should not be difficult to formulate. One reference point can be found in research conducted by the Faculty of Pharmaceutical Sciences, Chulalongkorn University, Thailand.

The research, which focused on the medicinal use of kratom, identified several limitations on kratom use, whether as a single treatment or in combination with other therapies, including the following: <sup>[96]</sup>

1. Kratom should not be used by pregnant women and children.
2. Individuals undergoing medical cannabis treatment should not use kratom.
3. Kratom contains substances that help lower blood glucose levels; however, when combined with diabetes medication or routine insulin injections, it may cause hypoglycemia.

<sup>[94]</sup> Badan Narkotika Nasional Provinsi Sumatera Selatan, *5 Fakta tentang Kratom*, Badan Narkotika Nasional Provinsi Sumatera Selatan, October 27, 2022, accessed via: <https://sumsel.bnn.go.id/5-fakta-tentang-kratom/>.

<sup>[95]</sup> Statement by the Dayak Kalis Indigenous Community, Kapuas Hulu, during interviews conducted by LBHM, May 17-18, 2025.

<sup>[96]</sup> Karunpas Limkhuanuwan, *Chula Faculty of Pharmaceutical Sciences Research Reveals Some Beneficial Effects of Kratom (Mitragyna speciosa): Analgesic, Anti-Inflammatory, and Narcotic Detoxification*, Chula Chulalongkorn University, April 9, 2024, accessed via: <https://www.chula.ac.th/en/highlight/154386/>.



This study demonstrates that regulation need not equate to prohibition, but can instead take the form of safety- and culture-based management, particularly given that this research also draws on the cultural context of Thailand, where kratom is traditionally served to welcome guests.<sup>[97]</sup> This form of cultural embeddedness of kratom is also found in Indonesia. Accordingly, kratom governance in Indonesia should provide space for the knowledge and experiences of indigenous peoples, especially with regard to their long-standing use of kratom for medicinal purposes.

However, in Indonesia, policy discourse still appears to focus more on the prohibition of kratom than on maximizing its potential health benefits. This is evident from statements by the Provincial Health Office of West Kalimantan, which acknowledged that it has not been actively involved in promoting the use of kratom for medicinal purposes.<sup>[98]</sup> Moreover, the Health Office continues to position kratom as a non-legal plant by referring to the 2016 Circular Letter of BPOM,<sup>[99]</sup> despite the absence of any regulation that explicitly declares kratom to be illegal. This has, among other consequences, limited health dissemination efforts from including kratom, even though its benefits are tangibly experienced by the community.<sup>[100]</sup>

This situation not only illustrates that kratom governance requires cross-sectoral cooperation among government institutions, but also indicates that the use of kratom for health purposes has not yet become a policy priority. It further underscores that the experiential practices of indigenous communities in utilizing kratom are not yet fully recognized as legitimate forms of knowledge. This condition raises a fundamental question: should policy continue to focus primarily on the potential side effects of kratom, or should it instead seek to optimize its benefits?

*Hopefully there will be more researchers, so that mitragynine can be modified in such a way that its side effects are not significant, resulting in more benefits than adverse effects.*

*(Agustina Rotua Pakpahan, Provincial Health Office of West Kalimantan)<sup>[101]</sup>*

<sup>[97]</sup> *Ibid.*

<sup>[98]</sup> Statement by Agustina Rotua Pakpahan of the Health Office of West Kalimantan during an interview with LBHM on May 20, 2025.

<sup>[99]</sup> *Ibid.*

<sup>[100]</sup> *Ibid.*

<sup>[101]</sup> *Ibid.*

Although the Provincial Health Office of West Kalimantan does not have the authority to conduct research, it has, in principle, expressed openness to collaboration.<sup>[102]</sup> This further highlights the importance of setting aside sectoral egos if kratom governance is truly to be grounded in indigenous peoples' experiences as a central source of knowledge. Furthermore, the utilization of kratom also holds potential as a source of Regional Own Source Revenue (Pendapatan Asli Daerah) for West Kalimantan, provided that kratom has passed the necessary safety thresholds and evaluative standards for medicinal use.<sup>[103]</sup>

Opportunities for the medicinal use of kratom are beginning to emerge from research conducted by the National Research and Innovation Agency (Badan Riset dan Inovasi Nasional/BRIN). Among other findings, this research indicates that kratom alkaloid extracts may inhibit the growth of cancer cells and that kratom has potential to be developed as a nonsteroidal anti-inflammatory drug.<sup>[104]</sup> Similar to the position of the Provincial Health Office of West Kalimantan, BRIN has emphasized the need for open dialogue among stakeholders to formulate fair and prudent policies on kratom utilization, without undermining the livelihoods of kratom farmers.<sup>[105]</sup>

## V.B.1. **Utilization for Economic Value**

Indigenous peoples constitute only 6.2% of the global population; however, 18.2% of them live in conditions of extreme poverty.<sup>[106]</sup> In Indonesia, poverty among indigenous communities is caused by various factors, the most significant of which is tenurial conflict.<sup>[107]</sup> This refers to the dominance of state-imposed systems of control over natural resources that favor capital owners, resulting in the dispossession of indigenous peoples' rights to manage land and natural resources.<sup>[108]</sup>

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<sup>[102]</sup> *Ibid.*

<sup>[103]</sup> *Ibid.*

<sup>[104]</sup> Public Relations of BRIN, *Peneliti BRIN Beri Penjelasan Soal Daun Kratom*, BRIN, July 2, 2024, accessed via: <https://www.brin.go.id/news/119451/peneliti-brin-beri-penjelasan-soal-daun-kratom>.

<sup>[105]</sup> *Ibid.*

<sup>[106]</sup> World Bank, *Indigenous Peoples are Critical Partners for the Development Solutions Needed to End Extreme Poverty and Boost Shared Prosperity on a Livable Planet*, World Bank Group, August 13, 2025, accessed via: <https://www.worldbank.org/en/topic/indigenouspeoples>.

<sup>[107]</sup> Restu Achmaliadi, et al., *Memahami Dimensi-Dimensi Kemiskinan Masyarakat Adat*, Aliansi Masyarakat Adat Nusantara, 2010, p. x.

<sup>[108]</sup> *Ibid.*

Customary land conflicts have also affected the Dayak Kalis Indigenous Community. In 2000, PT Benua Indah forcibly entered customary forest areas and conducted logging activities.<sup>[109]</sup> This was followed in 2011 by the presence of PT Titian Makmur Persada, PT Rida Jaya Mandiri, and PT Setia Gunung Benuan, all holding mining permits, and later by PT TKM Biofuel Indonesia in 2021.<sup>[110]</sup> These developments illustrate a stark paradox faced by indigenous peoples: living amid abundant natural resources that neither ensure their welfare nor safeguard their lives, and instead often place them at risk.

On average, the Dayak Kalis Indigenous Community meets its daily needs through farming and rubber tapping.<sup>[111]</sup> However, these livelihoods do not consistently generate income, as harvest cycles are long and rubber tapping is highly dependent on weather conditions. The emergence of kratom as a marketable commodity has therefore provided significant economic support to the community.<sup>[112]</sup> This wild plant, repeatedly cleared yet persistently regrowing, has become a source of cash income through the sale of its leaves.<sup>[113]</sup>

*Kratom is the lifeblood of the people here.*

*(Gradus Guntur, Nanga Danau Customary Leader)<sup>[114]</sup>*

This statement not only reflects the close relationship between the Dayak Kalis Indigenous Community and kratom as a native plant, but also underscores their dependence on it. The community has derived substantial benefits from cultivating kratom, as evidenced, among other indicators, by increased purchasing power since kratom began to be traded.<sup>[115]</sup>

*Almost everyone who sells fish or vegetables ends up with nothing left to take home, meaning all their goods are sold. That means the economy is circulating.*

*(Teddy Winardi, Dayak Customary Council)<sup>[116]</sup>*

<sup>[109]</sup> Kurnianto Rindang, *Masyarakat Adat Dayak Desak Pemerintah Sahkan RUU Masyarakat Adat untuk Lindungi Wilayah Adat*, Aliansi Masyarakat Adat Nusantara, 10 Juli 2023, accessed via: <https://aman.or.id/news/read/1630>.

<sup>[110]</sup> *Ibid.*

<sup>[111]</sup> Statement by the Dayak Kalis Indigenous Community, Kapuas Hulu, during interviews conducted by LBHM, May 17-18, 2025

<sup>[112]</sup> *Ibid.*

<sup>[113]</sup> *Ibid.*

<sup>[114]</sup> Statement of the Nanga Danau Customary Leader during an interview conducted by LBHM on May 17-18, 2025

<sup>[115]</sup> Statement of Gradus Guntur, the Nanga Danau Customary Leader during an interview conducted by LBHM on May 17-18, 2025.

<sup>[116]</sup> *Ibid.*

**Figure 5: Kratom farmers harvesting kratom leaves**

This situation is further confirmed by kratom farmers, most of whom are women. They report that kratom has significantly helped meet household needs. Moreover, the growth cycle of kratom leaves is relatively short; leaves can be harvested every 30 days without dependence on weather conditions.<sup>[117]</sup>



*We pick kratom, we sell it, there are buyers, and from there we earn money to buy sugar, coffee, salt, and other kitchen necessities.*

*(J, Female, Kratom Farmer)<sup>[118]</sup>*

Kratom not only helps keep household kitchens running, but also creates opportunities for women's economic empowerment. The plant's characteristic of continuously producing leaves without requiring long growth periods is a key reason why many women engage in kratom farming. Even children are often involved in kratom cultivation.

*Mostly it's women, because planting takes little time and harvesting can be done more frequently, which makes it easier. Children also help pick kratom leaves.*

*(L, Female, Kratom Farmer)<sup>[119]</sup>*

<sup>[117]</sup> Statement by the Dayak Kalis Indigenous Community, Kapuas Hulu, during interviews conducted by LBHM, May 17-18, 2025.

<sup>[118]</sup> *Ibid.*

<sup>[119]</sup> *Ibid.*



Furthermore, the benefits of kratom are not limited to those who own land. Women who do not cultivate kratom themselves often earn wages by helping with planting or harvesting. For landowners, this is also considered a form of blessing, as it enables them to provide employment opportunities for others.

*We invite neighbors and relatives to help support our husbands' income, at least for household needs. Even if it's not much, it helps the community a great deal.*

*(K, Female, Kratom Farmer).<sup>[120]</sup>*

Those who are paid to harvest kratom are typically compensated based on weight. On average, they are paid IDR 4,000 per kilogram, and in a day a harvester can usually collect around 50–60 kilograms within approximately four hours of work.<sup>[121]</sup> Kratom prices are differentiated between fresh kratom leaves and dried, ground kratom.<sup>[122]</sup> At its peak, the price of dried kratom reached IDR 28,000 per kilogram, while fresh leaves were priced at around IDR 7,000 per kilogram.<sup>[123]</sup>

At these price levels, kratom has also enabled the Dayak Kalis Indigenous Community to send their children to school. They refer to this as producing “kratom graduates,” as educational expenses are covered by income from kratom.<sup>[124]</sup> In addition, kratom sales contribute to customary obligations, including financing traditional rituals such as land-cleansing ceremonies and “tolak balak” (rituals to ward off misfortune).<sup>[125]</sup>

*These rituals are not expensive, but when people have income, it becomes much easier to carry them out.*

*(Teddy Winardi, Dayak Customary Council)<sup>[126]</sup>*

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<sup>[120]</sup> *Ibid.*

<sup>[121]</sup> *Ibid.*

<sup>[122]</sup> Statement of a kratom trader during an interview conducted by LBHM on May 17-18, 2025.

<sup>[123]</sup> *Ibid.*

<sup>[124]</sup> Statement by the Dayak Kalis Indigenous Community, Kapuas Hulu, during interviews conducted by LBHM, May 17-18, 2025.

<sup>[125]</sup> Statement of the Nanga Tubuk Customary Leader Tubuk during an interview conducted by LBHM on May 17-18, 2025.

<sup>[126]</sup> *Ibid.*

The contribution of kratom to indigenous communities is further emphasized by Itam Durni of the Malay Customary Council, who noted that employment opportunities generated by kratom not only improve economic conditions but also help prevent criminal activity.<sup>[127]</sup>

*If people don't have work, theft and robbery will emerge. Rubber prices cannot meet household economic needs.*

*(Itam Durni, Malay Customary Council)<sup>[128]</sup>*

Although the Dayak Kalis Indigenous Community derives substantial benefits from kratom, this does not mean that economic concerns have disappeared. Price instability, limited knowledge of supply chain processes, and the persistent threat of kratom prohibition continue to cause anxiety.

*I don't know where my kratom goes after it's sold. If the price suddenly rises to IDR 50,000 in the market after I sell it, I wouldn't know. I read something about containers being returned from America, but I don't know whether that's true or not.*

*(X, Female, Kratom Farmer).<sup>[129]</sup>*

A lack of information about kratom trade flows beyond the farm level is also felt by local collectors. They typically receive fresh or dried kratom from farmers and then wait for traders seeking kratom, without knowing precisely where it is transported or for what purpose it is purchased. They often hear unverified information, such as claims that kratom prices have reached IDR 28,000 due to high demand from India, without certainty as to its accuracy.<sup>[130]</sup>

Under these circumstances, economic sustainability has become a central aspiration for indigenous communities. While Regulation of the Minister of Trade No. 21 of 2024 provides a degree of certainty regarding kratom as a commodity, indigenous communities seek greater involvement in the trade chain and a more active role in kratom market governance, including price determination. For indigenous peoples, the benefits of kratom should be shared fairly and reciprocally, rather than being limited to one-off sales as is currently the case.

<sup>[127]</sup> *Ibid.*

<sup>[128]</sup> *Ibid.*

<sup>[129]</sup> Statement made during an interview conducted by LBHM on May 17-18, 2025.

<sup>[130]</sup> Statement of a kratom trader during an interview conducted by LBHM on May 17-18, 2025.

## V.B.2. **Empowerment of Local Communities**

The Provincial Office of Industry and Trade of West Kalimantan has also recorded positive impacts following the issuance of the Regulation of the Minister of Trade No. 21 of 2024 (Permendag 21/2024). This regulation not only ensures that regional revenue derived from kratom is recorded, but also establishes specific parameters for export actors.<sup>[131]</sup> These parameters are regulated under the Regulation of the Minister of Trade No. 23 of 2023 on Export Policies and Regulations, which, among others, require exporters to hold the status of registered exporters, preceded by obtaining a recommendation letter from the Provincial Office of Industry and Trade, an export approval letter, and a surveyor report issued by PT Sucofindo.<sup>[132]</sup> In this regard, Permendag 21/2024 can be said not only to provide legal certainty for kratom as a commodity, but also to establish clear standards regarding the quality of kratom that may be traded.<sup>[133]</sup>

According to data from the Provincial Office of Industry and Trade of West Kalimantan, kratom is exported to several destinations, including the United States, India, the Czech Republic, and a number of other European countries.<sup>[134]</sup> In these countries, kratom is widely used for medical purposes; in the United States in particular, kratom is used to treat heroin addiction.<sup>[135]</sup> The use of kratom abroad appears contradictory to its status within Indonesia itself. Kratom has never been granted a definitive status for its use and continues to occupy a legal grey area. This situation has prompted frequent visits by customary councils to the Provincial Office of Industry and Trade of West Kalimantan, emphasizing that indigenous communities have demonstrated tangible benefits from kratom, similar to those experienced by people who used it abroad.<sup>[136]</sup>

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<sup>[131]</sup> Statement by Eko Darmawansyah, Provincial Office of Industry and Trade of West Kalimantan, during an interview conducted by LBHM on May 19, 2025.

<sup>[132]</sup> *Ibid.*

<sup>[133]</sup> *Ibid.*

<sup>[134]</sup> *Ibid.*

<sup>[135]</sup> *Ibid.*

<sup>[136]</sup> *Ibid.*

As of June 2024,<sup>[137]</sup> this dilemma has been resolved. At that time, the President stated in a state address that kratom is not a narcotic.

(Eko Darmawansyah, Provincial Office of Industry and Trade of West Kalimantan)

President Joko Widodo's statement as head of state indeed provided clarification regarding the status of kratom, which has often been associated with ambitions to classify it as a narcotic. However, this statement has not fully eliminated the recurring discourse on kratom's illegalization. In practice, state recognition of kratom remains framed in a singular way, namely as a trade commodity. This singular recognition not only narrows the scope of kratom's utilization, but also makes kratom highly dependent on global market conditions, such as shifts in trade policy or declining demand. As a result, indigenous communities' livelihoods become increasingly dependent on recognition that is based solely on economic considerations.

Moreover, although kratom is now acknowledged as having commercial value, this does not mean that it has fully improved community welfare. This study identifies several factors that hinder kratom from fully enhancing the livelihoods of farmers and local producer communities, namely:

**1. Continued dependence on middlemen or collectors in the kratom sales process**

Local communities do not yet exercise full control over the kratom commodity.<sup>[138]</sup> Many community members continue to rely on kratom as a rapid means of obtaining cash. These collectors then sell kratom to exporters, few of whom are based in Pontianak.<sup>[139]</sup>



*Exporters also need people from Pontianak. What is happening now is that exporters are from Jakarta and Bali.*

(Eko Darmawansyah, Provincial Office of Industry and Trade of West Kalimantan)

<sup>[137]</sup> Cabinet Secretariat of the Republic of Indonesia, *Presiden Jokowi Instruksikan Penelitian Lebih Lanjut Manfaat Kratom*, Juni 20, 2024, accessed via: <https://setkab.go.id/presiden-jokowi-instruksikan-penelitian-lebih-lanjut-manfaat-tanaman-kratom/>.

<sup>[138]</sup> *Ibid.*

<sup>[139]</sup> *Ibid.*

## 2. The absence of standardized agreements on price determination

The Provincial Office of Industry and Trade of West Kalimantan notes that many exporters approach farmers directly, which then forces one area to follow prices set earlier by another area.<sup>[140]</sup> This situation arises due to the absence of agreed standards regarding production costs involved in kratom cultivation.<sup>[141]</sup>

These two issues could, in principle, be addressed through appropriate government-led capacity building. This is also a key concern expressed by farmers: although kratom has become a high-value commodity, there has been little targeted support for its development. Prior to the issuance of the Regulation of the Minister of Trade No. 21/2024, the Regency Government of Kapuas Hulu had issued the Regional Regulation No. 4 of 2024 on Kratom Governance and Trade (Perda Kapuas Hulu 4/2024), which mentions capacity building, but limits it primarily to marketing system management.

At first glance, the Regional Regulation of Kapuas Hulu No. 4/2024 appears to strengthen kratom cultivation; however, in practice it largely serves market interests. This is evident, for example, in Article 6, which restricts kratom processing activities to converting kratom leaves into powder or adjusting production to meet exporter demand. The Provincial Office of Industry and Trade of West Kalimantan has noted that farmers should ideally establish cooperatives or similar institutions to strengthen their bargaining power.<sup>[142]</sup> Although kratom business associations currently exist, their functions remain largely transactional, not on empowering farmers.<sup>[143]</sup>

These limitations in capacity-building structures have direct implications for the kratom value chain. According to data from the Central Bureau of Statistics (Badan Pusat Statistik/BPS) for the January-May 2023 period, the value of kratom exports reached USD 7.33 million, representing an increase of 52.04% compared to the same period in the previous year.<sup>[144]</sup> While this figure is substantial, its value does

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<sup>[140]</sup> *Ibid.*

<sup>[141]</sup> *Ibid.*

<sup>[142]</sup> *Ibid.*

<sup>[143]</sup> *Ibid.*

<sup>[144]</sup> Potensi Ekonomi dan Polemik Khasiat Daun Kratom, [Indonesia.go.id](https://indonesia.go.id) Portal Informasi Indonesia (2025), accessed via: <https://indonesia.go.id/kategori/keanekaragaman-hayati/9060/potensi-ekonomi-dan-polemik-khasiat-daun-kratom?lang=1>.





**Figure 6:** The process of drying kratom leaves

not optimally return to farmers, as nearly all kratom is exported in raw form. In fact, in the global market, kratom extract is sold at prices reaching USD 6,000 (approximately IDR 90 million) per kilogram,<sup>[145]</sup> far exceeding the prices paid to farmers.

Processing kratom into ready-to-use products, as envisioned by indigenous communities in this study, such as kratom in the form of ointments or tablets,<sup>[146]</sup> is not an unrealistic prospect. As noted on the website of Rasa Mala Indonesia, a company based in Indonesia and the United States, kratom has already been processed into various products, including capsules, cigarettes, body lotion, cookies, and infused soap bars.<sup>[147]</sup>

In addition to Rasa Mala Indonesia, a United States-based company, Kats Botanicals, offers kratom in the form of a Mocha Liquid Kratom Shot intended to boost energy in the morning, at night, or before exercise, priced at USD 9.99 per 59 mL bottle.<sup>[148]</sup> Meanwhile, Super Speciosa (United States) sells super red kratom

<sup>[145]</sup> Statement by Teten Masduki, Minister of Cooperatives and Small and Medium Enterprises (2019-2024), delivered at Startup Go Global Sharing, cited in Shofi A. Kenzu (translator), Kratom has High Transaction Value in Global Market: Minister Teten, Antaranews, September 17, 2024, accessed via: <https://en.antaranews.com/news/326263/kratom-has-high-transaction-value-in-global-market-minister-teten>.

<sup>[146]</sup> Statements from the Dayak Customary Council and the Malay Customary Council during interviews conducted by LBHM on May 17-18, 2025.

<sup>[147]</sup> Further information is available via: <https://rasamalaindo.com/product-category/product/kratom/>.

<sup>[148]</sup> Further information is available via: <https://katsbotanicals.com/product/mocha-liquid-kratom-shot/>.

powder at USD 24.99 per 100 grams,<sup>[149]</sup> and 100% Pure Botanicals (India) sells this type of kratom at INR 1,199 per 20 grams.<sup>[150]</sup>

These conditions demonstrate that other countries have succeeded in creating high-value kratom products, while Indonesia remains largely confined to exporting raw materials. This fact underscores how low the prices paid to indigenous farmers remain, despite the potential for kratom cultivation to generate far better income. The availability of kratom-based products produced by companies that are also partly based in Indonesia further confirms that developing a domestic kratom industry is not an impossibility.

## V.C. Utilization for Ecology

In many developing countries, economic growth remains heavily dependent on extractive industries such as oil, gas, and mining.<sup>[151]</sup> The dominance of these extractive sectors has given rise to serious environmental problems, including deforestation, climate change, and the loss of biodiversity.<sup>[152]</sup> A global consensus has recently emerged, reflected in the G20<sup>[153]</sup> Brazil 2024 agenda, which positions the bioeconomy as an alternative model of economic growth that emphasizes environmental sustainability and the role of indigenous peoples.<sup>[154]</sup>

In this context, kratom can be understood as a response to non-extractive economic growth that simultaneously maintains ecological balance and creates space for indigenous peoples' participation. The ecological relationship between kratom and the Dayak Kalis Indigenous Community demonstrates a mutually

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<sup>[149]</sup> Further information is available via: [https://superspeciosa.com/products/super-red-kratom-powder?colhandle=kratom-powder&coltitle=Buy+Kratom+Powder&selling\\_plan=5215191261](https://superspeciosa.com/products/super-red-kratom-powder?colhandle=kratom-powder&coltitle=Buy+Kratom+Powder&selling_plan=5215191261).

<sup>[150]</sup> Further information is available via: <https://100percentpurebotanicals.com/shop/ols/products/xn-100-pure-botanicals-mitragyna-speciosa-kratom-tea-powder-maeng-da-from-thailand-25grams-bali-red-vein-kratom-4x-41-extract-from-indonesia-20grams-india-100-pure-botanicals-erh2p/v/100-PR-MTR-SPR-RED>.

<sup>[151]</sup> Kinda, H., & Thiombiano, N. (2021). The Effects of Extractive Industries Rent on Deforestation in Developing Countries. *Resources Policy*, 73, 102203, <https://doi.org/10.1016/j.resourpol.2021.102203>.

<sup>[152]</sup> Ibid.

<sup>[153]</sup> The G20 (Group of Twenty) is a forum consisting of 19 countries and two regional organizations, the European Union and the African Union, established to discuss global issues, particularly in the areas of economic and financial issues. Further information is available via: <https://g20.org/about-g20/>.

<sup>[154]</sup> G20 Brazil 2024, G20 Reaches Consensus and Establishes High-Level Principles on Bioeconomy, November 9, 2024, accessed via: <https://www.gov.br/g20/en/news/g20-reaches-consensus-and-establishes-high-level-principles-on-bioeconomy>.

sustaining interconnection. Growing in unique ecosystems, namely riverbanks and wetlands, and capable of surviving in acidic and waterlogged soils, kratom provides benefits for surrounding communities.<sup>[155]</sup> Similar to mangroves, kratom also plays a role in preventing erosion and maintaining soil stability.<sup>[156]</sup>

*There are landslides, and there are also areas affected by tidal flooding. When kratom is planted, landslides do not occur. Its roots strengthen the soil because they are dense and firmly grip the ground.*

*(Teddy Winardi, Dayak Customary Council)<sup>[157]</sup>*



**Figure 7: Kratom planted to restrain river overflow during flooding**

In addition to preventing erosion, kratom is also utilized for reforestation.<sup>[158]</sup> Its ability to grow easily without the need for fertilizers or special care makes kratom a suitable plant for greening initiatives.<sup>[159]</sup> Efforts to promote kratom as a conservation plant have been undertaken by local governments, including the

<sup>[155]</sup> Based on interviews with the Provincial Office of Environment and Forestry of West Kalimantan, kratom is not the only plant capable of growing in water; other species such as jelutung also grow in similar conditions. However, kratom is the only plant noted for its strong resilience in waterlogged land.

<sup>[156]</sup> Fransisko Krisdian Tara, *the Future of Kratom: Innovation and Opportunity for Indonesia's Green Gold*, Ralali, June 30, 2025, accessed via: <https://www.ralali.com/indonesia-supplier/kratom/the-future-of-kratom-innovation-and-opportunity-for-indonesias-green-gold/#:~:text=Key%20ecological%20benefits%20of%20kratom%20plants%20include%3A&text=This%20support%20long%2Dterm%20fertility,soil%20erosion%20on%20sloped%20lands.>

<sup>[157]</sup> Statement by the Malay Customary Council during interviews conducted by LBHM on May 17-18, 2025.

<sup>[158]</sup> *Ibid.*

<sup>[159]</sup> *Ibid.*

Regency Office of Agriculture and Food Security of Kapuas Hulu<sup>[160]</sup> and the Provincial Office of Environment and Forestry of West Kalimantan, through the Governor Regulation of West Kalimantan No. 33 of 2022 on the Development of Non-Timber Forest Products (Pergub Kalbar 33/2022).

*Kratom grows along riverbanks, in areas that are quite vulnerable and critical due to threats of abrasion and erosion. The presence of kratom becomes one of the solutions to reduce environmental impacts, and in addition, kratom also has a conservation function.*

*(Setiyo Haryani, West Kalimantan Provincial Office of Environment and Forestry)<sup>[161]</sup>*

These regulatory measures are intended not only to maximize the use of kratom in promoting environmental sustainability and realizing sustainable forest management,<sup>[162]</sup> but also to acknowledge kratom as a local medicinal plant.<sup>[163]</sup> Nevertheless, the commitment of local governments to utilize kratom as a conservation plant for degraded, vacant, or fallow lands has not yet been fully realized. This is largely because most land in West Kalimantan falls within protected forest areas under the authority of the central government.<sup>[164]</sup>

*We have sent a letter to the Minister of Forestry to include kratom as one of the non-timber forest products. At the regional level, we use Governor Regulation No. 33 of 2022, but it is limited to areas outside forest zones, whereas the larger proportion of land is within forest areas.*

*(Setiyo Haryani, Provincial Office of Environment and Forestry of West Kalimantan)<sup>[165]</sup>*

<sup>[160]</sup> Office of Communication, Informatics, and Statistics of Kapuas Hulu, *Keputusan Mentan tentang Kratom akan Ditindaklanjuti*, September 1, 2020, accessed via: <https://info.kapuashulukab.go.id/2020/09/01/keputusan-mentan-tentang-kratom-akan-ditindaklanjuti/>.

<sup>[161]</sup> Statement by Setiyo Haryani of the Provincial Office of Environment and Forestry of West Kalimantan during an interview conducted by LBHM on May 19, 2025.

<sup>[162]</sup> Article 3 of the Governor Regulation of West Kalimantan No. 33/2022.

<sup>[163]</sup> Annex to the Governor Regulation of West Kalimantan No. 33/2022.

<sup>[164]</sup> Statement by Setiyo Haryani of the Provincial Office of Environment and Forestry of West Kalimantan during an interview conducted by LBHM on May 19, 2025.

<sup>[165]</sup> *Ibid.*



The conservation benefits of kratom extend beyond these functions. The Dayak Kalis Indigenous Community is accustomed to using kratom wood as raw material for furniture, such as cabinets and tables, which they regard as a way of protecting forests.<sup>[166]</sup> In this way, material needs are met without cutting timber from natural forests, as kratom is easy to cultivate. This practice reflects sustainable resource management and has been shown to contribute to environmental protection. It is consistent with findings by Forest Watch Indonesia, which report lower carbon emissions in customary territories compared to non-customary areas, namely 97.54 tons per hectare versus 109.11 tons per hectare.<sup>[167]</sup>

Furthermore, kratom can be associated with the concept of a circular economy, as nearly all parts of the plant, from leaves to stems, have utilitarian value. The convergence of economic and ecological value in kratom, combined with its intercropping cultivation model, distinguishes it from monoculture crops such as oil palm, which offer only a single economic function.<sup>[168]</sup> Maximizing the utilization of kratom therefore not only contributes to environmental conservation, but also empowers the economic livelihoods of indigenous communities.

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<sup>[166]</sup> Statement by the Malay Customary Council during interviews conducted by LBHM on May 17-18, 2025.

<sup>[167]</sup> Forest Watch Indonesia, *Nasib Hutan Indonesia di Ujung Tanduk: Catatan Awal Tahun 2024 dalam Masa-Masa Krisis Penentuan Nasib Hutan Indonesia*, Forest Watch Indonesia, p. 14.

<sup>[168]</sup> Statement by the Provincial Office of Environment and Forestry of West Kalimantan during an interview conducted by LBHM on May 19, 2025, noting that one of the challenges in conservation efforts is that communities are more inclined to plant oil palm due to its more predictable economic value.





## CHAPTER VI

# **CONCLUSION AND RECOMMENDATIONS FOR INDIGENOUS-CENTERED KRATOM (MITRAGYNA SPECIOSA KORTH) GOVERNANCE**

Based on the discussions presented in the preceding chapters, it is evident that kratom is a plant with multidimensional roles, encompassing indigenous identity, medicinal use, a source of green economic livelihood, and environmental stewardship. Legal and policy ambiguity has not only created vulnerability for farmers who cultivate kratom, but has also undermined access to the full and holistic utilization of this plant.

As discussed in Chapter V regarding kratom utilization by the Dayak Kalis Indigenous Community, economic use currently occupies the most prominent position and has received the greatest level of government support. However, without directed and sustained state involvement, both at the regional and national levels, empowerment risks remaining merely a discourse. Empowerment should be understood holistically, encompassing capacity building for farmers in cultivation practices, enhancement of post-harvest management skills, and strengthened access to markets and fair trading mechanisms.

Without the involvement of indigenous communities throughout this entire process, the greatest economic value of kratom risks not returning to farmers as the primary actors. Instead, indigenous peoples may remain in the weakest position, functioning merely as suppliers of raw materials, while the largest profits are absorbed by distribution chains or actors with greater capital. This condition illustrates the potential loss of kratom's economic value from the hands of indigenous peoples who, in fact, nurture, utilize, and sustain the plant.

Accordingly, the first recommendation for the economic utilization of kratom is the establishment of a trade governance system centered on indigenous communities. This approach should encourage the development of domestic industries through clear regulations, rigorous research, and processing facilities that favor farmers and indigenous peoples. Such trade governance must be viewed as an effort to optimize the benefits of kratom while improving the welfare of indigenous communities.

Political will in kratom governance is required not only in the economic sector, but also in its medicinal utilization. To date, kratom policy has been heavily influenced by strong sectoral egos, as reflected in the prohibition of kratom for traditional medicine and the discourse on its classification as a narcotic. Meanwhile, research, which should serve as a space for knowledge production, has instead become an arena that negates the empirical experiences of indigenous peoples in using kratom.

Yet, as outlined in Chapter II, mitragynine, the primary compound in kratom, is a unique substance not found in other plants. This fact should be interpreted as a strategic opportunity to develop national phytopharmaceutical research rooted in local wisdom, rather than as a justification for narrowing the space for traditional medicine that has demonstrably benefited communities.

The state should therefore adopt a policy paradigm capable of bridging scientific approaches with the empirical knowledge of indigenous peoples in the utilization of kratom. Through such an approach, the benefits of kratom can be optimized by providing information on safe consumption limits for indigenous communities accustomed to using kratom, while also offering alternative therapeutic options for the broader public. The urgency of research into kratom's medicinal use should thus be understood as an opportunity to strengthen the independence of the national herbal industry.

Finally, the distinctive characteristic of kratom, unmatched by other economic industries, is its non-extractive nature. Kratom responds to the challenges of a circular economy: from roots to leaves, it offers value for medicine, economic livelihoods, and ecological sustainability. National recognition of kratom as an indigenous plant of Indonesia and as part of non-timber forest products constitutes a strategic step to ensure that its management also supports environmental conservation.

This study consolidates these recommendations with the aim of fostering cooperation among institutions and ministries, including BRIN, BPOM, BNN, the Ministry of Health, the Ministry of Forestry and Environment, and the Ministry of Trade, to formulate a more integrated kratom governance framework. Through such an approach, policies centered on indigenous communities not only honor local knowledge, but also create economic sovereignty and ecological balance. By positioning indigenous peoples as primary partners, kratom governance can be grounded in a fair, utilization-oriented, and sustainable foundation.



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