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## **Land rights and the forces of adat in democratizing Indonesia : continuous conflict between plantations, farmers, and forests in South Sulawesi**

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## 4 THE RISE OF THE INDIGENOUS MOVEMENT IN INDONESIA

*'The symbols of collective action cannot be simply read like a 'text', independent of the conditions in which they struggle'* (Tarrow, 2013: 109).

### 4.1 INTRODUCTION

The previous chapter has focused on the continuous land conflicts in Indonesia and zoomed in on the trajectory of the Bulukumba plantation conflict between 1981 and 2006. Since then, a major change in the course of many land conflicts, including the Bulukumba conflict, has been the emergence of land rights claims on the basis of adat. In order to explain this change, this chapter moves from South Sulawesi to the national level and examines the nationwide rise of the indigenous movement.

From the late 1990s onwards, the indigenous movement developed into Indonesia's most influential land rights movement. As a result of its advocacy, significant legal reforms were implemented that provide for the state's recognition of adat law communities and their land rights.<sup>108</sup> This chapter focuses on the emergence of the indigenous movement as a political force in Indonesia. More specifically, it aims to explain why the adat community discourse is so appealing for a variety of actors. The literature on social movement framing provides useful tools here. I will conceive the indigenous movement as a social movement that is made up of the persons, groups, organizations and institutions that adopt the adat community discourse in their conceptualization of certain social problems. In other words, the movement consists of actors who use the adat community concept as a collective action frame.<sup>109</sup> The most prominent actors in the movement are NGO activists, local community representatives, academics and development agencies.

I will first explain the emergence of the adat community concept, followed by four explanations of why this concept was chosen as collective action frame. Ideological, legal and political factors are all of influence here. In the subsequent section I will focus on the actors, including civil society organizations (most notably AMAN), local communities and (international) development organizations. In the last section of the chapter I will reflect on the outcomes of the indigenous movement and the challenges that come with the movement's recent growth. This serves as the contextual framework for the chapters that follow in which I will analyze what the deployment of the adat community discourse actually means for the realization of rural land rights at the local level, and more generally, the struggles of rural justice seekers.

### 4.2 ADAT COMMUNITY: A 'COMMON LANGUAGE' FOR THE MARGINALIZED?

#### 4.2.1 *The birth of the indigenous movement*

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<sup>108</sup> For an overview of this legal framework, see Chapter 2, Subsection 5.4.

<sup>109</sup> For a definition of collective action frames, see Chapter 1, Subsection 2.4.

It was hardly a surprise that nationwide rural protests ensued in the immediate aftermath of Suharto's step down. It is well known that 'contentious politics is produced when political opportunities broaden' (Tarrow, 2013: 23). What did surprise was the particular way in which many disputants framed their land claims in such protests. The indigenous movement, which rose to prominence after Suharto's fall, advocates special community rights on the basis of 'indigeneity' (Afiff and Lowe, 2007: 73).

The term adat community (*masyarakat adat*) was first coined during a workshop organized by environmental NGO WALHI in 1993 in Toraja, in the far north of South Sulawesi province. Activists chose the term as the Indonesian equivalent of indigenous peoples, but the term also resonated with the Indonesian legal concept of adat law community (*masyarakat hukum adat*) (Li, 2007: 333; Afif and Lowe, 2007: 83). The outcome of the workshop was the establishment of the Advocacy Network for Adat Community Rights (*Jaringan Pembelaan Hak-Hak Masyarakat Adat, JAPHAMA*) (Arizona and Cahyadi, 2012: 44). Carefully picked as a common term for marginalized people in rural areas across the country, activists used the concept to 'legitimate rural communities and defend their rights and other natural resources against state and corporate action' (Afiff and Lowe, 2007: 81).

Six years later, in March 1999, twelve civil society organizations founded AMAN – the Archipelago's Alliance of Indigenous Peoples (*Alliansi Masyarakat Adat Nusantara*) - at a congress in Jakarta. AMAN became an umbrella organization for all adat communities across the country. Despite positioning itself as an organization for marginalized and oppressed people, marginality is not a component of AMAN's definition of adat communities. AMAN instead defines adat communities as communities that have the following characteristics:

'Communities who live on land that has been passed down from generation to generation. They have a territory and natural wealth. Their social and cultural life is governed by customary law and customary institutions that have continuously sustained them as a community' (Faye and Dengduanrudee, 2016: 95).

According to this definition, adat communities are culturally and politically autonomous collectives that are different from the rest of society. In Li's words, they are depicted as being 'culturally distinct from the surrounding population, spatially concentrated, and sharing common resources' (Li, 2007: 243). The concept, with its focus on customary law and customary institutions, closely resembles the colonial concept of adat law community. In Chapter 2 I explained that the adat law community concept was originally constructed by Van Vollenhoven and continued to hold symbolic value in the legislation enacted after Indonesian independence. AMAN's definition is nearly identical to the legal definition of adat law community under the 1999 BFL, as well as under Ministerial Regulation no. 52/2014 by the Minister of Home Affairs.<sup>110</sup>

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<sup>110</sup> For the defining legal criteria of adat law community, see Chapter 2, Subsection 5.4.

Since the inception of the term in 1993, adat community has in practice been used mainly to refer to marginalized groups and not to, for instance, regional sultanates (which are arguably also customary institutions with some contemporary relevance). Activists have strategically deployed the term as a political discourse to strengthen land claims by vulnerable communities that are involved in conflicts with state, corporate actors or migrant groups.

The resurgence of the adat community concept in the struggle for people's rights to land and natural resources is remarkable. As explained in Chapter 2, policy makers and legislators in the 1950s and 1960s assumed that adat law communities would gradually cease to exist. Leaders of the early independence period expected that adat law communities and their legal systems were to disappear (Sonius, 1982; Burns, 2004). In the early 1990s high-level Indonesian officials, such as the head of the NLA, declared the term 'defunct' (Li, 2001). Moreover, a more inclusive discourse of rights was available. Like other young states located in the Global South, Indonesia moved toward legal unification in the first decades following independence (Otto, 2010; Allot, 1984). In 1960, the BAL had introduced a unified system of individual land rights and provided a legal basis for an equal distribution of land (Fitzpatrick, 1997: 180; Utrecht, 1969: 73-74). How then can we understand that a political discourse, which originates from colonial times and had long been declared outdated, now re-emerged? Moreover, why were other political discourses that were previously deployed to mobilize people to collectively claim land rights left in abeyance?

These questions have interested scholars since the late 1990s. Li for instance writes that 'there are other languages in which claims against the state could be made, the rights of citizenship being the most obvious' (Li, 2001: 2). Afiff and Lowe ask the question why the demands for control over land and natural resources after the fall of Suharto were mostly made in the name of indigeneity rather than in the name of class struggle. Henley and Davidson call the resurgence of adat a 'paradoxical form of radical conservatism' (2007: 23). My analysis builds on some of the arguments presented by these authors. However, by applying the theoretical framework of the social movement literature and by considering some recent developments, I provide a more in-depth explanation as to why the discourse manifested in this particular form.

#### *4.2.2 Social movements and collective action frames*

Producing frames is an essential activity of any social movement. In order to engage in collective action, members of the movement need a collectively shared, coherent worldview that identifies victims who experience grievances and actors who are to blame for these grievances (Benford and Snow, 2000: 616). Social movement theory argues that framing strategies must be seen in the context of the larger power constellation that exists in society. An important factor here is the political opportunity structure, as political and institutional changes will affect framing processes. This structure both facilitates and constrains such processes (Tarrow, 2013; Tilly, 1978; Benford and Snow, 2000). Benford and Snow provide an example of the 1989 Chinese student protest movement, explaining

that activists, aware of potential backlashes by the authorities, strategically framed their actions in line with 'traditional Chinese narrations of community devotion and self-sacrifice' (Benford and Snow, 2000: 617). In a similar way, one of the leading activists during the early days of the indigenous movement recalls how the concept of adat community came into being. She explains that one of the reasons why those who participated in the 1993 WALHI workshop agreed on using the term adat community was simply because it was a 'socially accepted term' (Moniaga, 2007: 282). In subsections 2.4 and 2.5, I will further explain why this particular term was more acceptable than others.

Cultural factors, which are likewise embedded in power relations, also influence how collective action frames are shaped. Social movements tend to adopt frames that bear 'cultural resonance' in order to increase their legitimacy in society (Benford and Snow, 2000: 629). They use existing and ideological categories and through these construct new categories (Tarrow, 1992, 189). Not only do frames have to resonate with the experiences of the beneficiaries of the social movement, the worldview produced by them also needs to make sense to power holders who are in the position to realize political and legal change. Social movements thus use existing and legitimate concepts and deploy these to exert pressure on power holders (Tarrow, 1992).

Framing is not a static, linear process. On the contrary, actors within and outside of the social movement continuously negotiate and renegotiate the content of frames (Benford and Snow, 2000: 628). Tania Li, drawing on the work of Gramsci, has argued that social movements cannot go around the 'existing fields of force'. As such, they rarely adopt totally new frames, but are deemed to 'work with' what is available within the existing power configuration (Li, 2001). In the context of the emergence of the adat community frame, other related factors were of importance as well, such as the resonance of the frame with the existing legal framework, and the ability to connect the frame to the language of broader social alliances.

#### *4.2.3 The adat community frame as collective resistance against the repressive state*

Having considered some of the processes that have an impact on the construction of collective action frames, we can now look at the different factors that influenced how the adat community frame rose to prominence. The concept is used to imagine groups of local rural people as harmonious collectives in opposition to external actors, particularly those with whom they compete for land or other natural resources. Through the adat community frame, a boundary is created, which emphasizes the assumed shared interests of the members of communities. Demands made on behalf of the community are demands on behalf of every member of the collective. These assumptions help to collectively pit these groups of people against outside forces, in particular the oppressive state apparatus, its security forces (most notably the military), and their capitalist allies (Li, 2001).

That 'indigeneity' became a common discourse for marginalized people seems to stand in contrast with the situation of the early 1960s, when the keyword used in land rights protests was *rakyat* (the people) (Li, 2001). This was a time when the political discourse of class struggle was widely deployed in Indonesia. Despite this difference, the

wave of collective reclaiming actions on state and corporate lands in the wake of Suharto's fall were in some ways similar to the '*Gerakan Aksi Sepihak*' actions of the early 1960s.<sup>111</sup> During the *Reformasi* period however, there were no larger political movements that coordinated these actions, like the BTI (*Barisan Tani Indonesia*) in the 1960s (Lucas and Warren, 2013: 29). After 32 years of authoritarianism, such a movement could not simply emerge out of the blue. The reclaiming movements moreover had no direct links to political parties, unlike the PKI supported BTI.

The suppression of activism during the New Order period not only left a major scar on agrarian movements' mobilizing capacities, but it also constrained the available framing tools at hand. Terms like class and land reform were dangerous, as the Suharto government associated these terms with communism. Invoking them could lead to serious repercussions. Throughout the New Order period, demanding rural land rights would put farmers at risk of being suspected a communist. The massacres of 1965-1966 wiped out the land reform movement and left 'the political left all but eliminated' (Henley and Davidson, 2007: 13). Land reform remained a taboo ever since. Peluso, Rachman and Afiff explain that 'Java's violent agrarian history remained an obstacle to rights-based agrarian movement activities through the 1980s and early 1990s' (Peluso, Rachman, and Afiff, 2008: 386).

Activists initially lacked a common language that could unite the diverse and vast number of rural societies in Indonesia. Arianto Sangaji, a former land rights activist from Central Sulawesi province, recently explained that in the Palu region, activists always used the term adat community, avoiding banned terms like 'land laborer' or 'peasant' since they were fully aware that these were associated with communism.<sup>112</sup>

The rise of the adat community discourse thus has to be understood against the backdrop of the suppression of other discourses. There is however an additional reason behind the large appeal of the adat community frame in comparison to class or *rakyat*. This has to do with one of the major differences between the struggle for land rights in the early 1960s and the one during the New Order and *Reformasi* periods. In the 1960s, the agrarian movement's main objective was realizing the redistribution of farming lands. The main opponents of the BTI were the rural landlords who held large portions of land and exploited landless farmers as their laborers. The movement was centered in Java and initially received considerable support from the Sukarno government. In contrast, many of the movements that emerged during and after Suharto emerged in the outer islands and targeted a different kind of landlord: the government, particularly the Ministry of Forestry (Peluso, Rachman and Afiff, 2008: 378).

As we have seen in the previous chapter, some of the most compelling cases of government oppression took place outside of Java. The vast areas of exploitable land on the densely forested islands of Sumatra, Kalimantan and to a lesser degree Sulawesi made the outer islands of great interest to the New Order regime and its business allies (Peluso, Rachman, and Afiff, 2008). The majority of the rural population of these islands lacked

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<sup>111</sup> See Chapter 2, Subsection 3.3.

<sup>112</sup> Excerpt from Arianto Sangaji's presentation at the 6<sup>th</sup> Annual Conference of Journal Anthropologi, held at Universitas Indonesia, Depok, 27 July 2016.

formal land titles and held on to customary land arrangements. In this context, the adat community discourse carried significant *empirical credibility*, as it resonated well with rural people's experiences (Benford and Snow, 2000: 626). Through the common language of adat communities, rural people from across the archipelago were able to articulate their grievances relating to the government's disregard of customary land rights.

That the discourse of adat communities 'takes on meaning and force' in the context of people's grievances towards the state, must also be viewed in the context of the use of the term 'adat law community' during the late colonial period (Li, 2001: 646). Proponents of the Adat Law School deployed the concept adat law community (*inlandse rechtsgemeenschap*) to protect local rural communities against the expropriation of land by the colonial state for private land leases. In many ways, the policies of massive private leases under the New Order resembled those of the late colonial government (Lev, 1985). As explained in Chapter 2 however, already during Van Vollenhoven's time the ideas of closed and harmonious communities were contested. Despite the critiques, the concept had significant political utility, as Van Vollenhoven and his followers 'promoted it as normative concept aimed at ensuring the recognition of ... local legal orders' (Anders, 2015: 418). The current applicability of the adat community discourse has similar political force to challenge the authority of the Indonesian state. In ways resembling colonial times, the idea of autonomous and harmonious collectives helps to position groups of rural people against intruders.

#### *4.2.4 The legitimacy of adat communities in national ideology and law*

As we move beyond the repressive policies of the New Order government, the second explanation for the rise of the adat community discourse in Indonesia we find is the position of adat and adat law in ideas on Indonesian culture, as well as their position under Indonesian law. Here we see what Benford and Snow call the 'cultural resonance' of collective action frames, meaning that notions of adat and adat communities are in line with the dominant ideology of the state (2000: 626). Tarrow writes that 'it is the combination of new frames embedded within a cultural matrix that produces explosive collective action frames' (Tarrow, 2013: 122).

Well aware that ideas on adat could play a significant role in the formulation of a distinct Indonesian state ideology, Indonesian elites paid lip service to adat ever since Indonesian independence. Notions of adat could serve to compare Indonesia with Western countries and highlight that Indonesian culture is one of collectivity rather than individuality. Influential scholar Djodjodigono for example (1952: 13) wrote that 'individualistic and liberalistic views do not live in the minds of Indonesians. We are socio- and tradition-bound people' (cited in Hooker, 1978: 28). Under the New Order, such notions of adat became part of a political agenda that promoted 'both national unity and obedience to authority' (Henley and Davidson, 2007: 22). For Suharto, adat was useful to legitimize his rule in 'cultural terms', something he needed more than Sukarno because of

the New Order's proximity to Western governments and corporations (Bourchier, 2007: 120).

In Chapter 2 we have seen that despite the adoption of unifying laws, adat law continued to have a symbolic position in Indonesian law. Furthermore, the legal terminology designed by colonial scholars like Van Vollenhoven and Ter Haar never disappeared from the curriculum of Indonesian law schools.

Activist leaders seemed aware that their terminology resonated well with important symbols of Indonesian culture and law. By picking the term adat community, they adopted a language that on the one hand was relevant for their proclaimed adherents, and on the other hand was compatible with prevailing ideas on national harmony and identity promoted by the state. Doing so, they anticipated possible repercussions from government authorities, such as the accusation of being separatist or communist. Given that adat and adat law are embedded in both narratives of national culture and important legal texts, they prevented the Indonesian government from making this kind of accusation, while at the same time ensuring that the government could hardly deny the existence of adat communities and their rights.

#### *4.2.5 The depiction of adat communities as indigenous custodians of the environment*

The third explanation is that through the language of adat community, the movement managed to find an alley in the broader international indigenous peoples movement. Establishing this linkage has strengthened the legitimacy of the movement both within and outside Indonesia. Placing adat communities under the indigenous peoples banner is what Benford and Snow call *frame bridging* (Benford and Snow, 2000: 624). The equation of adat communities and indigenous peoples created a bridge to notions of traditional ecological wisdom and environmental sustainability. Of utmost importance here is the popular idea that indigenous peoples are guardians of the environment and better capable of protecting nature than non-indigenous peoples. Connecting to these ideas has significantly increased the potential of adat advocacy organizations to become eligible for financial support of multilateral development banks, as well as from large international environmental programs like REDD+.

Initially, the notion of culturally distinct original inhabitants of a particular territory did not seem to provide much ground to connect with the struggles of rural Indonesians. For years the Indonesian government insisted that all of its people were equally indigenous (Bowen 2000: 12). In its policies regarding the development of certain 'backward' groups, the government did not categorize groups on the basis of indigeneity, but rather on the basis of their marginal social and economic position. Therefore, initially there hardly appeared to be a legitimate basis to start an indigenous peoples movement in Indonesia. Nevertheless, by strategically equating adat communities with indigenous peoples, the movement has managed to connect to a broader, international discourse, even though the Indonesian government itself has yet to explicitly acknowledge that adat communities are indigenous peoples. The inauguration of the term at the 1993 Toraja congress almost coincided with the beginning of the International Decade of the World's

Indigenous People, proclaimed by the UN in 1995. AMAN moreover, ever since its establishment, has translated *masyarakat adat* in English as indigenous people, which has helped to increase the organization's visibility in the eyes of international donor organizations (Henley and Davidson, 2007: 7; Avonius, 2009: 222). As a result, AMAN in its early years received much more financial support than more radical land reform organizations like KPA (Peluso, Rachman, and Afiff, 2008).

The success of equating adat communities with nature-preserving indigenous peoples must furthermore be understood in the context of the Indonesian state's longstanding tolerant stance towards environmental activism. In 1978, a time during which the impact of Suharto's resource extraction on the environment began to be noticed, Indonesia appointed a Minister of the Environment. The Basic law on Living Environment was enacted in 1982 (Cribb, 1990: 1126). During this period, environmentalism became one of the very few ways through which citizens could express critique towards the state. Partly to save its reputation before the eyes of the international community and partly to legitimize its claims over large areas of forests for the Indonesian people, the government allowed the environment to be a domain in which civil society actors could engage with the government, which 'created a refreshing element of dialogue in Indonesian politics' (Cribb, 2003: 41, 45).

Although the strict government control of civil society activity largely persisted, the 1980s saw the rapid growth of the number of NGO's in Indonesia. These were tolerated as long as it was clear that they did not aspire to be *ormas*; organizations with political networks aimed at mobilizing large numbers of people. NGO's lacked formal membership and political power. Yet, some of their main activities involved the monitoring of the conduct of government (Cribb, 1990, 1131-1132).

By forming alliances with government actors, an NGO based activist movement could 'literally gain ground' (Peluso, Rachman, and Afiff, 2008: 379). A prime example is Indonesian environmental forum WALHI (*Wahana Lingkungan Hidup Indonesia*), an NGO established in 1980. WALHI quickly developed into one of Indonesia's most influential civil organizations and numerous times managed to exert serious pressure on the Indonesian government. Its strength lay partly in its close ties with Minister of Environment Emil Salim, who was a loyal supporter of WALHI's cause (Peluso, Rachman, and Afiff, 2008: 384; Cribb, 2003: 46). As a result, WALHI could maneuver with relative freedom and openly express concerns about government conduct. Because the New Order's focus on large-scale projects involving the expropriation of large tracts of land, there was a certain overlap in the concerns of environmental activists and activists demanding rural land rights.

Despite several ideological differences, both environmental and rural justice activists challenged the natural resource policies of the New Order government, the difference being that environmental activism was a much 'safer' place to voice discontent than the domain of agrarian reform. Many activists who were part of environmental organizations such as WALHI therefore also advocated social justice issues such as respect for human rights and the state's recognition of adat lands (Muur, 2010: 19-20). Cribb states that 'environmental criticism also became a vehicle for more wide-ranging

objections to New Order policy' (Cribb, 2003: 44). Warren similarly notes 'that the environment had become a legitimate ground (for a period at least) for the expression of dissent on broader issues – government corruption, social inequality, and democratization' (Warren, 1998: 180).

To a certain extent, the Indonesian government took the critique on its environmental policies seriously and made attempts at improvements (Cribb, 2003: 44). But there were limits as to how far the environmental movement could advocate issues that were considered politically sensitive. This became evident by the late 1980s, when NGO's began to criticize the government's agrarian land rights policies in a more explicit way. A turning point was the conflict that revolved around the Kedung Ombo dam in Central Java. The construction of the dam, planned by the government with financial support of the World Bank, was met with fierce protests from a coalition of NGO's (including WALHI) on both environmental and human rights grounds. One of the demands was the proper compensation for displaced farmers. The reaction of the government was that NGO's had gone too far and were now engaging themselves in politics. Minister of Environment Emil Salim publicly distanced himself from the NGO protests (Peluso, Rachman, and Afiff, 2008: 385).

The growing suspicion towards environmental activists seriously disrupted the relationship between the government and environmentalist movements. In the 1990s, activists concerned with social issues still had to operate covertly, particularly those working on agrarian land reform. Nonetheless, the ties and overlap between environmentalists and social justice advocates that had developed throughout the 1980s remained strong, and organizations like WALHI continued to expand their agenda to social issues (Muur, 2010: 33-34). After the fall of Suharto, the Indonesian indigenous movement quickly became the new safe haven for both agrarian and environmental activists (Peluso, Rachman, and Afiff 2008: 394). Doing so, organizations advocating the rights of isolated communities could become part of a 'global rights based movement', which expanded their scope and reach to the outside world to unprecedented levels (Avonius, 2009: 221).

#### *4.2.6 Adat communities and identity politics*

A final important factor accounting for the rise of the adat community discourse is the political shift towards the regions that followed Suharto's demise. Under the highly centralized New Order, Indonesia's vast variety of ethnic groups could only express their identity through cultural forms of expression (Li, 2001: 654). As explained above, adat played a vital role in the creation of national ideology and the legitimization of state law. In the domain of local politics however, the role of adat was restricted and limited to narrow forms of expression such as arts, dances and local architecture, but 'no political rights were allowed to follow from cultural difference or ethnic identity' (Henley and Davidson, 2007: 11). The government permitted and often promoted the celebration of local traditions to highlight Indonesia's cultural diversity, but it was simultaneously cautious that adat would not become a ground for mobilization (Acciaioli, 2001: 69;

Avonius, 2003: 123). Suspicious of all forms of popular mobilization, the New Order government suppressed the regional and local political authority based on adat or local identity (Cribb, 2003: 45).

During the *Reformasi* period, decentralization was implemented and political authority more evenly spread across the regions. Law no. 22/1999 on Regional Autonomy (replaced in 2004 with Law no. 32/2004) shifted a wide range of powers, including the management of natural resources and the distribution of lease permits, from the national level to regional governments, particularly to the district level (Buehler, 2010: 267). This law also emphasized the significance of traditional norms in village governance (article 1 (15)). Although Law no. 22/1999 was not very specific on this matter, such a shift was a remarkable development, given the formal abolition of adat village leadership by the 1979 Village Law (Henley and Davidson, 2007: 15). In some areas, local government structures were restored to their old state. In West Sumatra for example, the nagari - a traditional polity that was formally dissolved under Suharto - was revived throughout the province (Nurdin, 2017).

A parallel development with decentralization was the nationwide revival of identity politics (Henley and Davidson, 2007: 7). The deployment of adat was not limited to isolated or marginalized communities, but also became a tool of elites to compete for political power, especially in rural districts. Henley and Davidson wrote that: 'adat, then, became both a means of redressing past injustices and a way of securing an advantageous position in the post-Suharto scramble for power in the regions' (Henley and Davidson, 2007: 14). Various formerly abolished sultanates began to demand to be formally reinstated (Klinken, 2007a). Likewise, the return of the adat law community concept in Indonesian law, and in the Indonesian public discourse in general, created a new basis for local identity politics (Benda-Beckmann and von Benda-Beckmann, 2011: 183-184).

While vulnerable farming groups usually claim adat community status as a defense strategy to protect their lands against powerful external forces such as plantation corporations and government agencies, the same claim can also be used by original population groups to exclude poor migrants from gaining access to land and natural resources. During *Reformasi*, local identity was also invoked to incite hostile sentiments between ethnic groups. This facilitated the collective mobilization in places where there was fierce resource competition between different population groups. In Central Kalimantan, where ethnic tensions between Dayaks and Madurese migrants resulted in a brutally violent conflict, adat organizations openly justified the use of violence against Madurese people (Klinken, 2007b). Unsurprisingly, in a country as diverse as Indonesia, a collective action frame based on local and regional identity stirs up emotions, as emotions surely enhances mobilizing capacities (Tarrow, 2013: 111).

The next section is devoted to the different actors involved in the movement, the advocates of adat communities, adat communities themselves and external funding agencies. I will look into their role inside the movement, their objectives and their repertoires of action. I will also discuss how the various actors relate to one another, how they interact and where their interests meet or conflict.

### 4.3 ACTORS IN THE INDIGENOUS MOVEMENT

#### 4.3.1 *The advocates of adat communities*

In many regions in the early and mid-1990s, rural people began to claim rights to land and natural resources on the basis of adat community status, albeit in various forms and constellations (Acciaioli, 2001; Djallins, 2011; Afiff and Lowe 2007). Yet, that the movement has been able to evolve into a countrywide network connected through countless organizations from the national level all the way down to the district level can largely be accredited to people who themselves ‘are not masyarakat adat’ (Li, 2001: 660). Activist leaders and intellectuals engage in the advocacy for the rights of adat communities. They have played a crucial role in the dissemination of a common language for dispossessed, marginalized or neglected communities throughout Indonesia. In Tania Li’s words ‘they undertake the cultural-political labor of translating innumerable, particular instances of isolation into a common language, assembling them so they can be understood and potentially resolved on a national scale’ (Li, 2001: 660).

Some authors mark the early development of the indigenous movement as one of grassroots mobilization, meaning that local actors initiated collective action as a direct response to their experienced grievances. Acciaioli for instance emphasizes the bottom up character of the emergence of the indigenous movement (Acciaioli, 2001: 107). Although in a few cases this may have happened, more typically the positioning of a group as adat community takes place in an interplay with external mediators (Li, 2001; 2007). We will see in later chapters that the identification of a community as an adat community often occurs in a conflict situation with an external party. It is in such situations that activist leaders and intellectuals working for NGO’s or local organizations become involved. As part of their work, they embed the perceived problem into a broader framework of injustice. They help to come up with strategies to achieve the aspired objectives.

Generally, activist leaders also perform the role of brokers, as they are the people who are well connected to both the wider networks of NGO’s and other actors of importance, such as government officials. They assist in formulating people’s claims and help to address them to a targeted audience; this audience may be a specific government agency, a court, a corporation or the general public at large. They furthermore determine which kind of collective action is necessary to reach the desired outcome. Activist leaders are predominantly young people who are relatively well educated and reside in urban centers, varying from Jakarta to regional or provincial capitals. They are often both well connected to the groups they claim to represent, especially their leaders, and to larger activist networks. As such they play a crucial role in the ‘dense social networks connective structures’ of a social movement (Tarrow, 2013: 19).

Individuals hailing from rural communities that claim adat community status may emerge as activist leaders themselves, usually after being introduced to and incorporated into larger NGO networks (Acciaioli, 2001: 92). Some of the more prominent adat

community advocates based in Jakarta are from places outside Java such as Sulawesi, Sumatra and Flores.

#### *4.3.2 Adat communities: who are they, what are they?*

A major issue surrounding the deployment of the 'indigeneity' card in the struggle for land rights revolves around inclusiveness. A striking question is who is able and who is not able to make claims on the basis of indigeneity. AMAN's definition of an adat community is, like the definition under Indonesian law, rather narrow. This means that when applying the definition strictly, many people will be excluded from the category, even groups who in accordance to a conventional international definition could be classified as indigenous. Gerard Persoon (1998), emphasizes the diversity in livelihoods of tribal groups existing in Indonesia. The country's many regions are the home of dispersed hunter and gatherer groups, sea gypsy peoples, shifting cultivating communities and cultural enclaves that deliberately abstain from modernity and adhere to strict customs and traditional means of living.<sup>113</sup>

While the different groups outlined above could each in their own ways be classified as tribal, traditional, or indigenous, it is doubtful whether, under the conventional definition, they all qualify as adat communities. For instance, dispersed hunter and gatherer groups do not always have a traditionally defined territory, while certain shifting cultivating communities may face difficulties in proving that they still have adat law or adat judicial institutions. The groups Persoon classifies as cultural enclaves on the other hand, such as the Baduy and Ammatoa Kajang communities, easily fulfill all criteria. They generally have well defined territories and still comply with their adat law systems. As we will see in Chapter 7, these groups face fewer hurdles than other groups when they try to obtain formal government recognition.

Although the conventional definition is narrow and highlights the distinctiveness of adat communities, in practice, an organization like AMAN applies the term in a rather broad and inclusive way. AMAN welcomes most rural communities to become members of the organization, even if there are doubts with regard to whether all defining features of adat community are in place.<sup>114</sup> The organization estimates the total number of indigenous people in Indonesia at 70 million, which is more than 25% of the Indonesian population. AMAN does not explain the methodology behind the number, but to get there, it would have to include the majority of the rural population living outside of Java. Regardless, adat community advocates use the large estimation to draw attention to the important cause of the movement. It is precisely this dichotomy between definition and application that makes the movement so influential: on the one hand, the narrow definition highlights that adat communities are special and unique and hence deserve special rights, but through the broad practical applicability of the concept on the other

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<sup>113</sup> This categorization of tribal groups comes from Persoon (1998).

<sup>114</sup> In Chapter 7 I will provide an example of such a case, when discussing the Turungan Soppeng community from West-Sinjai sub-district, Sinjai.

hand, almost any rural community may position itself as adat community. This makes it a very appealing and powerful collective action frame.

In contrast to AMAN's definition, the adat community concept is in practice applied as an inclusive term for all marginalized rural people. Li stresses that most people involved in the adat community movement in Central Sulawesi in the early 2000s, when asked the question what adat communities are, answered '*rakyat yang tertindas*' (oppressed people) (Li, 2007: 246-247). But as will become evident in the subsequent chapters, the idea that 'everyone who is oppressed' can qualify as an adat community is not shared by everyone (Li, 2007: 247). Government agencies and courts often apply the term in a literal sense in accordance with the definition of an adat law community under Indonesian law. In Chapter 7 we will see that for many local land users seeking secure land rights, the narrow definition has often become a mechanism of exclusion. Is this the price that the movement pays for choosing a socially and politically acceptable term?

#### **4.4 OBJECTIVES, ACTION AND OUTCOMES OF THE INDIGENOUS MOVEMENT**

##### *4.4.1 Organizations and objectives*

There are many organizations in Indonesia that advocate indigenous rights, but AMAN has the most influence, receives most funding and has the strongest mobilizing capacity. In the early 1990s, advocates of adat community rights mostly worked for established organizations such as WALHI and YLBH. During the mid-1990s, adat community organizations started to organize at the provincial level, such as the *Aliansi Masyarakat Adat Kalimantan Barat* (Ama Kalbar) and the *Aliansi Masyarakat Adat Sulawesi Tengah* (AMASUTA) (Acciaioli, 2001: 92; Arizona and Cahyadi, 2012: 44). In March 1999, less than a year after Suharto's resignation, the first National Congress of Adat Communities (KMAN I) was held, funded by international donors including USAID and OXFAM (Li, 2001: 645). Since then, AMAN has organized four more national congresses, the latest one was held in March 2017 in North Sumatra.

After its foundation, AMAN quickly established representational bases all over the country. The organization is well embedded into international NGO networks, and has ties with organizations such as the International Working Group on Indigenous Affairs and the United Nations Working Group on Indigenous Populations (Avonius, 2009: 221). AMAN is open to membership, but only communities, not individuals can become members. In 2009, AMAN had 776 member communities (Avonius, 2009: 222). By 2018, this number had almost tripled, the total number of members now being 2304 communities, which according to AMAN, in total comprises seventeen million people.<sup>115</sup> AMAN's headquarters (*pengurus besar*) is in Jakarta. The organization furthermore has 21 regional branches (*pengurus wilayah*), mostly located in provincial capitals, and 115 district level branches (*pengurus daerah*). In addition, the organization works closely with a number of NGO's, of which many are environmental organizations (Avonius, 2009: 223).

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<sup>115</sup> Information derived from <http://www.aman.or.id/>, last accessed 25 May 2018.

AMAN has a neat organizational structure and its leader, the Secretary-General, is elected every five years.

AMAN's most important objective is to ascertain that the Indonesian state recognizes the existence and rights of adat communities, of which the right to community land holds the largest priority (Acciaioli, 2001; Li, 2001). In line with other indigenous peoples movements around the globe, AMAN's idea is not to overthrow the government or to establish a new and separate polity, but rather, to strengthen the position of adat communities within the existing structures of the nation-state. AMAN's foundational motto is telling: 'If the state does not recognize us, we will not recognize the state' (Tsing, 2009: 46). In the view of the movement, the means through which state recognition can best be realized is legal reform, as it is through legislation that the existence and rights of adat communities can be formally acknowledged by the state. Besides AMAN, two influential Jakarta-based organizations that support the cause of adat communities are Epistema and HuMa. Both are legal reform organizations and many staff members are trained lawyers.

Initially, the indigenous movement mainly targeted the legal regime on forestry and agrarian rights, especially the 1967 BFL, for it provided the legal basis for the designation of the contested Forest Areas (Afiff and Low, 2007: 84; Bedner and van Huis, 2010).<sup>116</sup> In addition, the movement pushed the government to pass new legislation on adat community rights, both at the national and regional level. More recently, the main objective of AMAN has become the enactment of a national law specifically dedicated to the recognition and protection of adat communities. Abdon Nabadon, secretary general of AMAN from 2006 – 2017, recently stated that *'a law on adat communities will be the light that will guide 70 million Indonesian members of adat communities towards a more peaceful life based on justice'*.<sup>117</sup>

#### 4.4.2 Legal and political strategies

To realize state recognition of adat communities, the indigenous movement has adopted a diverse repertoire of action. So far, the judiciary has been the most effective forum to realize legal reform. Adat community advocates have numerous times taken the government to court, challenging the constitutionality of state laws. Constitutional Court ruling no. 35/2012 on the separation of adat forest and state forest, discussed in Chapter 2, has been the most notable victory to date. In addition to litigation, the indigenous movement also resorts to political action to achieve its objectives. An organization like AMAN does not shy away from using its bargaining power, which has grown in recent years as a result of growing public support, as well as growing financial support from influential development organizations like the World Bank.

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<sup>116</sup> See Chapter 2.

<sup>117</sup> Translated quote from <https://www.aman.or.id/abdon-nababan-segera-sahkan-ruu-masyarakat-adat/>, last accessed 20 January 2018.

During the presidential elections of 2014, AMAN openly showed its support for candidate Joko Widodo.<sup>118</sup> It was the very first time that AMAN explicitly expressed support for a candidate. Widodo's subsequent election created direct access to the highest level of government, on which the organizations' leaders can exert serious influence. In late 2016, AMAN announced to withdraw its support for President Joko Widodo if no concrete government action to recognize adat forest rights was undertaken soon.<sup>119</sup> Within weeks, the President invited a number of adat communities to the presidential palace, where he personally handed them nine adat forest decrees issued by the MEF.

At the regional and local level, activist strategies are also numerous. Depending on the situation, their strategies vary from contentious politics to informal negotiations with government actors. Organizing demonstrations is common and this form of action is mostly employed in imminent conflict situations, for instance between local people and plantation companies. Typically, demonstrations are organized in front of district government offices with participants dressing in their traditional clothes. In addition to protests, adat community advocates actively engage with government agents, investing in relationships with officials and politicians to win their support. They use maps to convince them about the existing rights of adat communities. Many organizations advocating adat rights are involved in community mapping. As of 2017, a total of 795 adat territories have been mapped, covering 9,4 million hectares.<sup>120</sup>

#### 4.4.3 Mixed results

Many were excited when they found that President Joko Widodo would be the opening speaker at the 5<sup>th</sup> National AMAN Congress in March 2017. Something like this would have been unthinkable some years earlier. Large billboards displaying images of the President were spread along the bumpy road towards the congress site in the rural *kampung* of Tanjung Gusta, Medan, North Sumatra. To the disappointment of many however, a day before the congress began the President canceled his visit. 'Only' the Minister of Environment and Forestry would attend the congress and give a speech. Tanjung Gusta, in the far outskirts of Sumatra's largest city Medan, is largely situated on a former palm oil estate, located on state land. With the support of AMAN, local people and migrants from different regions occupied the land years ago, claiming legal entitlement to the land on the basis of their adat community status. Rumor at the congress was that at second thought, the President changed his mind about speaking at a congress that was organized on disputed state land.

The story above is characteristic of the current relationship between the indigenous movement and the central government. The latter shows occasional support,

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<sup>118</sup> See:

<http://nasional.kompas.com/read/2014/05/23/1218537/Aliansi.Masyarakat.Adat.Nusantara.Dukung.Jokowi.Ini.Alasannya>, last accessed 12 January 2018.

<sup>119</sup> <https://news.mongabay.com/2017/01/jokowi-grants-first-ever-indigenous-land-rights-to-9-communities/>, last accessed 12 January 2018.

<sup>120</sup> Information provided in the AMAN report: *AMAN Laporan Tanggung Jawab 2016*.

but generally abstains from concrete action and acknowledgement in sensitive situations, especially when the interests of state owned or private enterprises are involved. The many unresolved land conflicts involving claims to adat lands are particularly controversial. The government has yet to adopt a national law on adat communities, even though AMAN and other civil organizations have been campaigning for this law for more than a decade. When the government does give in to the legal demands of the movement, it is usually enough to keep activists temporarily content, but not to bring about major political change.

On the other hand, the indigenous movement did succeed to put indigenous rights on the policy agenda of the central government. The government's attitude towards remote and isolated people has significantly changed. During the New Order period, the government used the term *masyarakat terasing* (estranged people) to refer to marginalized and isolated communities. Government officials often believed that adat hampered the adaptation of rural communities to the modern world (Urano, 2010: 63). Gradually, this view has changed. By the late 1990s, the government began to use the term *masyarakat adat terpencil* (terpencil meaning remote in Indonesian) to refer to isolated, non-mainstream communities (Henley and Davidson, 2007: 15). Previous government publications spoke of the need for these communities to develop. But the new paradigm was that *masyarakat adat terpencil* have valuable unique cultures that are under threat from external influences.<sup>121</sup> This change in approach reveals the influence of the indigenous movement on the post New Order government.

In Chapter 2 I have shown that the indigenous movement has been at the forefront of realizing a number of legal reforms in Indonesia. As a result, the scope of adat community rights has widened considerably. The current government has declared to be seriously committed to the realization of adat community rights. But in order to make such words translate into action, AMAN is compelled to exert serious pressure on the government, as already outlined above. The 13,000 hectares of adat forest release by the MEF in December 2016 was a much-celebrated moment for the movement. However, there has been very little follow up since then. The promises of President Widodo that the first 13,000 hectares would be the start of a systematic policy to recognize adat forests has yet to materialize. In 2017, a mere 3000 hectares of adat forest was recognized, of which the majority was located outside of Forest Areas. In response, current Secretary-General of AMAN Rukka Sombolinggi stated that 'we lost our spirit in 2017', referring to the Widodo administration.<sup>122</sup> The most serious longtime frustration is that AMAN's long-term major goal - the adoption of a national law on the rights of adat communities - has still not been passed.

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<sup>121</sup> For instance, the Ministry of Social Affairs contends that the traditions of *masyarakat adat terpencil* need to be protected through legal instruments, see: <http://www.kemsos.go.id/modules.php?name=News&file=article&sid=1001>, last accessed 21 December 2017.

<sup>122</sup> From Interview in the Jakarta Post, see: <http://www.thejakartapost.com/news/2017/12/20/2017-not-a-friendly-year-for-ri-indigenous-people-alliance.html>, last accessed 25 June, 2018.

#### 4.4.4 Growth of the movement: losing its oppositional character?

Some of the people that were at the forefront of the indigenous movement during the 1990s have eventually made successful careers in civil society organizations. Others have in recent years taken up influential positions in government and government related institutions and now work as policy advisors.<sup>123</sup> Meanwhile AMAN has grown into a large and influential organization with substantial financial means at its disposal. Between 2012 and 2016, AMAN received more than ten million USD from donors.<sup>124</sup> One of AMAN's current main supporters, the World Bank, used to be precisely the kind of market-oriented organization that the likes of AMAN fought against in the late 1990s. At the latest national AMAN congress in March 2017 however, World Bank officials were invited as speakers. The congress was also the place where the World Bank launched a new multi-million-dollar project to help forest dependent communities that live in Forest Areas. It is implemented in cooperation with the Indonesian government and AMAN.

These developments indicate that some of the movement's leaders have acquired closer ties with power holders and are as such able to exert direct influence on government policy. The confrontational character of groups like AMAN has recently transitioned into an approach that focuses more on dialogue with various government agencies. Such developments, one might argue, are necessary steps to be taken for the movement to realize its objectives. Indeed, the growth of the movement has strengthened its bargaining position and the improved relationship between activists and government agencies has been beneficial to realize some of the recent achievements. On the other hand, however, concerns exist that when connections with power holders become too strong, activist leaders might lose sight of the needs and desires of the people they claim to represent. Tarrow in this context explains that 'movements that adapt too well to their societies' cultures lose the power of opposition and alienate their most militant supporters – for what society has dominant values that do not support existing power arrangements?' (Tarrow, 2013: 110). Considering AMAN's shift towards the center of political power, the organization puts itself at risk of losing its reputation as an oppositional movement, especially in the eyes of grassroots level activists and adat community members.

One of the paradoxes of the indigenous movement is that although it has positioned itself as opposing the authority of the state, the structure and working methods of many organizations involved in advocacy on behalf of adat communities show strong similarities with how the Indonesian state operates. Avonius notes that AMAN is 'extremely Indonesian', given that the organization 'has internalized the country's regional administrative divisions and it acknowledges the existence of state bureaucracy' (Avonius, 2009: 224). Li observes that activists in Central Sulawesi, just like the

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<sup>123</sup> For instance, agrarian reform and adat rights activist Noer Fauzi Rachman became Presidential Advisor on Land and Forestry Affairs in 2014, while Chalid Muhammad, former director of WALHI, became Senior Advisor to the Minister of Environment and Forestry. Long time adat rights activist Sandra Moniaga is a Commissioner of the National Commission on Human Rights (Komnas HAM).

<sup>124</sup> *AMAN Laporan Tanggung Jawab 2016*.

government, use the '*sosialisasi*' approach, referring to 'the practices and language of government and donors who try to 'socialize' their initiatives from the top down' (Li, 2007: 348). Acciaioli furthermore mentions that the jargon used by adat advocacy organizations closely resembles that of the government: 'these idioms are reminiscent of precisely the sort of governmental rhetoric which the ... movement has critiqued for subordinating local needs to state priorities that all too often have only advanced the interests of central elites' (2001: 104).

That AMAN is experiencing growth pains became clear during the 5<sup>th</sup> AMAN congress in North Sumatra in March 2017. During one of the public debates, one attendee from eastern Indonesia took the opportunity to stand up in public and address a few issues to the leaders of AMAN, who were all sitting at the most front seats next to the attending government officials, close to the main stage. The man complained that AMAN had become too much of a centralized organization, since most funding was kept at the headquarters in Jakarta and did not reach the regional offices. He also raised questions with regard to how some of this money was being spent. These statements visibly affected Abdon Nabadon, who was serving his final days as Secretary-General before a new candidate was elected. His reaction was fierce and full of emotion:

*'We are not the state! We are not a corporation! We are an organization of struggle! If you want to receive a salary from AMAN, get out of this room! We are an organization of marginalized people! Do you want to be like the Governor, district heads and village heads? Then go pay taxes immediately. This is a group for struggle. Not of enjoyers. Don't you know that 84 million hectares of adat lands are being controlled by the forces of evil? So don't come here looking for a salary. 84 million hectares! Imagine working as the Secretary-General of AMAN and having to manage all the regional offices. All of you are scattered. How much money do you have, to pay for the AMAN organization? Do you know how much my salary is? Eleven million rupiah. I can't even fix my home. Working in Jakarta and going back and forth to Bogor, what do you think you can do with that salary? Who do you think is enjoying the high life? What kind of life do you think we live? Yes, we have hundreds of billions of rupiah. Do you think that belongs to us? Most of it belongs to the donors. And that has helped us to be able to not take fees. It's not our money. It's theirs. So to all of you who think you come here to enjoy the funds, get out of here. But if you want to be here to be part of a struggle, you are here in the right place'.<sup>125</sup>*

The citation above indicates the challenges that AMAN faces. On the one hand, AMAN's position has strengthened, which means that the organization can now exert political influence on government actors. On the other hand, AMAN will need to keep framing itself as a movement of opposition and resistance, especially when concrete results and outcomes of the movement remain as modest as they are at present. Otherwise, its beneficiaries might view the movement's leaders as part of the political mainstream elite that cannot live up to the promises made to their constituents.

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<sup>125</sup> Transcript and translation by Micah Fisher, March 20 2017.

## 4.5 CONCLUSION

In this chapter, I have discussed the ideological, historical, legal and political factors that influenced the emergence of the adat community discourse as a collective action frame of a social movement advocating rights of marginalized rural groups, particularly land rights. I have approached the emergence of this movement through the lens of social movement theory. An important insight following from this theory is that collective action frames need to resonate with the ideas of power holders in society in order to become effective.

The emergence of the Indonesian indigenous movement must first and foremost be understood in relation to the unaddressed grievances of local land users during the authoritarian New Order period, particularly of those residing in the outer islands. While other collective action frames were suppressed, the adat community discourse came into being as a discourse of resistance, but yet, one that would be viewed as legitimate by the state. This legitimacy can be attributed to the legacy of colonial legal policy; the symbolic position of adat law in Indonesian legislation; the prominent position of adat in national ideology on Indonesian culture; and the popular idea that adat communities are custodians of the environment. In the era of democratization, the adat community discourse gained more ground as local and regional identity became a basis for popular mobilization. In addition, connecting with the transnational indigenous peoples movement helped the Indonesian indigenous movement gain support from development agencies.

The concrete results of the indigenous movement have been modest. While advocacy through the judicial system has led to legal reforms, organization like AMAN are required to exert pressure on the government for the actual realization of adat community rights. This has occasionally resulted in ad-hoc victories, such as the recognition of 13,000 hectares of adat forest in late 2016. However, the adoption of a systematic and consistent government policy on the recognition of adat communities has yet to ensue. Simultaneously, as the movement becomes increasingly influential, it risks losing its oppositional image, which might eventually result in a decrease of grassroots support.

Ultimately, the most important question regarding the long-term legitimacy of the indigenous movement is whether AMAN and other advocacy organizations are able to realize concrete results at the local level. Can these organizations, advocating the adoption of new laws and legislation that recognize adat communities, realize land rights for local land users and if so, to what extent will these efforts improve their livelihoods? These will be the central issues to be examined in the next chapters. This assessment begins in the next chapter, in which I will provide a historical account of the changing relationship between adat and political authority in South Sulawesi.