



Universiteit
Leiden

The Netherlands

Rethinking Adat strategies: the politics of state recognition of customary land rights in Indonesia

Arizona, Y.

Citation

Arizona, Y. (2022, June 14). *Rethinking Adat strategies: the politics of state recognition of customary land rights in Indonesia*. Retrieved from <https://hdl.handle.net/1887/3309795>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3309795>

Note: To cite this publication please use the final published version (if applicable).

5 | **A labyrinth of legal recognition: Complexity in obtaining customary forest recognition**

5.1. Introduction

Chapter 4 showed that consensus within local communities about the character of land tenure problems and strategies for solving land conflicts is not always self-evident. Without consensus, there is no substantial basis for trying to receive state legal recognition of customary land or forest rights. The present chapter discusses the next step in the process for obtaining legal recognition as a way of solving land conflicts between local communities and business enterprises. In terms of my analytical framework for analysing the legal process of obtaining customary land rights recognition from the government, this chapter focuses on the step following legal procedures and lasting until recognition is granted. The central question is: What are the requirements and factors that enable customary communities to succeed in obtaining legal recognition from the government?

I have chosen the land conflict between local communities and a pulpwood company, PT. Toba Pulp Lestari (PT. TPL), in North Sumatra, as the empirical case for this chapter. I focus on the Pandumaan-Sipituhuta community case, because the community successfully passed the steps of obtaining legal recognition as an adat community from the district government and customary forest recognition from the Ministry of Environment and Forestry (MoEF). For the adat movement in Indonesia, the case is a famous example of a successful struggle against a forest logging company. Since its operation in 1986, the company has been involved in many land conflicts with local communities in North Sumatra. The conflict between the Pandumaan-Sipituhuta community and the company started in 2009, when the company expanded its plantations in the community's benzoin forests. The conflict was violent, and the police arrested some Pandumaan-Sipituhuta community members.

Many actors have supported the Pandumaan-Sipituhuta community in opposing the company, including (local, national and international) NGOs, environmental media, student organisations, and churches. After framing their land dispossession as a problem concerning customary land rights, the Pandumaan-Sipituhuta

community pursued a remarkable political strategy. They nominated one of their members to become a district parliament member, and the member was successful. They also made a political deal with district head candidates, negotiating that the district government would create a district regulation to recognise the Pandumaan-Sipituhuta community as an adat community, in exchange for their votes. This strategy has been quite successful in elevating the political position of the Pandumaan-Sipituhuta community.

In 2016, representatives of the Pandumaan-Sipituhuta community were invited by the President of the Republic of Indonesia to the president's palace. President Joko Widodo symbolically handed over a decision allocating 5,172 hectares of company concessions to be converted to Pandumaan-Sipituhuta customary forest. However, soon after the ceremony, the community realised that the ceremony was insufficient to obtain actual, fully recognised rights to their adat forest. The final recognition of customary land rights should be preceded by legal recognition by the district government of the Pandumaan-Sipituhuta as an adat community. The case analysed below shows that the process of resolving conflicts through the legal recognition of customary forests is complex, as it involves many actors and decision making processes. Amidst that complexity, the government agencies involved use their power either to slow down the process or to divert claims by adat communities.

NGOs have often presented the Pandumaan-Sipituhuta community story as a best-practice case for resolving land conflict between adat communities and forestry companies. My research, however, indicates that success might be only partial – concerning one type of recognition, but not yet fulfilling all the requirements. In the advanced phase of legal recognition, communities easily get trapped in complicated procedures. To expand my analysis of this case, I also gathered information to compare the legal recognition strategy pursued by the Pandumaan-Sipituhuta community with other local communities that also experienced land conflicts with PT. TPL. However, before providing more details about the conflict, I will give some brief information about the forest tenure setting of the conflict in North Sumatra.

5.2. The setting and problems of forest tenure conflicts in North Sumatra

The case discussed in this chapter is a typical example of conflict between a local community and a forest production company that has

received concessions from the government for large-scale forest exploitation. It is just one of the many cases in North Sumatra, in which logging companies have dispossessed local communities. For example, in 2018, a local NGO recorded that 62 land conflicts had occurred from 2003 until 2018 between the pulp company, PT. TPL (central to this chapter), and local communities. One of these conflicts is the case of Pandumaan and Sipituhuta. The following section will start with the historical context of land dispossession in North Sumatra, then gradually zoom in on the Pandumaan-Sipituhuta case.

5.2.1. Large-scale forest concessions and land conflict in North Sumatra

In Indonesia, large-scale land acquisitions to supply global market products started a few decades ago, under the authoritarian Suharto government (1966-1998), which opened a wide door for domestic and foreign investment in natural resource extraction (McCarthy et al 2012). During Suharto's New Order regime, the Ministry of Forestry granted many concessions for big forestry corporations to produce pulp, rayon, and wood. During that period, forestry companies played a dominant role in national economic development. The government granted forest concessions to its inner circle of government supporters, which resulted in an alliance between the government and business enterprises. Forestry statistics in 1994 showed that the government had granted 28 million hectares (45%) of logging concessions to ten companies close to President Suharto's circle, including business tycoons, Bob Hasan and Probosutedjo. Bob Hasan is a timber entrepreneur who President Suharto, in his final days in power, appointed as Minister of Industry and Trade (1998). Probosutedjo is the adopted younger brother of President Suharto. The extent of forestry concessions at that time contributed to the increase in timber export production from Indonesia, especially to Japan (FWI 2002: 9). The massive extractive operation of forestry companies has had a significant impact, in terms of reducing the forest cover in Indonesia. Currently, the MoEF has designated 34.18 million (28.3%) out of 120 million hectares of forest area for extractive forest activities, such as logging and timber plantations. This area is almost equal to the size of Germany.

In Sumatra, the Ministry of Forestry granted large-scale forestry concessions to the Royal Golden Eagle/Asia Pacific Resources International (RGE/APRIL). This concession was granted in Suharto's

New Order period, and it remains valid today. This company has several subsidiary companies operating in North Sumatra, Riau, and Jambi. In total, the company has a concession area of 1.2 million hectares, which represents 26% of the total pulpwood concessions on Sumatra. With extensive concession areas and huge assets, Sukanto Tanoto, the owner of the company, became one of the richest people in Indonesia. In North Sumatra, Royal Golden Eagle's subsidiary, PT. Inti Indorayon Utama (PT. IIU), obtained forest concessions from the Minister of Forestry in 1992, which covered 269,060 hectares located in several districts in North Sumatra.

5.2.2. Local communities versus PT. Inti Indorayon Utama (PT. IIU)
PT. IIU operation in North Sumatra causes land conflicts because the company's concession areas overlap with local community land, especially with Toba Batak customary land. The Toba Batak is an ethnic community living around the Toba Lake, dispersed throughout five districts in North Sumatra. The total population of Toba Batak is around 5 million (22%) of the North Sumatran population. Local community members living around the company's concession areas have been using the land as the main source of their livelihoods, cultivating rice, palm sugar, and benzoin gum. Some Toba Batak leaders, especially those who no longer reside in the contested area but live in cities, such as Medan and Jakarta, argued that the PT. IIU company operations would help to reduce poverty in this area. However, voices from the Toba Batak community countered that development based on the argument that capital interests would increase poverty. The leading cause of poverty would be that the company would be grabbing local communities' productive lands in order to establish a monoculture plantation (Silalahi 2020). Moreover, such operations would degrade environmental conditions. These arguments characterised the contestations in this case from the start, in the 1980s.

In 1986, PT. IIU established a pulp factory in Porsea, Toba District. Furthermore, the company began land clearing to establish eucalyptus plantations to supply feedstock for pulp and paper production. The government granted the forest concession without properly consulting the affected communities.

Local NGOs assisted the communities who confronted the company with arguments that company operations had caused land dispossession and environmental degradation. Local community protests against company operations were widespread. The community conducted

demonstrations and filed a lawsuit against the company. In 1988, ten older women in Sugapa village pulled out eucalyptus plants planted by the company, because they thought that the company was illegally occupying their customary land. The case attracted national NGO attention, because the leading protesters were women, which was very unusual at the time. Company staff reported the ten women to the police. Subsequently, the district court sentenced them for obstructing company activities. The case inspired many local communities in North Sumatra to fight against the PT. IIU, and it became an exemplary case of the adat struggles against big corporations in North Sumatra (Simbolon 1998; Silaen 2006; Manalu 2007). After the case received national attention, representatives of the Sugapa women came to Jakarta to meet the Minister of Home Affairs, Rudini. As the result of that meeting, the Ministry of Internal Affairs intervened to release the ten women, and suggested that the company return the customary land to the Supaga community (Silalahi 2020:17). The outcome of the meeting also supported activists' strategic analysis, which posited that elevating conflicts to the national level can help to resolve specific cases.

The Sugapa community was assisted at the time by KSPPM (*Kelompok Studi dan Pengembangan Prakarsa Masyarakat*), an NGO created by several Toba Batak academics and activists,⁴⁰ including Asmara Nababan, who later became a member and chairperson of the National Commission of Human Rights (1993-2002). Through KSPPM's national network, conflicts between local communities versus PT. IIU were elevated to national-level NGOs' concern level. One such national NGO was Wahana Lingkungan Hidup (Walhi). In 1988, Walhi, a leading environmental NGO in Indonesia, filed a class action at Central Jakarta District Court, concerning pollution caused by PT. IIU in North Sumatra. For the first time in Indonesia, the court acknowledged the legal standing of an environmental organisation in an environmental case, which made it a landmark case. However, the court rejected Walhi's petition regarding water pollution committed by the company. The lesson of this court case was that basing the rejection of PT IIU operations

⁴⁰ In 1983, some scholars, activists and religious leaders with Batak ethnic background established KSPPM, to respond to the top-down development model of Suharto's authoritarian regime. For decades, KSPPM has been assisting local farmers and labourers in defending their rights against land dispossession and injustice. Although the KSPPM office is in a district in North Sumatra Province, KSPPM staff have good connections with national NGO activists in Jakarta. Asmara Nababan, one of KSPPM's founders was the chairman of the National Commission on Human Rights of the Republic of Indonesia.

on environmental arguments was not an effective legal strategy for NGOs to pursue (Silaen 2006; Manalu 2007).

Local communities that rejected PT IIU's operations repeatedly protested with various demands, ranging from requests for compensation for using their land to establish the company factory, to stopping violence against local community members, returning the customary land of adat communities, and ending environmental pollution. Massive demonstrations by local communities managed to stop the company's operations for some time; for example, in 1993 (15 days), 1998 (4 months), and from 1999 to 2003 (4 years) – encouraged by the political reforms in 1998. The people's protest attracted the national government's attention. In 1999, during massive protests against PT. IIU in North Sumatra, President BJ. Habibie decided to stop PT. IIU operations and ordered an environmental audit to investigate potential water pollution committed by the company.

In 2003, President Megawati Sukarno Putri allowed the company to recommence operations after it proposed 'a new paradigm' to promote sustainability and social acceptance for its operation. The company name was changed from Inti Indorayon Utama (PT IIU) to Toba Pulp Lestari (hereafter PT. TPL). This renaming was conducted to increase the social acceptance of company reoperation by local communities. The name Toba comes from the name of Lake Toba, which is the largest lake in North Sumatra, and it has a central position in Toba Batak culture and history, the word 'Pulp' indicates that the company is focused on pulp production, rather than rayon production, and the word 'Lestari' (Sustainable) indicates the company's commitment to environmental conservation. In addition to the renaming, the company also hired several Toba Batak company managers, strengthened the company's sustainability programme, and allocated 1% of the company's net sales to Corporate Social Responsibility (CSR) programmes. These programmes are carried out by a foundation that has been jointly created by district governments and the company.

Nonetheless, conflicts between the company and local communities persisted. The current conflict is no longer about environmental pollution, but instead concerns about overlapping land claims between local community members and the company once again. Local community members base their land claims on customary rights, whilst the company underpins its operations with legal permits provided by the government. In the next section, I will zoom in on one of these disputes, to explore why and how the community and its allies tried to

obtain legal recognition of the customary forest rights as a strategy for solving the conflict with PT.TPL.

5.3. The Pandumaan-Sipituhuta case

As I already mentioned, the Pandumaan-Sipituhuta case is a national showcase of local community success in obtaining customary forest recognition in order to solve a land conflict with a big company. However, my research, which includes the history of the conflict, the proliferation of actors involved, and the strategies that they have used, shows that the story is much more complicated than just one adat victory. In this section, I will explain how the land conflict started and developed, and how local communities have gradually come to frame the land conflict as a customary land problem. My analysis shows the complexity of the rules and procedures which the Pandumaan-Sipituhuta community had to deal with when they followed the legal procedure for recognition of customary forests as a solution to solve their land conflict with a company. I will end the section with a discussion about the obstacles and achievements involved in following this route.

5.3.1. The origin of land conflict

Pandumaan and Sipituhuta are the names of two villages in the Humbang Hasundutan District in North Sumatra Province. The inhabitants belong to the Toba Batak community. Most of the community members are Protestant or Catholic, and religious and customary institutions play an essential role in people's lives there. The Pandumaan and Sipituhuta community members cherish their customary practices, because they have been cultivating benzoin trees in the forest for more than 300 years. The benzoin tree (*Styrax benzoin*, *tombak haminjon*, in Batak) is endemic to the area, and the Pandumaan-Sipituhuta forest is the most significant benzoin production area in Indonesia. Benzoin trees produce gum, which is used as a base material for incense and perfume production. For hundreds of years, the benzoin gum from this area has been exported to China, Turkey, India, and Arabian countries. The historical relationship of local community members to the benzoin forest is preserved through oral storytelling. A local myth tells how the benzoin tree is personified as a woman, the benzoin gum symbolising the woman's tears. The benzoin forest is the

main source of income for the community, and it has been a marker of local identity for many generations.



Figure 9. Left: a benzoin farmer extracts benzoin gum. Right: benzoin gum on a benzoin tree. (© Yance Arizona, Pandumaan, 2019)

Almost all the Pandumaan and Sipituhuta village residents have benzoin forest plots, which they either cultivate themselves or rent out to others. For many years, they maintained the benzoin forest without any interruption from outsiders. However, this situation changed when a forest exploitation company established a eucalyptus plantation in their forest. When the company obtained its concession permit in 1986, Pandumaan and Sipituhuta residents did not know that the PT. TPL concession area overlapped with their customary forest. The community members did not really mind, as long as the company was exploiting parts of the forest that were far from their settlements and not being used for benzoin cultivation. For most of the community members, it became apparent that they had a land conflict when the company started to clear out the benzoin forest, in 2009. Local community members held protests and stopped the expansion of the company operation by using violence and a blockade to forcibly evict company staff from working in their forest areas.

The community members were aware that if they did not stop the company expansion they would lose their benzoin forest. A fight occurred when a crowd of community members confiscated 14 chainsaws and brought them to the village, stopping company activities.

The company reported this to the police. Subsequently, hundreds of police officers came to the village to reclaim the chainsaws, and they arrested 16 villagers. The police officers brought them to the police office in the capital of Humbang Hasundutan District. Hundreds of local community members went to the police office to protest, demanding that their family members be released. Protesters also went to the district parliament and the district head office, requesting support for their demands. As a result of intense pressure from community members, the police released the arrested villagers. The district government sent a letter to the company stating that it should stop its operations in the Pandumaan and Sipituhuta areas.

Nevertheless, the company did not abide by that prohibition. The company's excavators entered the benzoin forest again in 2013. This time, police officers guarded the company staff, but there was another fight, and the story involving police officers arresting villagers and villagers protesting about it repeated itself. However, this time, the police officers relocated the detainees to Medan, the capital city of North Sumatra Province. With this act, the police moved the conflict to the next level. The violence experienced by Pandumaan and Sipituhuta community members encouraged solidarity from provincial NGOs, student organisations, and local Protestant Christian organisations, who all urged the police to release the arrested villagers. This problem also caused a dilemma for Ronal Lumban Gaol, a mid-level police officer from Pandumaan village, who was posted at the Medan police office. Ronal secretly provided support for the detainees. When his superiors found out, they intimidated him and assigned him a new post in a remote area. When Ronal decided to resign from the police department, villagers from Pandumaan-Sipituhuta asked him whether he would be willing to run as a candidate in the upcoming district parliament elections, promising to support him. Having a representative at the district parliament was essential for the Pandumaan-Sipituhuta community struggle, because usually they would come to the district parliament to report their grievances.

Most of the Pandumaan and Sipituhuta community members opposed company operations in their area, but there were internal differences of opinion and interests. Originally, Pandumaan and Sipituhuta were two separate villages consisting of 3,272 inhabitants (Statistics for Humbang Hasundutan District 2014), but the inhabitants of the villages ultimately united in their resistance against the company.

I observed three distinct groups of community members, each with their own strategy and interests in the land conflict. The first category is the majority group, who opposed the company. Most of them belong to the first settler clans (*marga tano*), who established the villages centuries ago. They claim exclusive rights as the landowners, based on customary law. The second group consists of the 'newcomer clans' (*marga boru*), who have received permission to live in the village because of marriage, or for other reasons. According to the customary law, they only have land-use rights for agricultural land, and they must return the land to the landowning clan when they are no longer cultivating it. This group joined the struggle to protect the benzoin forest, because they believed they had equal rights to the forest.⁴¹ The third group consists of a minority of community members that favor the company. They originate from the first settler clans (*marga tano*) and live in the most accessible areas, near the main road to the capital city. This group is less dependent on the benzoin forest, because some are village government staff, coffee traders, and local contractors, who all benefit from company operations, such as receiving grants from the charity fund, free seeds and fertilizer, and business contracts. The differentiation between villagers' strategies and interests corresponds to the variation in levels of dependency on, and their property relationships to, the benzoin forest. As my research concentrates on community strategies for reclaiming dispossessed land, I focus on the group opposing the company and pursuing legal recognition of their customary forest as the solution for securing their benzoin forests.

5.3.2. A twist in strategic framing: From benzoin farmers to an adat community

When the community members were facing a land conflict with PT. TPL for the first time, in 2009, they created a new organisation for coordinating protests and demands. Instead of revitalising a traditional institution, local community members agreed to establish The Benzoin Farmer Group of Pandumaan-Sipituhuta (*Kelompok Petani Kemenyan Pandumaan-Sipituhuta*). The group became the leading organisation for representing community members in meetings opposing the company and the government agencies. The organisation chairperson was James Sinambela, a community member from the newcomer clan (*marga boru*). The Benzoin Farmer Group collected donations from community

41 Interview with Prof Bungaran Antonius Simanjuntak, June 30th, 2018.

members and their families in the cities, in order to support the struggle. Some local NGOs and lawyers assisted the community, but most community members preferred working with the NGO, KSPPM. The main reason for this collaboration was because community members were aware that KSPPM had good experience in assisting local communities against the PT. TPL. Moreover, KSPPM had good connections with national and international NGOs. KSPPM had also assisted the Pandumaan-Sipituhuta community in meetings with government agencies.

In the beginning, the Pandumaan-Sipituhuta community members did not identify themselves as an adat community who could demand a special right distinguishing them from other Toba Batak groups in the region (Silalahi 2020:106). Nevertheless, customary norms play a central position in Pandumaan-Sipituhuta people's daily lives. Traditional ceremonies are often performed – primarily concerning the human life cycle, birth, marriage, death, and the building of monuments (*tugu*) – to respect community ancestors. *Tugu* is the lineage monument for the community's main forefather, symbolising the lineage's long-standing ties to the land. Most Toba Batak, including Pandumaan-Sipituhuta community members, keep the history of their family lineage alive through oral narratives. From this oral history, I learned that Batak lineages go back 15 or 16 generations in Pandumaan and Sipituhuta villages.

Traditional ceremonies reinforce people's sense of belonging to the shared heritage of their ancestors and to their duty to protect the benzoin forest. Pandumaan-Sipituhuta community members often organise meetings and traditional ceremonies, to make collective decisions concerning issues in their community. During my fieldwork in 2018, I witnessed two traditional meetings and ceremonies.

However, the Pandumaan-Sipituhuta community has no solid customary institution that can serve as a traditional governance organisation. Collective decisions are taken, based on deliberation between representatives of all the lineages living in the two villages. In short, they do not have a traditional structural organisation – as is required for legal recognition – to represent their adat community interests.

KSPPM assisted the Pandumaan-Sipituhuta community members in revitalising their customary rules, institutions and ceremonies, to serve as the basis for their adat claims protesting against PT. TPL. For example,

NGO staff helped the local community document customary norms related to benzoin forest management, mapped the customary territories, and supported the role of the Benzoin Farmers Group as representative for the Pandumaan-Sipituhuta community in any dialogue with government agencies. In the early stages of the 2009 conflict, KSPPM accompanied the Pandumaan-Sipituhuta community members to meetings with district parliament members and the district head.

Furthermore, KSPPM assisted the Pandumaan-Sipituhuta community members in contacting national government agencies. In 2010, they reported the case to the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia/Komnas HAM*) and the National Forestry Council (*Dewan Kehutanan Nasional/DKN*), a national advisory body of the Minister of Forestry. KSPPM asked the council to mediate the land conflict between the Pandumaan-Sipituhuta and the company.⁴² Komnas HAM recommended that the company stop its operations in the meantime, in order to solve the actual land conflict. The DKN created a team to conduct an investigation, and facilitated a meeting between the company and local community members which was assisted by KSPPM. After the DKN had investigated the case, it gave recommendations to the Minister of Forestry, in 2011 and 2012, suggesting that the ministry release the conflicted area from PT. TPL concession's territory. However, the minister did not take any steps towards solving the land conflict. In 2013, after the peak of the land conflict in which police arrested local community members, the General Director of Forestry Business Development at the Ministry of Forestry came to the Pandumaan-Sipituhuta community. He encouraged Pandumaan-Sipituhuta community members to make an agreement with the PT. TPL regarding collaborative management for areas affected by land conflicts. However, the Pandumaan-Sipituhuta community members refused the collaborative management scheme, because being involved in the partnership schemes would implicitly accept the legitimacy of the company's claim over their benzoin forests. The community members argued that the benzoin forest was their ancestral land, and it could not be alienated to other persons. The MoEF official also proposed social forestry schemes, such as community forest, village forest, and community plantation forest, to the Pandumaan-Sipituhuta

⁴² The DKN is a multi-stakeholder institution consisting of representatives from national government, forestry companies, local communities, and NGOs.

community. However, the community members also turned these offers down, because the schemes do not acknowledge their historical relationship to the benzoin forest. Thus, the land conflict persisted.

In May 2013, a new opportunity arose when the constitutional court announced ruling Number 35/PUU-X/2012, reinforcing the legal status of customary forests (see Chapter 3). Pandumaan-Sipituhuta community members and NGOs expected that the ruling could be applied to solve the land conflict. Representatives of the Pandumaan-Sipituhuta community erected a signpost in the conflicted area, stating that “According to the constitutional court Ruling (Number 35/PUU-X/2012) this area is no longer a state forest, but Pandumaan-Sipituhuta customary forest”. In the days following, company staff removed the signpost, and the local community members returned to erect another one. Seeing an opportunity created by the constitutional court ruling, the Pandumaan-Sipituhuta community members were convinced that the customary forest recognition could provide an alternative strategy for voicing their grievances and demanding justice. With the support of KSPPM, the Pandumaan-Sipituhuta community members prepared themselves to fulfil the legal requirements for obtaining customary forest recognition, such as having fixed customary land territory, customary law that is actually implemented, and a functioning customary organisation.



Figure 10. Pandumaan-Sipituhuta community members erect a signpost responding to the Constitutional Court ruling on customary forest. (© Ayat S Karokaro/Mongabay Indonesia).

A few years earlier, with the help of NGOs, the Pandumaan-Sipituhuta community members made a participatory map of their

benzoin forest. They found that the area which overlapped with PT. TPL's concession covered 5,172 hectares. Also with the support of NGOs, local community members documented the customary law regarding benzoin forest management. For the first time ever, the Pandumaan-Sipituhuta community used customary law to defend its communal land against external forces; this was a new strategy for them, because usually adat only plays a role in internal matters. Another impediment to applying an adat-based strategy was that traditional organisation has disappeared. Around a century ago, the Batak community, including the Pandumaan-Sipituhuta community members, were divided into traditional village units called *huta*. A federation of *huta* was called a *bius*, chaired by a traditional leader called *raja bius* (Situmorang 2004:67-76). In the colonial period, the Dutch colonial government created *negeri* to replace the *bius* system. After Indonesian independence, a modern village government (*desa*) was institutionalised, in particular by the Village Law of 1979. Currently, the organisation of local communities works under a new model of villages led by a village head. However, although the traditional organisation has disappeared, the traditional lineage leaders still play a dominant role in decision-making at the local level.

Because the Pandumaan-Sipituhuta community have to fulfil the requirement of having traditional governance institutions, if they want to obtain customary forest recognition, they changed the Benzoin Farmers Group into an adat community organisation in 2015. In doing so, they created a new letterhead for the organisation: The Pandumaan-Sipituhuta Adat Community (*Masyarakat Adat Pandumaan-Sipituhuta*). From that moment on, Pandumaan-Sipituhuta was no longer the name of a benzoin farmers organisation, but instead an adat community organisation.

Around that period, at national level, NGOs and some progressive officials in government bodies were looking for pilot projects to implement the constitutional court ruling. Noer Fauzi Rachman, a senior agrarian reform activist and advisor at the presidential office, proposed the Pandumaan-Sipituhuta land conflict (Afiff and Rachman 2019). Following results from the participatory mapping of their territory, KSPPM helped the Pandumaan-Sipituhuta community propose that 5,172 hectares of the company's concession be allocated for customary forest recognition. Noer Fauzi Rachman and progressive officials successfully manoeuvred, convincing the Minister of Forestry to release

the conflicted area from PT. TPL's concession.⁴³ After some delays, on December 30th 2016 President Joko Widodo made the symbolic decree, as an initial step towards the legal recognition of the Pandumaan-Sipituhuta customary forest – as presented in the opening of this book (see Chapter 1).

5.3.3. Organising district government support

However, final recognition of the customary forest still depended on whether or not the district parliament and district government would create a district regulation to grant adat community status to the Pandumaan-Sipituhuta community. This had not yet happened. For the district government, defining this particular group as an adat community was problematic, because the Pandumaan-Sipituhuta community members do not live that differently from other villagers in the district. The district government invited experts to identify whether or not the Pandumaan-Sipituhuta community had fulfilled the requirements for being designated as an adat community. Based on an academic review from experts, the district parliament and the district government discussed the draft district regulation. For local community members (as for any common citizen), bringing a request for legislation to the district government required a profound connection with the district parliament. During the local elections in 2014, the Pandumaan-Sipituhuta community members successfully nominated Ronal Lumban Gaol, a former police officer from Pandumaan Village, as a district parliament member. Ronal was elected, and the Pandumaan-Sipituhuta hoped that he would be a formal representative of the community in the district parliament. However, having one representative at the district parliament would not be enough to create a district regulation to recognise the Pandumaan-Sipituhuta as an adat community. This was particularly challenging, because 13 of the 25 district parliament members had some links with PT. TPL, either as land clearing and planting contractors, or for other projects financed by the company.

Pandumaan-Sipituhuta community members expanded their political ties to district decision makers by inviting the three candidates for the 2015 district head elections (*pilkada*) to attend a public debate in the village. The population of the Pandumaan and Sipituhuta villages

⁴³ Interviews: with Saurlin Siagian in December 2018, and with Noer Fauzi Rachman in December 2019.

(3,272 inhabitants in total) was sufficiently attractive for district head candidates, in terms of potential votes for winning the election. With the support of local NGOs, the Pandumaan-Sipituhuta community members proposed that the three district head candidates sign a document of political commitment. The document would state that, if they were to be elected as the district head (*bupati*), they promised to create a district regulation on the recognition of the Pandumaan-Sipituhuta community as an adat community. The election result was that the candidate from PDIP – who had given his commitment to Pandumaan-Sipituhuta recognition – won, and became the new district head. The Pandumaan-Sipituhuta community members had strong faith that the new district head would support creation of the district regulation, not only because of his commitment, but also because he represented the President's political party who had promised to resolve the Pandumaan-Sipituhuta community land conflict during the ceremony at the Presidential Palace in 2016.

Parallel with political change at district level, the National Commission on Human Rights (NCHR) conducted a national inquiry regarding the violation of adat community rights in forest zones. This was yet another initiative from a national institution to ensure the implementation of the constitutional court ruling on customary forests. The Pandumaan-Sipituhuta case was one of 40 case studies analysed for the national inquiry. Sandra Moniaga, an NCHR commissioner, visited Pandumaan-Sipituhuta community members in order to get insight into the actual land conflict. She met with the district head to suggest that the district government respond to the community's demand for creating a district regulation on the legal recognition of the Pandumaan-Sipituhuta community as an adat community. However, the district regulation process continued not to show any significant progress for more than a year.

5.3.4. Bureaucratic obstacles to the legal recognition of customary forest rights

Although the community had obtained support from the national government, the local situation had become much more complicated than the Pandumaan-Sipituhuta community members had expected. Debate around the scope of the district regulation had been slowing the legal recognition process down. I noticed that community members, NGOs, and the district government all had different motivations in terms of encouraging or discouraging the creation of a district

regulation. Local NGOs wanted to use the district regulation to recognise more groups as adat communities in the district. District parliament members were reluctant to provide an exclusive right to a particular group within the district, because they saw no hard proof that there was a difference between Pandumaan-Sipituhuta community members and the majority of the district population. Conversely, the Pandumaan-Sipituhuta community members were demanding a special regulation that only applied to them.

After the representative of the Pandumaan-Sipituhuta community increased pressure, the district parliament finally enacted the district regulation on recognising the Pandumaan-Sipituhuta community as an adat community, in July 2018. I attended this meeting in the district parliament building, during my fieldwork. However, the enactment of the district regulation was not the end of the story. The district parliament first had to apply to the provincial government, in order to have the district regulation formally registered. Furthermore, the provincial government asked for advice from the Ministry of Internal Affairs before validating the district regulation, which was unusual. The provincial government officials argued that they could not register the district regulation, because it was the first of its kind on adat communities in the North Sumatra Province. Nevertheless, finally, after six months of consultation, the district regulation was formally enacted in early 2019.

Encouraged by the newly acquired district regulation, the Pandumaan-Sipituhuta community applied to the Ministry of Environment and Forestry (MoEF) for customary forest recognition. However, another problem occurred, this time concerning the delineation of the community's customary forest. The ministry staff produced a map which differed from that proposed by the NGOs and the Pandumaan-Sipituhuta community. In 2016, before the president invited them to the presidential palace, NGOs had proposed that the MoEF allocate 5,172 hectares of the TPL's concession area to be designated as Pandumaan-Sipituhuta customary forest. This proposed area included around a 400 ha area of benzoin forest that the company had cleared out to create a eucalyptus plantation. Apparently, the MoEF staff did not use the map proposed by the NGOs and the Pandumaan-Sipituhuta community, using instead the map created by company staff. Although both maps covered the same 5,172 hectare area, the borderlines on the maps differed. The company map excluded around

400 hectares from the Pandumaan-Sipituhuta community area, which the company had been cultivating. Moreover, the company map proposed a customary forest area for the Pandumaan-Sipituhuta community that would overlap with the territories of other villages.⁴⁴ If the map were to be enforced, a conflict amongst local communities would probably occur. Therefore, the Pandumaan-Sipituhuta community members and NGOs rejected the ministry's map and insisted on using their own. With the ongoing dispute about the map, government officials could no longer regard this case as "clean and clear"⁴⁵ – a requirement for issuing their customary forest recognition.

Apart from this problem, the MoEF faced another obstacle to recognising the customary forest of the Pandumaan-Sipituhuta community. The ministry had changed the Ministerial Regulation on customary forests, No. P.21/2019 had replaced No. P.32/2015. In the 2019 regulation a new category was introduced, that of "customary forest reserves" (*pencadangan hutan adat*). Customary forest reserve status could be applied to the customary forest proposed by adat communities, but this has not yet been formally designated by the minister because he is waiting for the district government to recognise the Pandumaan-Sipituhuta as an adat community. In 2020, with Ministerial Regulation No. P.17/2020, the minister revised the regulation again, and the term "customary forest reserves" was substituted by the term *penunjukkan hutan adat*, which can be translated as "an area allocated for the transformation of legal status into a customary forest". The new regulation set up new procedures for customary forest recognition, consisting of allocation (*penunjukkan*) and enactment (*penetapan*). With these new procedures, the status of the proposed Pandumaan-Sipituhuta customary forest became uncertain once again.

In 2020, in order to clarify the position of the customary forests proposed by the Pandumaan-Sipituhuta community, MoEF officials conducted verification activities. This time, the MoEF officials created a verification team chaired by an anthropologist from North Sumatra University. The verification process went awry. The chair of the verification team did not pay close attention to the complex history of land conflict, or to several of the stages that the Pandumaan-Sipituhuta

⁴⁴ Interview with a former employee of PT. TPL, in July 2018.

⁴⁵ There is no exact legal definition of "clean and clear" in Indonesian legislation. However, this term is often used by government officials, especially in the Ministry of Environment and Forestry, to make statements about land without any contested claims or administrative validation.

community had passed towards obtaining customary forest recognition. She forced the application of anthropological concepts to evaluate the legal position of the Pandumaan-Sipituhuta as an adat community. Instead of verifying the boundaries of the customary forest proposed by the Pandumaan-Sipituhuta community, the verification process repeated the question of whether the Pandumaan-Sipituhuta were fulfilling the necessary criteria for an adat community. The chair ignored the fact that the district government had already designated the Pandumaan-Sipituhuta community as an adat community. She thought that an adat community must have restricted social norms, strong customary institutions, and be different from the majority population in the region.⁴⁶ KSPPM staff and Pandumaan-Sipituhuta members challenged her approach in the verification process, because they thought that repeated verification processes would create another obstacle for the Pandumaan-Sipituhuta community in regaining their customary land rights. Finally, after a hard debate, the verification results showed that the Pandumaan Sipituhuta community was eligible. In addition, the verification team also clarified that the area proposed by the Pandumaan-Sipituhuta community for customary forest recognition covers an area of 5,172 hectares.

In early 2021, President Jokowi invited representatives of adat communities and forest communities to the presidential palace in Jakarta. He performed another ceremony to show his political commitment to expanding peoples' access to and management of forestry areas. President Jokowi granted 2,929 social forestry licenses (covering 3,442,460.20 ha) and 35 customary forest recognition decrees (covering 37,526 ha). On this occasion, President Joko Widodo also granted legal recognition of the Pandumaan-Sipituhuta customary forest. For the Pandumaan-Sipituhuta community, this decree should be the final stage in the legal recognition of their customary forest. At first, local communities and NGOs thought that their long struggle to get customary forest recognition had reached its conclusion, but it still was not entirely successful. The MoEF's decree on the Pandumaan-Sipituhuta customary forest only stipulates 2,393.83 hectares of the 5,172 proposed area hectares. Unlike the result of the verification process, the MoEF only stipulated areas of benzoin forest, thus preserving the company's interests in controlling the Pandumaan-

⁴⁶ Interview with the chair of verification team on January 16th, 2021.

Sipituhuta customary area which had already been cleared and converted into eucalyptus plantation in 2009. Another surprise was that the minister had allocated 2,051.22 hectares of the Pandumaan-Sipituhuta customary area to serve as a location for the national food estate strategic programme.⁴⁷ The Indonesian government is currently initiating several food estate development sites, arguing that this national strategic project is necessary in order to overcome the food crisis. Food estate programmes require large-scale land acquisitions that often involve land grabbing and the taking over of local community land rights without their consent (Boras and Franco 2012). In addition to North Sumatra, the government also initiated the establishment of food estates in Papua, Central Kalimantan and in Central Sumba. In the case of the Pandumaan-Sipituhuta, the government recognised part of their customary forests, but simultaneously imposed new restrictions on their customary territory by starting its new state intervention programme.

5.4. The labyrinth of legal recognition and management of recognition
The course of the Pandumaan-Sipituhuta case shows the complexity of the legal procedure and application for customary forest recognition. The Pandumaan-Sipituhuta community gained national attention when the president symbolically handed over the decree allocating the company's concession area to be recognised as the Pandumaan-Sipituhuta customary forest. However, this was only the start of a long and frustratingly layered and conditional legal recognition process. After a local community has obtained the legal status of an adat community from the district government and parliament, the adat community must apply to the MoEF for customary forest recognition. Furthermore, the success of legal recognition is determined not only by the fulfilment of all the formal requirements stipulated in the regulations, but also by the amount of political pressure mounted by adat communities and NGOs.

The story of the Pandumaan-Sipituhuta community illustrates the inefficiency of legal recognition strategies for local communities fighting

⁴⁷The president grants social forests, customary forests, and TORA in 30 provinces. Source: https://www.menlhk.go.id/site/single_post/3503 (accessed on September 4th, 2021). In December 2022, after subsequent protests to the Minister decision, then the Minister of Environment and Forestry revised her decree to recognise all desirable land of the Pandumaan-Sipituhuta community.

against land dispossession by business enterprises. Local communities have to follow a complex, costly, and lengthy legal procedure to convince the national and district level governments to grant legal recognition, as a precondition to having meaningful dialogue with the company in question. They absolutely need NGO assistance in navigating those legal procedures. The case also points at the fact that, by pursuing state legal recognition of customary forest, the definition of the nature of the conflict shifts from a land conflict between local communities and a forest exploitation company, to a legal conflict between community representatives and the government agencies involved with the interpretation of legislation. During the process, many actors tried to slow things down by adding procedures that hindered the acceleration of customary forest recognition. I would characterise this as a labyrinth of recognition, where local communities easily get lost trying to find their way to the exit. Consequently, the end goal of the struggle changed from the community's initial demand to obtain justice in land tenure security, to the seeking of legal recognition of adat rights as an objective in itself.

Another assumption amongst adat community rights supporters is that the government would provide a supportive role and act as a mediator to solve land conflicts concerning customary land rights. In fact, government officials are often not enthusiastic about granting land rights based on identity, and they eschew the revocation of company concessions. By navigating the legal recognition processes, I found that the complicated legal recognition procedure involves different governmental actors (across all levels) and encompasses several decision making moments. Local communities and local NGOs cannot control the legal recognition processes. Furthermore, under an unstable legal framework for recognising customary land rights, government officials can easily manoeuvre to slow the process down. Using their specific and limited conception of customary land rights, the government agencies exert their discretionary power in selecting which land claims will be granted and which will be refused. In short, government agencies manage the applications for customary land rights submitted by local communities, and they select what fits with their own interests and their own interpretations of customary land rights.

5.5. Customary forest recognition is not a perfect option

In Chapter 2, I explained that customary forest recognition is a prominent potential solution to forest tenure conflicts, because it can apply to any type of forest use and can strengthen the collective property rights of local communities. However, the Pandumaan-Sipituhuta case shows that customary forest recognition is not an easy solution. In order to broaden my analysis and to position customary land recognition as an alternative solution regarding land conflicts, I expanded my observations to other local communities involved in land conflicts with PT. TPL.

I visited a group of Sipituhuta community members who used a different strategy in the land conflict with the company. This group did not engage with the adat community movement to obtain legal recognition of their customary land rights. As I described above (in section 5.3.1), this group consists of a Sipituhuta minority which favours the company. They originate from the first settler clans (*marga tano*) and live in the most accessible area, near the main road to the capital city. This group has more diverse sources of livelihood and is less dependent on the benzoin forest. Several leaders of this group run business projects provided by the company. The group also received financial support from the company, to renovate the local church. During the peak of the land conflict, in 2013, they maintained a good relationship with the company, whilst most of the other villagers opposed the company's operations. The company promised to intensify collaboration with the group by cultivating joint management of the benzoin forest. For this purpose, the community members created a new benzoin farmers' organisation, and proposed that the company fund some of its activities. However, as my interlocutors told me, these programmes have never materialised.⁴⁸

Furthermore, I interviewed some top managers from the company during my fieldwork in 2019. I explored how they handle conflicts with local communities protesting against the company's operations, as well as the company's own views regarding the customary land claims submitted by local communities. The company managers said that they relied on the government, and that if the government agencies recognised adat communities and customary land rights, they would comply. However, I found that the company kept reporting villagers to the local police, arguing that they had committed a crime by obstructing

⁴⁸ Interview with Dosmer Nicky Lumban Gaol, on October 26th, 2019.

company activities; most of the villagers reported were champions of customary land claims against the company (see section 5.6, below).⁴⁹

Currently, the company is intensifying its strategy to create collaborative management with local communities, as part of its Community Development and Corporate Social Responsibility (CD/CSR) programmes. In Indonesia, business enterprises in natural resource sectors have to conduct CSR programmes. When the company reopened in 2003, PT. TPL allocated 1% of its net sales to community development and corporate responsibility programmes. However, during that time, CSR funds were managed by a foundation jointly created between the company and the district government. Consequently, the CSR funds were controlled by local political elites for their own purposes, such as providing projects for their political constituents elsewhere. It did not create a positive impact on the communities that should have been addressed. In 2017, the company took over fund management for CSR, so it could be more flexible in manoeuvring its strategy for approaching communities. The company used CSR funds more effectively, providing benefits for local communities through collaborative management schemes.

The company director invited me to attend a meeting with a local community that had agreed to sign a collaborative management agreement. The company promised to provide access for local communities to manage land in their concession areas. Beforehand, this community had claimed that the conflicted area was its customary land, but then they decided to join the company scheme to create collaborative management, meaning that they accepted the legality of the company concession in their customary land. The head of the district forestry office facilitated the meeting at his office. During the meeting, the head of the district forestry office stated that he really encouraged local communities to create collaborative management with the company. Before this meeting, three other communities had also shifted their strategy from adat strategy to collaborative management. The company staff actively approached one particular group within each community,

⁴⁹ The most recent case took place in Sihaporas community in 2019, in which villagers who had blocked the company's operations on disputed land were convicted. In 2018, when I did my initial field research, I came to Sihaporas community to attend a traditional ceremony. Sihaporas community members had revitalised adat institutions as a basis for strengthening their customary land claims against the company. Sihaporas village is located inside of the PT. TPL's concession area, and to enter the village people have to go through the company's gate, which is guarded by company security.

to initiate a collaboration scheme, whilst leaving out other community groups who upheld their claims to the land.

I also visited other local communities in other districts, which had been making customary land claims against the company for years but had eventually decided to collaborate with the company. Nursedima, a female leader from Nagahulambu community (Simalungun District), told me that her community members had given up on using adat strategy, despite the fact that they had obtained support from a local NGO for more than ten years. She complained that the NGO had promised to solve the land conflict, but no parcels of land had been released as she had hoped they would be. Realising the frustration of the Nagahulambu community, the company staff approached them, proposing to start collaborative management by providing land, seeds, assistance, and a road to the community's hamlet. However, after months of collaboration, the company manager was displeased because the community members did not maintain their promise to cultivate the land properly. In an interview with me, the company manager expressed his confusion about what the original objective of the community had been in the land conflict. According to the company manager, after a decade of serious land conflict with the company, obtaining access to new arable land was not the primary objective of the community.

Later, I returned to ask the NGO activists who had assisted the local communities for many years against the company. The local NGO staff told me that the company's strategy to involve local communities in collaborative management schemes was not new. For decades, the company has tried to divide and rule the protesting communities, by approaching a particular group within a community and providing them with small benefits.⁵⁰ For the NGO activist, this approach was not sustainable, and it did not solve the actual land conflicts. Their statement reminded me of a minority group in Sipituhuta village, who chose to collaborate with the company instead of joining the majority Pandumaan-Sipituhuta community members who opposed it. This minority group expected benefits when they agreed to collaborate with the company, but now they are questioning the company because its promises to the group did not materialise.

⁵⁰ Interview with Delima Silalahi, on October 23rd, 2019.

5.6. Political pressure and options for customary forest recognition

Although the company began to make agreements with local communities, it did not mean that the company had actually stopped its repressive approach. For community groups that oppose the company operations, violence and criminalisation persist. In 2019, violence occurred in the conflict between PT. TPL and the Sihaporas community in Simalungun District. PT. TPL managers reported the customary leaders of the Sihaporas community to the police, because of their violent response to the company workers who had planted eucalyptus trees in the community's customary territory. In 2020, the Simalungun district court sentenced two Sihaporas community leaders, Jhonny Ambarita and Thomson Ambarita, to nine months in prison, because they had beaten up the company staff working in the conflicted areas.

In May 2021, another violent conflict occurred between local community members and PT. TPL workers in Natumingka village, in Toba District. As 500 PT. TPL workers prepared to plant eucalyptus trees, Natumingka community members blocked the roads and prevented company workers from planting anything, claiming that the company was grabbing their customary land. In the physical conflict that ensued by company security guards many Natumingka community members were injured. They reported the violence to the police, but the police did not follow up by arresting the company security guards. The conflict that occurred in the Natumingka community was taken up by many organisations that had been unhappy with the company's operations around Lake Toba. In addition to KSPPM and AMAN, which had both been opposing PT. TPL for a long time, protests also came from the Indonesian Church Association (*Persekutuan Gereja-Gereja Indonesia*/PGI), the largest Protestant Christian church organisation in Indonesia. Togu Simorangkir, an environmental activist in Lake Toba and the grandson of King Sisingamangaraja XII (the most famous national Batak hero) also joined the protests. This time, the narrative of the group opposing the operations of PT. TPL became even more diverse than in the previous 30 years. In addition to the arguments regarding land grabs and environmental pollution, there was also a narrative that marginalised groups should be protected against "the oppressive giants", and a link with the struggle against colonialism in Batak land, in the spirit of Sisingamangaraja. The shared demand of this diverse group of opponents was to close PT. TPL in North Sumatra. Inspired by the fact that, in the past, the people's protest movement had once

succeeded in convincing the government to stop the company's operations, they were fully confident it could happen again.

KSPPM and other NGOs gathered together all the local communities involved in conflicts with PT. TPL, to strengthen the message that PT. TPL should be closed down. Meanwhile, Togu Simorangkir, and ten other Batak, did a foot march from Lake Toba to Jakarta, in order to draw attention to the community's land conflict with PT. TPL. The march was a 44-day walk, covering 1,758 km, and it gained widespread national media attention. Anticipating the increasing escalation of local community action demanding the closure of PT. TPL, the Minister of Environment and Forestry visited KSPPM and local communities in North Sumatra. The results of the meeting were reported to President Joko Widodo. On August 6th 2021, President Joko Widodo received Togu Simorangkir at the presidential palace, in Jakarta. The president said he would read the documents brought by Togu, adding that it was not easy to close PT. TPL. Instead, the president promised to release legal recognition of 15 more of the customary forests of adat communities in conflict with PT. TPL.⁵¹

The current situation is different from that of 1999, when the government closed down the company. Currently, closing a company is not a good option from the government's perspective, because it would not support the government aim to create a positive business investment climate. In addition, the government has created many conflict resolution mechanisms to address forest tenure conflicts (see Chapter 2). Within this new political context, legal recognition of customary forests might once again become a relevant option for the government to channel local community grievances in land conflicts. The Pandumaan-Sipituhuta case is an example that legal recognition of customary forests can be used to channel land conflict between local communities and PT. TPL. Nevertheless, it seems that the 15 newly-recognised adat communities will suffer the same fate, and will get entangled in the complexity of procedures for recognising customary forests, just like the Pandumaan-Sipituhuta community.

⁵¹ President Jokowi receives environmental activist, Togu Simorangkir, at the palace. Source: https://www.presidenri.go.id/siaran-pers/presiden-jokowi-terima-aktivis-lingkungan-togu-simorangkir-di-istana/?fbclid=IwAR0NSORNz3uGB-QPyTS6ah_wtoAEJqKwVB9YWo-6479aFb0EQhot7TfRgFc (Accessed on September 4, 2021)

5.7. Conclusion

This chapter shows that the process for obtaining legal recognition of customary forest is complex, costly, and lengthy. Dispossessed farmers find themselves caught in a legal recognition trap, deprived of alternatives to protect their land. Several factors cause this stalemate situation. First, state regulations on legal recognition procedures have been changing over time. Second, the two-phased process requires legal recognition as an adat community before customary forests can be recognised. Third is the discretion of government agencies to slow down the process, and to divert and select from the demands of local communities. The fourth is uncertainty about the outcome of legal recognition. The consequence of pursuing legal recognition in land conflicts is that the core activity of the struggle shifts from protecting customary land rights to finalising the complicated procedure of legally defining customary identity and obtaining legal recognition. Such a shift changes the stakes in land conflicts.

The Pandumaan-Sipituhuta case shows that legal recognition can be obtained, but that it will not put an end to land conflict with big corporations if the recognition is only partial, and thus not implemented. Celebration of the victory of the adat movement and community at the presidential palace in 2016, and again in 2021, was premature. The community and NGOs had indeed finalised the complicated procedure of legally defining customary identity and obtaining legal recognition, but that was insufficient for reclaiming their land. The government can even implement a new project on customary forest land without the consent of the adat community members, under the pretext of national strategic programmes, such as food estate programmes.

Companies have extensive resources for co-opting local community groups and increasing social acceptance of their business activities (Li and Semedi 2021). Companies can also strengthen their influence on policy makers at district and national levels, and serve the government's economic interests. In turn, the government should protect companies' interests, when they operate in accordance with state regulations, and with all the necessary government permits and licenses (Lund 2021). This condition makes legal advocacy of customary land rights recognition more complicated, when dealing with big companies.

This chapter shows that the effectiveness of adat strategy not only relies on fulfilling formal requirements stipulated in legislation, it also depends on how the various actors involved deal with the process, or

even hinder it. Legal recognition will have a better chance of success if the community and NGOs have an extensive network and the ability to put strong pressure on government policy makers at both regional and national levels. This chapter emphasises that legal recognition is not merely a legal, but also a political, process. Finally, although the legal recognition strategy has limited value as a solution for land dispossession caused by large companies, perhaps there is still potential benefit in adat strategies for solving other types of land conflicts. The next chapter will discuss the legal recognition strategy employed by local communities involved in land conflicts with national parks.