



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).

## Bibliography

- Acciaoli, G. (2007). 'From customary law to indigenous sovereignty: reconceptualizing masyarakat adat in contemporary Indonesia' in Davidson, Jamie S. and David Henley (edst), *The Revival of Tradition in Indonesian Politics: The deployment of adat from colonialism to indigenism*, London and New York: Routledge.
- Afiff, S. and Lowe, C. (2007). 'Claiming Indigenous Community: Political Discourse and Natural Resource Rights in Indonesia' *Alternatives*, Vol. 32. p.73-97.
- Afiff, S.A, and Rachman, NR (2019). 'Institutional Activism: Seeking Customary Forest Rights Recognition from Within the Indonesian State.' *The Asia Pacific Journal of Anthropology*, Vol. 20(5), p.453-470.
- Agustin, E.S.A.S., (2018). *The Impact of Coffee Certification on the Economic Performance of Indonesian Actors*. Thesis at Maastricht University, 2018.
- Anaya, J. (2004). *Indigenous Peoples in International Law*, New York: Oxford University Press.
- Andersen, K.E. (2011) Communal tenure and the governance of common property resources in Asia: Lessons of experiences in selected countries, *Land Tenure Working Paper 20*, Food and Agriculture Organization of the United Nations.
- Anshari, G.Z., Alqadrie, S., Budiarto, T., Ngusmanto, Abidin, E., McGrath, S., Zulkifli, Komarudin, H., and Afifudin. (2005). 'Marginalisasi Masyarakat Miskin di Sekitar Hutan: Studi Kasus HPHH 100 Ha di Kabupaten Sintang, Provinsi Kalimantan Barat' *Decentralisation Brief*, Bogor: CIFOR.
- Antlov, H. et, al., (2006) 'NGO governance and accountability in Indonesia: Challenges in a newly democratic country,' in Lisa Jordan and Peter van Tuijl (edt) *NGO Accountability: Politics, Principles and Innovations*. London and Sterling, VA: Earthscan.
- Arizona, Y, Malik and Ishimora, I.L. (2017). *Pengakuan hukum terhadap Masyarakat Adat: Trend produk hukum daerah dan nasional paska Putusan MK 35/PUU-X/2012* [The Legal Recognition of Adat Communities: the trend of local and national regulation after the

- Constitutional Court Number 35/PUU-X/2012 ], Outlook Epistema 2017. <http://epistema.or.id/publikasi/publikasi-berkala/outlook-epistema-2017/> (access on September 9, 2018).
- Arizona, Y, Mary, S.R. and Nagara, G. (2012). *Anotasi Putusan MK No. 45/PUU-IX/2011 mengenai pengujian konstitusionalitas kawasan hutan dalam Pasal 1 angka 3 UUD No. 41 Tahun 1999 tentang Kehutanan*, Jakarta: Perkumpulan HuMa
- Arizona, Y. (2014). *Konstitusionalisme Agraria*, Yogyakarta: STPN Press.
- Arizona, Y. (edt), (2010) *Antara teks dan konteks: Dinamika pengakuan hukum terhadap hak masyarakat adat atas sumber daya alam di Indonesia* [Between text and context: The dynamic of legal recognition concerning adat communities' rights over natural resources in Indonesia], Jakarta: HuMa.
- Arizona, Y. and Erasmus, C. (2013). 'The Revival of Indigenous Peoples: Contestations over a Special Legislation on Masyarakat Adat' in Brigitta Hauser-Schäublin (eds), *Adat and Indigeneity in Indonesia. Culture and Entitlements between Heteronomy and Self-Ascription*, Göttingen Studies in Cultural Property, Vol 7.
- Arizona, Y. Erasmus Cahyadi and Malik, (2015). *Banyak Perubahan Tetapi Tidak Banyak Yang Berubah: Refleksi 2 Tahun Putusan MK 35*, Jakarta: AMAN and Epistema Institute.
- Arizona, Y., Wicaksono, M.T., & Vel, J. (2019). 'The Role of Indigeneity NGOs in the Legal Recognition of Adat Communities and Customary Forests in Indonesia', *The Asia Pacific Journal of Anthropology*, Vol. 20(5), p.487-506  
DOI: 10.1080/14442213.2019.1670241
- Baird, Ian G. (2016). 'Indigeneity in Asia: an emerging but contested concept,' *Asian Ethnicity*, Vol. 17(4), p.501-505, DOI: 10.1080/14631369.2016.1193804
- Bakker, L. (2009). *Who Owns the Land? Looking for Law and Power in Reformasi East Kalimantan*, dissertation at Radboud Universiteit Nijmegen.
- Ball, J. (1982). *Indonesian Legal History 1602-1848*, Australia: Macarthur Press Books.
- Ball, J. (1986). *The Struggle for National Law in Indonesia*, Faculty of Law University of Sydney.
- Banks, N., Hulme, D., and Edwards, M. (2015) 'NGOs, States, and Donors Revisited: Still Too Close for Comfort?' *World Development* Vol. 66, p.707-718.

- Barr, C., Resosudarmo, I.A.P., Dermawan, S., McCarthy, J. (2006). *Decentralization of forest administration in Indonesia: implications for forest sustainability, economic development and community livelihoods*. CIFOR, Bogor, Indonesia
- Bedner, A. & Vel, J.A.C., (2010) 'An Analytical Framework for Empirical Research on Access to Justice', *Law, Social Justice & Global Development* *Journal* (LGD). [http://www.go.warwick.ac.uk/elj/lgd/20010\\_1/bedner\\_v\\_el](http://www.go.warwick.ac.uk/elj/lgd/20010_1/bedner_v_el)
- Bedner, A. and Arizona, Y. (2019). 'Adat in Indonesian Land Law: A Promise for the Future or a Dead End?' *The Asia Pacific Journal of Anthropology*, Vol.20 (5), p.416-434.
- Bedner, A., & Huis, S. v. (2008). 'The return of the native in Indonesian law: Indigenous communities in Indonesian legislation,' *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, Vol. 164(2), p.165-193.
- Begoray, D.L and E. M. Banister, (2010). 'Reflexivity' in Mills, A. J., Gabrielle Durepos and Elden Wiebe, *Encyclopedia of Case Study Research*, Sage Publication.
- Benda-Beckmann, K.v. (2019). 'Anachronism, Agency, and the Contextualisation of Adat: Van Vollenhoven's Analyses in Light of Struggles Over Resources.' *The Asia Pacific Journal of Anthropology*. Vol. 20 (5), p.397-415.
- Bernstein, H. (2010). *Class dynamics of agrarian change*, Sterling VA: Kumarian Press.
- Bernstein, H. (2017). *Political economy of agrarian change: Some key concepts and questions*, RUDN Journal of Sociology 2017 Vol. 17(1), p.7-18.
- Birrell, K. (2016). *Indigeneity: Before and Beyond the Law*, New York: Routledge.
- Bobsien, A. and E. Hoffmann. (1998). *Plantations and Forest Fires in Indonesia. Presented at the 11th International NGO Forum on Indonesian Development Conference on Democratization in the Era of Globalization*, May 4-6 1998, Bonn, Germany.
- Boomgaard, P. (1992). 'Forest Management and Exploitation in Colonial Java, 1677-1897' in *Forest & Conservation History*, Vol. 36(1). p. 4-14
- Borras, S M. and Franco, J.C. (2012). 'Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis.' *Journal of Agrarian Change*. Vol. 12(1), p.34-59.

- Brogan, C. (2018). Napoleon's defeat at Waterloo caused in part by Indonesian volcanic eruption, <https://www.imperial.ac.uk/news/187828/napoleons-defeat-waterloo-caused-part-indonesian/> (accessed on August 11, 2021).
- Burns, P. (2004). *The Leiden Legacy: Concepts of Law in Indonesia*, Leiden: KITLV
- Cahyono, E. et. al. (2016). *Konflik agraria masyarakat hukum adat atas wilayahnya di kawasan hutan*, Jakarta: National Commission on Human Rights.
- Cobo, J. M. (1982). UN Commission on Human Rights, *Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its 34th session : study of the problem of discrimination against indigenous populations.*, 10 March 1982, E/CN.4/RES/1982/19, available at: <https://www.refworld.org/docid/3b00f07d8.html> [accessed 5 December 2021]
- Colchester, M. (1994). 'Sustaining the Forests: The Community-based Approach in South and South-East Asia', *Development and Change*, Vol 25(1). p.69-100.
- Colchester, M. (2006). 'Indigenous peoples and communal tenures in Asia.' *Bulletin Land Reform* published by FAO. Available at <http://www.fao.org/3/y5407t/y5407t07.htm>
- D'andrea, C. (2013). *Kopi, adat dan modal: Teritorialisasi dan identitas adat di Taman Nasional Lore Lindu Sulawesi Tengah*, Yogyakarta: Sayogyo Institut, Tanah Air Beta, Yayasan Tanah Merdeka
- Darmanto, D. (2020). *Good to produce, good to share: Food, hunger, and social values in a contemporary Mentawai community, Indonesia*, dissertation at Leiden University.
- Davidson, J. S. and Henley, D. (eds). (2007). *The Revival of Tradition in Indonesian Politics: The Deployment of Adat from Colonialism to Indigenism*. London and New York: Routledge.
- Davidson, J.S. and Henley, D. (2007). 'Introduction: radical conservatism – the protean politics of adat', in Jamie S. Davidson and David Henley (eds), *The Revival of Tradition in Indonesian Politics: The deployment of adat from colonialism to indigenism*, London and New York: Routledge.
- Diantoro, T. D. (2020). 'Dinamika Kebijakan Resolusi Konflik Tenurial Kawasan Hutan Era Joko Widodo' *Media of Law and Sharia*, Vol 1(4) p.245-267.

- Djalins, U. (2012). *Subjects, lawmaking and land rights: Agrarian regime and state formation in late-colonial Netherlands East Indies*, dissertation at Cornell University
- Djalins, U. (2015). 'Becoming Indonesian citizens: Subjects, citizens, and land ownership in the Netherlands Indies, 1930–37' *Journal of Southeast Asian Studies*, Vol 46(2), p.227-245
- Dove, M.R., (1993). 'A revisionist view of tropical deforestation and development' *Environmental conservation*, Vol. 20(1), p.17-24
- Durkheim, E. (1893). *Division of labor in society*, Illinois: The Free Press of Glencoe
- Erni, C., ed. (2008). *The Concept of Indigenous Peoples in Asia: Resource Book*. IWGIA Document No. 123. Copenhagen: International Work Group for Indigenous Affairs (IWGIA) and Asia Indigenous Peoples Pact Foundation (AIPP).
- Fairhead, J., Leach, M., and Scoones, I. (2012). 'Green Grabbing: a new appropriation of nature?' *The Journal of Peasant Studies*, Vol. 39(2), p.237-261.
- Fasseur, C. (1991). 'Purse or Principle: Dutch Colonial Policy in the 1860s and the Decline of the Cultivation System.' *Modern Asian Studies*, Vol. 25(1), p.33-52.
- Fay, C. and Denduangrudee., H.S. (2016). 'Emerging options for the recognition and protection of indigenous community rights in Indonesia' in *Land and development in Indonesia: Searching for the people's sovereignty*, edited by John F. McCarthy and Kathryn Robinson. Singapore: ISEAS.
- Ferguson, J. (1994). *The Anti-Politics Machine: Development', Depoliticization and Bureaucratic Power in Lesotho*. Minneapolis: University of Minnesota Press.
- Fisher, M. R and Muur, W.v.d. (2020). 'Misleading Icons of Communal Lands in Indonesia: Implications of Adat Forest Recognition From a Model Site in Kajang, Sulawesi,' *The Asia Pacific Journal of Anthropology*, Vol. 21(1), p.55-76.
- Fitzpatrick, D. (2007). 'Land, custom, and the state in post-Suharto Indonesia A foreign lawyer's perspective' In Davidson, Jamie S. and David Henley (eds) *The Revival of Tradition in Indonesian Politics: The Deployment of Adat from Colonialism to Indigenism*, London and New York: Routledge.
- Furnivall, J.S. (1948). *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India*, Cambridge: At the Cambridge University Press; New York: The Macmillan Company

- FWI. (2002). *The State of the Forest: Indonesia*. Bogor, Indonesia: Forest Watch Indonesia, and Washington DC: Global Forest Watch.
- Gover, K and Kingsbury, B. (2004). 'Editorial note' in *Indigenous Groups and the Politics of Recognition in Asia: Cases from Japan, Taiwan, West Papua, Bali, the Republic of China, and Gilgit*, International Journal of Minority and Group Rights, Vol. 11 (1-2).
- Groose, P. R. (1995). 'An indigenous imperative: The rationale for the recognition of aboriginal dispute resolution mechanisms' *Conflict Resolution Quarterly*, Vol. 12(4), p.327-338. DOI: [10.1002/crq.3900120406](https://doi.org/10.1002/crq.3900120406)
- Haar, B.t. (1962). *Adat law in Indonesia*, Jakarta: Bhatara
- Hale, C.R. (2005). 'Neoliberal Multiculturalism: The Remaking of Cultural Rights and Racial Dominance in Central America.' *Political and Legal Anthropology Review*, Vol. 28(1), p.10-19.
- Hall, D., Hirsch, P. and Li, T.M. (2011). *Powers of Exclusion: Land Dilemmas in Southeast Asia*, Singapore and Manoa: NUS Press and University of Hawaii Press.
- Hardjodarsono, S. (1986). *Sejarah Kehutanan Indonesia I: Periode pra sejarah - tahun 1942*, Jakarta: Departemen Kehutanan.
- Harsono, B. (1962). *Undang-undang pokok agraria : Sedjarah penjusunan isi dan pelaksanaannja*, Jakarta: Djambatan
- Hauser-Schaublin, B. (2013). *Adat and Indigeneity in Indonesia: Culture and Entitlement Between Heteronomy and Self-Ascription*, Gottingen Studies in Cultural Property, Volume 7.
- Hickey, S. (2009). 'The politics of protecting the poorest: Moving beyond the 'anti-politics machine?'' *Political Geography*, Vol. 28(8), p.473-483.
- Holleman, J.F. (ed.), (1981). *Van Vollenhoven on Indonesian Adat Law*, The Hague: Martinus Nijhoff.
- Hurgronje, C. S. (1893). *De Atjehers*, Leiden: E.J. Brill.
- ICRAF, AMAN, FPP. 2003. *In Search of Recognition*. Bogor: World Agroforestry Centre (ICRAF), AMAN, FPP.
- Idrus, R. (2010). 'From Wards to Citizens: Indigenous Rights and Citizenship in Malaysia.' *Political and Legal Anthropology Review*. Vol. 33(1). p.89-108.
- Inguanzo, I. (2018). 'Paths to recognition: explaining indigenous peoples' rights in Southeast Asia through qualitative comparative analysis (QCA).' *Philippine Political Science Journal*. 39 (1): 1-23.

- Inguanzo, I. and Claire Wright. (2016). 'Indigenous Movements in Southeast Asia: An Analysis Based on the Concept of 'Resonance'.' *Asia-Pacific Social Science Review*. 16 (1): 1-17.
- Isra, S. and Faiz, P.M (2021). *Indonesian Constitutional Law: Selected articles on challenges and developments in post-constitutional reform*, Jakarta: Rajawali Press.
- Iverson, D. (2002). *Postcolonial Liberalism*, Cambridge: Cambridge University Press
- Kardashevskaya, M. (2020). *Uncovering: Gendered Perspectives on Resistance and Peace in North Sumatra, Indonesia*, dissertation at Department of Peace and Conflict Studies University of Manitoba.
- Kartodirdjo, S. (1987). *Pengantar Sejarah Indonesia Baru: 1500-1900: Dari emporium sampai imperium*, Jakarta: Gramedia.
- Kawasima, S. (2004). 'The right to effective participation and the Ainu people' *International Journal of Minority and Group Rights*, Vol. 11(1-2).
- Kingsbury, B. (1998). 'Indigenous peoples in international law: constructivist approach to the Asian controversy.' *American Journal of International Law*. Vol. 92(3). p.414-457.
- Klinken, G.v. (2007), *Communal violence democratization in Indonesia : small town wars*, New York: Routledge.
- Knight, R. S. (2010), *Statutory recognition of customary land rights in Africa: An investigation into best practices for law making and implementation*, Rome: Food and Agriculture Organization of the United Nations.
- Kuper, A. (2003) 'The return of the native.' *Current Anthropology*, Vol. 44(3). p.389-402.
- Lasswell, H. D. (1936). *Politics; who gets what, when, how*, New York, London, Whittlesey House, McGraw-Hill Book Co
- Li, T. M., & Semedi, P. (2021). *Plantation Life: Corporate Occupation in Indonesia's Oil Palm Zone*. Duke University Press.
- Li, T.M. (2016). 'Governing rural Indonesia: Convergence on the project system.' *Critical Policy Studies*. Vol. 10(1), p.79-94.
- \_\_\_\_\_. (2000). 'Articulating Indigenous Identity in Indonesia: Resource Politics and the Tribal Slot,' *Society for Comparative Study of Society and History*, Vol. 42(1). p.149-179.
- \_\_\_\_\_. (2001). 'Masyarakat Adat, Difference, and the Limits of Recognition in Indonesia's Forest Zone.' *Modern Asian Studies*, Vol. 35(3), p.645-676. DOI. 10.1017/S0026749X01003067

- \_\_\_\_\_. (2007) *The will to improve: Governmentality, development and the practice of politics*, Duke University Press, Durham, NC
- \_\_\_\_\_. 2010. 'Indigeneity, Capitalism, and the Management of Dispossession.' *Current Anthropology*. Vol. 51(3), p.385-414
- Lund, C. (2016). 'Rule and Rupture: State Formation through the Production of Property and Citizenship' *Development and Change*, Vol. 50(3). p.862-863
- Lund, C. (2014). 'Of what is this a case? analytical movements in qualitative social science research,' *Human Organization*, Vol. 73(3), p.224-234.
- Luthfi, A.N. (2020), 'Decolonizing Agrarian Knowledge and the Emergence of Indonesian Critical Agrarian Studies', *Lembaran Sejarah*. Vol.16(2), p.103-122.
- Luttikhuis, B. (2013). 'Beyond race: constructions of "Europeanness" in late-colonial legal practice in the Dutch East Indies', *European Review of History; Revue européenne d'histoire*, Vol. 20(4), p.539-558.
- Mahler, A. and Jan H. Pierskalla, (2015). 'Indigenous Identity, Natural Resources, and Contentious Politics in Bolivia: A Disaggregated Conflict Analysis, 2000-2011,' *Comparative Political Studies*. Vo. 48(3), p.301-332.
- Mahmud, A, et, al. (2015). *Penyelesaian Tak Berujung, Konflik Laten Muncul: Update Data Pasca Inkuiri Nasional Pada Kasepuhan Banten Kidul*, Bogor: Sayogyo Institute.
- Mamdani, M. (1996). *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton: Princeton University Press
- Manalu, D. (2007). 'Gerakan Sosial dan Perubahan Kebijakan Publik: Kasus perlawanan masyarakat batak vs PT. Inti Indorayon di Porsea, Sumatera Utara,' *Populasi*, Vol.18(1), p.27-50.
- Manser, M. H and Turton, N.D. (1998). *Advanced Learner's Dictionary*, Wordsworth reference.
- Mantja, L. (2011). *Sumbawa pada masa dahulu: Suatu tinjaun sejarah*, Sumbawa Besar; Samratulangi.
- Mary, S.R., Armanto D., and Lukito, (2007). *Dominasi dan resistensi pengelolaan hutan di Jawa Tengah: Studi kasus di 4 kabupaten*, Jakarta: Perkumpulan HuMa.
- Matanasi, P. (2016). Contoh Gagal Negara Indonesia Timur, <https://tirto.id/contoh-gagal-negara-indonesia-timur-bBf8> (accessed on August 11, 2021)

- McCarthy, J. F, Jacqueline Vel, and Suraya Afiff. (2012). 'Trajectories of land acquisition and enclosure: development schemes, virtual land grabs, and green acquisitions in Indonesia's Outer Islands.' *Journal of Peasant Studies*. Vol. 39(2), p.521-549.
- Mende, J. (2015). 'The Imperative of Indigeneity: Indigenous Human Rights and their Limits.' *Human Rights Review*, Vol. 16(3), p.221–238. doi:10.1007/s12142-015-0371-5
- Merlan, F. (2009). 'Indigeneity Global and Local.' *Current Anthropology*. Vol. 50 (3), p.303-333.
- Miller, B.G. (2003). *Invisible Indigenes: The Politics of Nonrecognition*, Lincoln: University of Nebraska Press.
- Moeliono, T.P. (2011). *Spatial management in Indonesia: from planning to implementation: Cases from West Java and Bandung: a socio-legal study*, dissertation at Leiden University
- Moniaga, S. (2007). 'From Bumiputera to masyarakat adat: a long and confusing journey', in Davidson, Jamie S. and David Henley (eds), *The Revival of Tradition in Indonesian Politics: The deployment of adat from colonialism to indigenism*, London and New York: Routledge.
- Muur, W. v.d., Vel, J., Fisher, M., and Robinson, K. (2019). 'Changing Indigeneity Politics in Indonesia: From Revival to Projects,' *The Asia Pacific Journal of Anthropology*, Volume 20 (5), p.379-396.
- Muur, W.v.d., (2018). 'Forest conflicts and the informal nature of realizing indigenous land rights in Indonesia,' *Citizenship Studies*, Vol. 22(2), p.160-174.
- Niezen, R. (2003). *The origins of indigenism: Human rights and the politics of identity*. Berkeley, CA: University of California Press.
- Niezen, R. (2010). *Public Justice and the Anthropology of Law*. Cambridge, UK: Cambridge University Press.
- Noorduyn, J. (2007). *Sejarah Sumbawa*, Yogyakarta: Riak
- Novoa, C. and Moghaddam, F.M., (2014). 'Policies for managing cultural diversity' in Verónica Benet-Martínez, Ying-yi Hong (eds), *The Oxford Handbook of Multicultural Identity*, Oxford University Press.
- Nurhawan, R. and Ramdhaniaty, N. (2015), 'Hutan adat Kasepuhan Karang: Terlihat namun tak dilirik' in HuMa, *Menyegerakan penetapan wilayah/hutan adat*, Jakarta: HuMa.
- Palinkas L.A., Horwitz S.M., Green C.A., Wisdom J.P., Duan N., Hoagwood K. 'Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation

- Research.' *Administration and Policy in Mental Health Services Research*. Vol. 42(5), p.533-44.
- Peluso, N.L. and Vandergeest, P. (2001), 'Genealogies of the political forest and customary rights in Indonesia, Malaysia, and Thailand,' *The Journal of Asian Studies*, Vol 60(3), p.761-812
- Peluso, N.L., (1991). 'The history of state forest management in colonial Java,' *Forest & Conservation History*, Vol. 35 (2), p.65-75
- Peluso, N.L., (1992). *Rich forests, poor people: Forest access control and resistance in Java*, Berkeley/Los Angeles/Oxford: University of California Press.
- Peluso, N. L. (2005). 'Seeing property in land use: Local territorializations in West Kalimantan, Indonesia.' *Geografisk Tidsskrift-Danish Journal of Geography*, Vol. 105(1), p.1-15
- Persoon, G. (1998). 'Isolated groups or indigenous peoples; Indonesia and the international discourse,' *Bijdragen tot de Taal-, Land- en Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia and Oceania*, 154(2). p.281-304.
- Postero, N. G and Fabricant, N. (2019). 'Indigenous sovereignty and the new developmentalism in plurinational Bolivia,' *Anthropology Theory*, Vol. 19(1). p.95-119.
- Postero, N. G, (2006). *Now We Are Citizens: Indigenous Politics in Postmulticultural Bolivia*, Stanford, CA: Stanford University Press.
- Putro, W. D. and Tolomundu, F. (2006). *Menolak takluk! : Newmont vs hati nurani*, Mataram: Titik Koma dan Lembaga Olah Hidup
- Rachman, N. F. and Masalam, H. (2017). 'The trajectory of indigeneity politics against land dispossession in Indonesia,' *Sriwijaya Law Review*, Vol 1(a). p.122-142.
- Rachman, N.F. (2012) *Land Reform dari Masa ke Masa*, Yogyakarta: STPN Press and SAINS.
- Rachman, N.F. and Siscawati, M. (2016). 'Forestry law, masyarakat adat and struggles for inclusive citizenship in Indonesia' in Christopher Antons (eds), *Routledge Handbook in Asian Law*, London and New York: Routledge.
- Rachman, N.F., Herwati, S.R.M, Arizona, Y. Firmansyah, N. (2012) *Kajian Kritis atas Peraturan Menteri Agraria/Kepala Badan Pertanahan Nasional Nomor 5 Tahun 1999 tentang Pedoman Penyelesaian Permasalahan Hak Ulayat Masyarakat Hukum Adat* Working Paper Epistema Institute No.01/2012, Jakarta: Epistema Institute.

- Ramdhaniaty, N. (2018). *Perempuan adat non elit, eksklusif berlapis, dan perjuangan hak kewarganegaraan atas hutan adat studi kasus di masyarakat adat Kasepuhan Karang, Lebak, Banten = Non-elit indigenous women, multi-layered exclusion, and struggling for citizenship over customary forest a case study at Kasepuhan Karang, Lebak, Banten*, Thesis at University of Indonesia.
- Rights and Resources Initiative. (2018). *At a Crossroads: Consequential trends in recognition of community-based forest tenure from 2002-2017*. Rights and Resources Initiative. [https://rightsandresources.org/wp-content/uploads/2019/03/At-A-Crossroads\\_RRI\\_Nov-2018.pdf](https://rightsandresources.org/wp-content/uploads/2019/03/At-A-Crossroads_RRI_Nov-2018.pdf)
- Robinson, K. (2019). 'Can Formalisation of Adat Land Regulation Protect Community Rights? The Case of the Orang Asli Sorowako and the Karongsi'e/Dongi.' *The Asia Pacific Journal of Anthropology*, Vol. 20(5), p.471-486.
- Safitri, M. A. (2010a). 'Reformasi hukum perifer: Kepastian tenurial dan hutan kemasyarakatan di Lampung, dalam Myrna Safitri dan Tristam Moeliono (eds), *Hukum Agraria dan Masyarakat di Indonesia: Studi tentang tanah, kekayaan alam, dan ruang di masa kolonial dan desentralisasi*, Jakarta: HuMa, Epistema Institute, and KITLV-Jakarta.
- Safitri, M. A. (2010b). *Forest Tenure in Indonesia: The socio-legal challenges of securing communities' rights*, dissertation at Van Vollenhoven Institute, Leiden University, the Netherlands.
- Safitri, M. A., Muhshi, M.A., Muhajir, M., Shohibuddin, M., Arizona, Y., Sirait, M., Nagara, G., Andiko, Moniaga, S., Berliani, H., Widawati, E., Mary, S.R., Galudra, G., Suwito, Santosa, S., Santoso, H., (2011). *Menuju Kepastian dan Keadilan Tenurial (edisi revisi 7 November 2011)*. Jakarta: Kelompok Masyarakat Sipil untuk Reformasi Tenurial.
- Safitri, M.A. (2015). 'Dividing the land: Legal gaps in recognition of customary land in Indonesian forest areas,' *Kasarinlan: Philippine Journal of World Studies*, 30(2)-31(1). 31-48.
- Sangadji, A. (1994) *Bendungan, rakyat, dan lingkungan: Catatan kritis rencana pembangunan PLTA Danau Lindu*, Jakarta/Palu: Walhi/Yayasan Tanah Merdeka.
- Sangadji, A. (2007). 'The masyarakat adat movement in Indonesia: A critical insider's view,' in Davidson, Jamie S. and David Henley (edst), *The Revival of Tradition in Indonesian Politics: The*

- deployment of adat from colonialism to indigenism*, London and New York: Routledge.
- Schiller, A. (1955). *The formation of federal Indonesia 1945-1949*, The Hague and Bandung: W. Van Hoeve Ltd.
- Scott, J. (1985). *Weapons of the Weak: Everyday Forms of Peasant Resistance*. Yale University Press.
- Shah, A. (2007). 'The Dark Side of Indigeneity?: Indigenous People, Rights and Development in India.' *History Compass*. Vol. 5(6), p.1806–1832.
- Silaen, V. (2006). *Gerakan Sosial Baru: Perlawanan komunitas lokal pada kasus Indorayon di Toba Samosir*, Yogyakarta: IRE Press.
- Silalahi, D. (2020). *Tombak haminjon do ngolu nami: Masyarakat adat Batak Pandumaan dan Sipituhuta merebut kembali ruang hidupnya*, Yogyakarta: Insist Press.
- Simarmata, R. (2006). *Pengakuan Hukum. Terhadap Masyarakat Adat di Indonesia*, Bangkok: UNDP.
- Simarmata, R. (2018), 'Pendekatan Positivistik dalam Studi Hukum Adat,' *Mimbar Hukum*, Vol. 30(3), p. 463-487
- Simbolon, Indira J. (1998). *Peasant women and access to land : customary law, state law and gender-based ideology : the case of the Toba-Batak (North Sumatra)*, Amsterdam: Landboud Universiteit Wageningen.
- Simon, H, (2001). *Pengelolaan hutan bersama rakyat: Teori dan aplikasi pada hutan jadi di Jawa*, Yogyakarta: Bigraf publishing.
- Sirait, M. T. (2015). *Inclusion, Exclusion and Agrarian Change: Experiences of Forest Land Redistribution in Indonesia*, Dissertation at Institute of Social Studies (ISS), Erasmus University, the Netherlands.
- Siscawati M, Banjade, M.R., Liswanti, N., Herawati, T., Mwangi, E., Wulandari, C., Tjoa, M. and Silaya T,. (2017). *Overview of forest tenure reforms in Indonesia*. Working Paper 223. Bogor, Indonesia: CIFOR.
- Siscawati, M. (2012). *Social movements and scientific forestry: Examining the community forestry in Indonesia*, a dissertation at University of Washington.
- Situmorang, S. (2004). *Toba na sae: Sejarah lembaga sosial politik abad XIII-XX*, Jakarta: Komunitas Bambu.
- Sumardjono, M. (2015) 'Thwal hak komunal atas tanah' [The matter of the communal right to land], *Kompas*, 6 July, p. 6.
- Soepomo, (1982). *Sejarah Politik Hukum Adat, Jilid II. Masa 1848-1929*, Jakarta: Pradnya Paramita.

- Soesangbeng, H. (2012). *Filosofi, Asas, Ajaran, Teori Hukum Pertanahan, dan Agraria*, Yogyakarta: STPN Press.
- SOIFO, 2020. *The State of Indonesia's Forest 2020*, Jakarta: the Ministry of Environment and Forestry.
- Soto, H.d. (2000). *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, Basic Books.
- Sung, M. H. (2004). 'The hidden reason for the deadlock in the achievement of ethnic recognition for the Ping-pu in Taiwan' *International Journal of Minority and Group Rights*, Vol. 11(1-2).
- Sutrisno, M.Z. (2015). 'Penetapan masyarakat adat Marena, Kabupaten Sigi, Sulawesi Tengah' in HuMa, *Menyegerakan penetapan wilayah/hutan adat*, Jakarta: HuMa.
- Talmon, S. (2004), 'The constitutive Versus the Declaratory Theory of Recognition: Tertium Non Datur?' *British Yearbook of International Law*, Vol. 75(1), p.101-181,
- Tarrant, R. F., Ewing, R.A., Gedney, D.R., 'Forest Survey and the Nonindustrial Private Ownerships' *Journal of Forestry*, Vol. 76(8), p.470-472,
- Termorshuzen-Arts, M. (2010). 'Rakyat Indonesia dan tanahnya: Perkembangan Doktrin Domein di masa kolonial dan pengaruhnya dalam hukum agraria Indonesia' dalam Myrna Safitri dan Tristam Moeliono (eds), *Hukum agraria dan masyarakat di Indonesia*, Jakarta: HuMa, Van Vollenhoven Institute-Leiden University, KITLV-Jakarta. p.33-74
- Thamrin, M.H. et al (1936). *Rapport Komisi Agraria Indonesia*, unpublished manuscript.
- Thornberry, P. (2013). *Indigenous Peoples and Human Rights*, Manchester: Manchester University Press.
- Thufail, F.I. (2013). 'Becoming Aristocrats: Keraton in the Politics of Adat' in Brigitta Hauser-Schäublin (ed.) *Adat and Indigeneity in Indonesia Culture and Entitlements between Heteronomy and Self-Ascription*, Göttingen Studies in Cultural Property, Volume 7.
- Toha, K. (2007). *The struggle over land rights: a study of indigenous property rights in Indonesia*, Dissertation at Washington University School of Law.
- Tsing, A. L. (2009). 'Adat/Indigenous: Indigeneity in motion' in Carol Gluck and Anna Lowenthaupt Tsing (eds), *World in motion: Toward a global lexicon*, Durham and London: Duke University Press.

- Tsing, Anna L. (2007). 'Indigenous Voice,' in Marisol de La Cadena and Orin Starn (eds), *Indigenous Experience Today*, London: Routledge.
- Ubink, J.M (2009). 'Legalising land rights in Africa, Asia and Latin America: An introduction' in Ubink, J.M, Hoekema A.J, & Assies W.J (eds) (2009). *Legalising land rights: Local practices, state responses and tenure security in Africa, Asia, and Latin America*, Leiden University Press.
- Udin, N. (2019). 'The local translation of global indigeneity: A case of the Chittagong Hill Tracts,' *Journal of Southeast Asian Studies*, Vol. 50(1), p.68-85.
- Muur, W.v.d. (2019). *Land rights and the force of adat in democratizing Indonesia: Continuous conflict between plantations, farmers, and forest in South Sulawesi*. PhD dissertation. Van Vollenhoven Institute, Leiden University.
- Klinken, G.v. (2004). 'Return of the sultans' *Inside Indonesia* 78. <https://www.insideindonesia.org/return-of-the-sultans>
- van Vollenhoven, C. (1987). *Penemuan Hukum Adat*. Jakarta, Djambatan.
- Vandenbosch, A. (1943). 'The Effect of Dutch Rule on the Civilization of the East Indies', *American Journal of Sociology*, Vol. 48(4), p.498-502
- Vandergeest, P and Peluso, N.L., (2006). 'Empires of Forestry: Professional Forestry and State Power in Southeast Asia, Part 1' in *Environment and History*, Vol. 12 (2006), p.31-64.
- Vandergeest, P., and Peluso, N.L., (1995). 'Territorialization and state power in Thailand,' *Theory and Society*, Vol 24 (3), p.385-426
- Vel, J and Makambombu, S. (2019). 'Strategic Framing of Adat in Land-Acquisition Politics in East Sumba.' *The Asia Pacific Journal of Anthropology*. Vol. 20(5): p.435-452.
- Vitasari, D.M. and Ramdhaniaty, N. (2015). *Jalan panjang pengakuan hukum: Lima belas tahun pendampingan masyarakat Kasepuhan*, Jakarta: RMI and Epistema Institute.
- Vollenhoven, C.v. (1909). *Miskennen van het adatrecht*, Leiden: E.J. Brill,
- Vollenhoven, C.v. (1919) *De Indonesier en zijn grond*, Leiden: E. J. Brill.
- Walhi, (2004). 'Buyat Bay is polluted and a risk to the community: Highlights of the joint investigation of Buyat Bay' Source: [https://web.archive.org/web/20070513195325/http://www.walhi.or.id/eng/buyat\\_team\\_summary](https://web.archive.org/web/20070513195325/http://www.walhi.or.id/eng/buyat_team_summary) (Accessed on September 30, 2020)

- Wallace, J., and Williamson, I. P. (2006). 'Building land markets,' *Land Use Policy*, Vol.23(2), p.123-135.
- Warren, C. (2007). 'Adat in Balinese discourse and practice: locating citizenship and the commonweal' in Davidson, Jamie S. and David Henley (eds), *The Revival of Tradition in Indonesian Politics: The deployment of adat from colonialism to indigenism*, London and New York: Routledge
- Welker, M. (2014). *Enacting corporation: An American Mining Firm in Post-Authoritarian Indonesia*, Berkeley, Los Angeles, and London: California University Press.
- White, B. (2017) 'The myth of the harmonious village' *Inside Indonesia*, May 9, 2017. <http://www.insideindonesia.org/the-myth-of-the-harmonious-village-2> (accessed on September 9, 2018).
- Wignjosoebroto, S. (2014). *Dari hukum kolonial ke hukum nasional: Dinamika sosial-politik dalam perkembangan hukum di Indonesia*, Jakarta: HuMa
- Wily, L. A., (2018). 'Collective Land Ownership in the 21st Century: Overview of Global Trends,' *Land*, Vol. 7(68).p.1-26.
- Wiratraman, H. P. et. al. (2010). 'Kuasa dan Hukum: Realitas pengakuan hukum terhadap hak masyarakat adat atas sumber daya alam' in Yance Arizona (edt) *Antara teks dan konteks: Pengakuan hukum terhadap hak masyarakat adat atas sumber daya alam*, Jakarta: HuMa.
- Yasmi, Y., Guirnier, J. and Colfer, C.J.P., (2009). 'Positive and negative aspects of forestry conflict: lessons from a decentralized forest management in Indonesia,' *International Forestry Review*. Vol.11(1), p.98-110



## Curriculum Vitae

**YANCE ARIZONA** was born in Kerinci (Sumatra), Indonesia on 24 March 1983 and he spent his childhood there. He travelled to Padang to complete his undergraduate degree at the Faculty of Law, Andalas University. After completing his degree in constitutional law, he moved to Jakarta to work for NGOs promoting local and indigenous communities' rights who encounter land conflicts with companies and state agencies (HuMa and Epistema Institute).

During his involvement in NGO activities, he continued his academic studies. Yance holds a master's degree in constitutional law from the University of Indonesia (2012) and a Master of Arts (MA) from the Oñati International Institute for Sociology of Law at Universidad del País Vasco in Spain (2016). Yance started his PhD research at Leiden Law School on January 1, 2017 under the supervision of Professor Adrian Bedner and Dr. Jacqueline Vel. He obtained LPDP Scholarship for completing his PhD. He began his academic career as a lecturer at President University (2011-2021). In 2021, he joined the Department of Constitutional Law, Gadjah Mada University.

Yance participated in international conferences and short courses on law, the environment, and indigenous peoples' rights, such as the tailor-made course on *Agrarian Transition for Rural Development* at the Institute of Social Studies, the Netherlands (2011); *Beahrs Environmental Leadership Program* at University of California Berkeley (2013); and *the Indigenous Studies Summer Program* at Columbia University, New York, the USA (2014). Yance has received fellowships from a number of international institutions. In 2014 he received *the Indigenous Leaders Conservation Fellowship* sponsored by Conservation International, and in 2019 he was awarded a *Sasakawa Young Leadership Fellowship Fund (SYLFF)* from the Tokyo Foundation to conduct visiting research on customary land rights in Australia (UNSW) and Japan (Osaka University of Tourism).

Yance is the author of several books and journal articles written mostly in Bahasa Indonesia. His work is also published in international publications such as *the Asia Pacific Journal of Anthropology*, *Asian Journal of Law and Society*, *Constitutional Review*, and book chapters published by Gottingen University (Germany), Hurights Osaka, and Oxford University Press (forthcoming in 2022).