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Proposition relating to the dissertation

RETHINKING ADAT STRATEGIES: The politics of state recognition of customary land rights in Indonesia

By Yance Arizona

1. Global indigenous rights discourse, as it has been vernacularised by the Indonesian indigenous peoples' movement (AMAN), has created opportunities for local communities to argue for legal recognition of customary rights in their land struggles.
2. In Indonesia, conditional recognition is a structural legal problem for realising adat community land rights.
3. In contrast to analysis focussing only on the validity of local communities' land rights, the process approach of this dissertation provides insight into the factors determining whether or not legal recognition of community land rights is granted in practice.
4. The notion of adat community is a political concept because its definition and practical meaning rely on the power relations between various parties involved in the legal recognition process.
5. The common understanding in the adat community movement is that legal recognition is an obligation the state has to fulfill, but in reality it is the result of negotiations between various actors in the legal recognition process.
6. Legal recognition of adat communities involves such complex procedures that adat communities often become trapped in the legal process before they reach a solution to their actual land problems.
7. Legal recognition of customary land rights is not always the best solution for regaining access to dispossessed forest land.
8. There is no successful one-size-fits-all approach to resolving land conflicts.
9. It is necessary to conduct legal historical analysis in any study of law and society in order to understand how and why successive governments have created previous versions of the law in response to societal problems in their respective periods of governance.
10. A Constitutional Court decision only has value in practice, when implementation of the decision is collaboratively supported by societal organisations.
11. One of the hardest challenges for activists who have decided to do academic research is to stay away from activist advocacy activities for the people they used to cooperate with.
12. The COVID-19 pandemic has increased the multitasking capacity of PhD researchers who have children, because they needed to combine the role of home teacher with thesis writer.