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Customary Land Rights and Postcolonial Land Governance: The Case of Pakel Village, Indonesia, 1950s-1980s

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Abstract: This paper discusses the social practices and impacts of agrarian policy changes in Pakel Village, Licin District, Banyuwangi Regency. This then triggered a land conflict involving the conflict actor, PT Bumi Sari, and the local community. This research uses qualitative research methods through an in-depth literature study approach. Theoretically, this paper illustrates that various conflicts are an important part of making agrarian policies, especially in areas where companies will build and in relation to community conditions. In the future, this will also contribute academically in the form of future research findings that look in more detail at the conditions of communities after conflicts through ethnographic studies. The results showed that the local community as the original entity in the area was marginalized due to the change in agrarian policy which then favored PT Bumi Sari. The existence of conflict is inseparable because of these differences of opinion and views, with a background as a farmer which makes the community marginalized from social construction, especially in agrarian affairs. However, the existence of these historical records makes lessons and evaluations together in every decision-making and policy determination that is fair and considers the local rights of indigenous people in the region. The discussion showed that land conflicts were related to the complexity and legal certainty that the Pakel Village community did not obtain. Restitution of customary land rights based on postcolonial legal pluralism is ignored, which can indirectly be understood as an attempt by the state to seize land from indigenous communities.

Abstrak: Makalah ini membahas praktik sosial dan dampak perubahan kebijakan agraria di Desa Pakel, Kecamatan Licin, Kabupaten Banyuwangi. Hal ini kemudian memicu konflik lahan yang melibatkan pihak yang terlibat dalam konflik, PT Bumi Sari, dan masyarakat setempat. Penelitian ini menggunakan metode penelitian kualitatif melalui pendekatan studi literatur mendalam. Secara teoritis, makalah ini menggambarkan bahwa berbagai konflik merupakan bagian penting dalam pembentukan kebijakan agraria, terutama di daerah-daerah di mana perusahaan akan membangun dan terkait dengan kondisi masyarakat. Di masa depan, hal ini juga akan berkontribusi secara akademis dalam bentuk temuan penelitian masa depan yang meneliti lebih detail kondisi masyarakat setelah konflik melalui studi etnografi. Hasil penelitian menunjukkan bahwa masyarakat lokal sebagai entitas asli di wilayah tersebut terpinggirkan akibat perubahan kebijakan agraria yang kemudian menguntungkan PT Bumi Sari. Adanya konflik tidak terpisahkan karena perbedaan pendapat dan pandangan, dengan latar belakang sebagai petani yang membuat masyarakat terpinggirkan dari konstruksi sosial, terutama dalam urusan agraria. Namun, keberadaan catatan sejarah ini memberikan pelajaran dan evaluasi bersama dalam setiap pengambilan keputusan dan penetapan kebijakan yang adil serta mempertimbangkan hak-hak masyarakat adat di wilayah tersebut. Pembahasan menunjukkan bahwa konflik tanah terkait dengan kompleksitas dan ketidakpastian hukum yang tidak diperoleh oleh masyarakat Desa Pakel. Pemulihan hak tanah adat berdasarkan pluralisme hukum pasca-kolonial diabaikan, yang secara tidak langsung dapat dipahami sebagai upaya negara untuk merebut tanah dari komunitas asli.

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INRODUCTION

The ownership and control of land in Pakel village has been subject to a struggle for the rights of living space between the village community and plantations since the Dutch colonial government. Land ownership and control have, in fact, been regulated in the Agrarian Law since the Dutch colonial government and continue to change until after Indonesian independence. During the Dutch colonial government, land control in Pakel village was dominated by the ownership of the Pacouda plantation (N.V Cultuur Maatschappij Pacouda) and 30% of its land ownership was located in the Sengkan Kandang Keseran forest (Anonim, 1913a, 1927). The permit to clear the Sengkan Kandang Keseran forest cover was legitimised by State Gazette 1913 Number 221, and last amended and supplemented by State Gazette 1940 Number 3 (Anonim, 1913b, 1940). The land area controlled by the Pacouda plantation was 2.000 ha, which was planted with coffee and rubber (Chabot & Sonius, 1963; Compagnie des Agents de Change, n.d.; Defosses, 1931). On the other hand, in 1929, the Regent of Banyuwangi, Raden Arya Adipati Achmad Notohadisuryo, permitted to open of Pakel forest land called Sangkan Kandang Keseran into smallholder agricultural land covering an area of 4000 *bau*/boundary stakes (the unit of cultivated land area, 1 *bahu*, is equivalent to 10 square meters) to be distributed to 2.959 people (Asisten Residen in Banjoewangi, 1929). Problems regarding legal certainty began with agrarian conflicts over the struggle for the rights of living space that persisted until the post-independence period of Indonesia. The growing complexity and intensity of the conflict necessitated alternative approaches to resolving the agrarian dispute.

Globally, land dispute resolution can be pursued through state courts or customary justice systems (Ibrahim et al., 2022; Adams and Mulligan, 2003; Xu, 2018; Broderstad et al., 2020). Strict judicial procedures and heavy bureaucracy typically characterise state court proceedings. As a result, disputes often become stalled midway when their complexity involves customary domains. On the other hand, customary justice mechanisms are frequently considered inadequate for addressing the complexities of land disputes in the modern era, particularly as the authority of traditional customary rights continues to decline.

In many regions across African countries—such as Ghana, Burundi, Nigeria, Namibia, and Angola—the majority of land disputes are resolved within the framework of Alternative Dispute Resolution (ADR) (Ibrahim et al., 2022; Leeuwen, 2010; Agheyisi, 2019; Roder et al., 2015). This "third path" of resolving land conflicts has increasingly attracted the attention of scholars and legal practitioners worldwide, in parallel with the weakening of administrative court systems. The protracted land dispute in Pakel Village has involved corporations, the state, and customary communities, focusing on contestations over authority, knowledge, and power.

In 1953, the assets of the Pacouda Plantation were compensated by the Indonesian government with a joint capital of PT. Bumi Sari is worth *ƒ*. 2,000,000, including the Sengkan Kandang Keseran area, which had been disputed in the previous periods (Anonim, 1953). In 1953, the Pakel Village community attempted to defend their rights by re-utilising the Sengkan Kandang Keseran land listed in the 1929 land area certificate as agricultural land (Karomah & Susilowati, 2020). However, security forces guarding the plantation area forbade anyone trying to utilize the land on the grounds that they were guarding against looting from communist groups after the 1948 tragedy (Hariri et al., 2022).

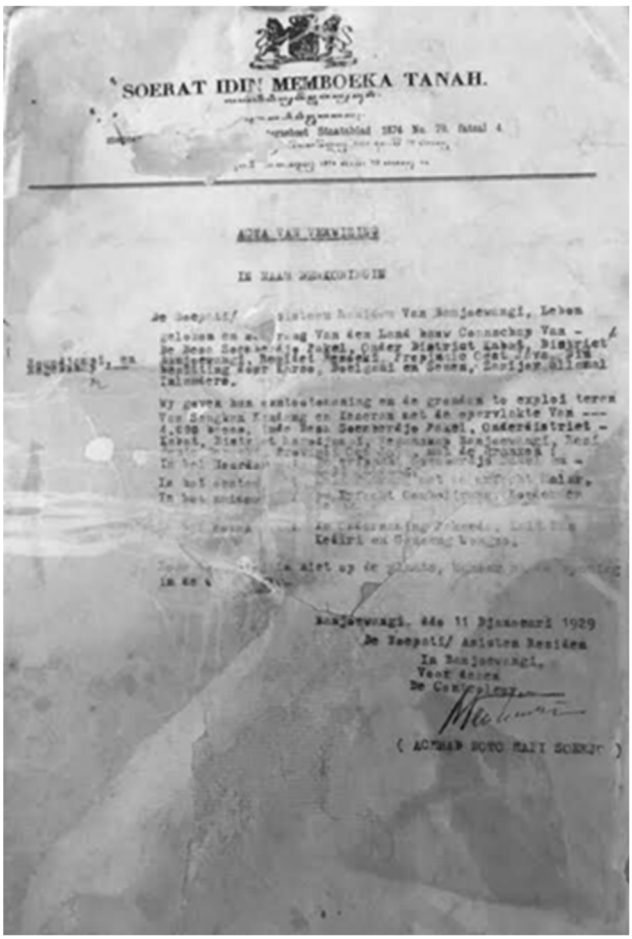
SOERAT IDIN MEMBOEKA TANAH.

Figure 1. Transfer of land ownership rights to one of the Pakel village residents. Source: Asisten Residen in Banjoewangi, 1929.

Social inequality driven by social movements, land exploitation, and land ownership had a significant impact on the economic, social, and political conditions of various societal groups at the time. Drawing on similar cases in Ethiopia and Norway, agrarian conflict is not merely regarding the dynamics of post-war social change or inequalities at regional and national levels; rather, the lack of land security for indigenous communities has substantially contributed to the ambiguity of land rights (Ospina, 2025; Sefiw, 2025; Broderstad et al., 2020; Moreda, 2023).

In 1958, PT. Bumi Sari offered a solution to the community to re-utilise the land in the Sengkan Kandang Keseran forest area because the land area could only be planted with coffee and rubber. After the issuance of *Undang-undang Pokok Agraria* (Basic Agrarian Law or BAL) Number 5 of 1960, the Pakel Village community received a strong foundation to regain full control of their land rights. On the other hand, PT. Bumi Sari continued to assert its management rights by attempting to register its plantation assets as part of the state's nationalisation project, thereby preventing the land from falling under community control.

Considering this issue, the state should have prioritised the protection of indigenous peoples' land rights by strengthening the implementation of the Basic Agrarian Law. One approach would have been to return the land to customary communities and redistribute it equitably based on hereditary rights as documented in the Acte van Verwijzing, followed by the protection of individual parcels through formal land certification. As seen in other communities affected by similar conflicts, enhancing tenure security through such measures is a key policy priority for fostering peace and promoting socio-economic development (Flower et al., 2023; Tamura, 2021; Tahir, 2022).

However, based on studies of postcolonial state formation, Agrarian Reform Laws are often confronted with issues arising from the state's nationalisation projects. Within conflicts marked by power imbalances and structural asymmetries, actors tend to frame the disputes in ways that align with the state's political agenda, thereby exacerbating the conflict (Mijailoff et al., 2023; Shwababa et al., 2025; Go et al., 2019; Afrizal et al., 2024). In Bolivia, agrarian reform programs constitutionally face limitations in their scope and capacity to address colonial-era agrarian conflicts (Doyle, 2024). Meanwhile, in Sub-Saharan Africa, agrarian reform has not primarily served as a state commitment to protect indigenous land rights, but rather as a means to restrict land acquisition manoeuvres by private corporations (Manji, 2001). Ultimately, the power asymmetries among actors involved in agrarian conflicts lead to a clash of competing and often contradictory interests.

This research attempts to analyse land ownership and control in Pakel Village. Based on these problems, it raises research questions that become the objectives of this research study: How was the ownership and control of Pakel Village land in the 1950s-1980s? Why was the land in Pakel Village contested by several parties?

METHOD

In order to analyse land ownership conflicts in Pakel village comprehensively, this research uses the historical method, which consists of heuristics, source criticism, interpretation, and historical writing. To study it comprehensively, this research uses various literature sources, including archives, newspapers, reports, scientific journals, and books related to the discussion. The discussion of land ownership and control in Pakel Village begins from the 1929 *Acte Van Verwizing*, which is evidence of land ownership in the Sengkan Kandang Keseran forest that is controlled by the community. Several related sources, including *Beheer der Bossen van den Lande op Java en Madoera* 1913, *Bepalingen met Betrekking tot s'land Boschbeheer op Java en Madoera* 1927, *Boschdienstregelement voor Java en Madoera* 1940, Tjan Gwan Kwie's 1943 and 1977 memory letters, as well as several newspapers, are used as materials for interpreting colonial legal regulations, which were the root of land control problems in Sengkan Kandang Keseran area, and to observe the dynamics of the community's struggle to defend their land rights.

PAKEL VILLAGE LAND OWNERSHIP AND LAND CONTROL 1950S TO 1980S

Since the monopoly of agrarian resources during the colonial plantation period, the reclaiming of plantation lands by the people's struggle during the Japanese occupation, to PT's efforts to decolonize the economy, the dynamics of controlling strategic economic sectors in the form of plantations, is the dynamics of the struggle over land production resources between community and nation interests against the interests of global capitalism.

After PT's independence, the rural areas experienced the real impact of the transition to reclaiming plantation land. Pakel Village during the Dutch colonial era was a village surrounded by plantations. If we look at the map from 1915, Pakel

Table 1. The Boundaries of Land Clearing Permit

To the North	Soemberedjo Pakel with Patrang River
To the East	Patrang River with Malar
To the South	Gombolirang, Bunder, and Balak
To the West	Pacouda Plantation, Kediri Mas River, and Wongso Mountain

Source: Asisten Residen in Banjoewangi, 1929

Village was located between the Taman Gloegah and Pacouda plantations (Anonim, 1915). Both plantations produced rubber and coffee in their glory period. In the 1929 *Acte Van Verwizing* letter, the farmers of Soemberedjo Pakel were also granted the right to clear 4,000 *bahu* _ (the unit of cultivated land area, one *bahu*, is equivalent to 10 square meters). of Sengkan Kandang Keseran Forest with the following boundaries:

The land was within the territory of the Sengkan Kandang Keseran Forest, which has been owned by the Pakel Village community since 1929 (Asisten Residen in Banjoewangi, 1929). After obtaining legal certainty, Pakel Village farmers immediately cleared the Sengkan Kandang Keseran Forest. Each person was granted the right to a land area of 1¼ *bahu*, with the calculation being1 *bahu* for farming, ¼ *bahu* for housing, and the remaining 200 *bahu* allocated for village clearing (the unit of cultivated land area, one *bahu*, is equivalent to 10 square meters). For three months, the farmers have cleared 300 *bahu* out of 4,000 *bahu* allocated for them (the unit of cultivated land area, one *bahu*, is equivalent to 10 square meters). As they attempted to clear the forest further, the farmers encountered disruptions from the surveillance of *Opas* (police officers during the Dutch East Indies period), the local police paid by Pacouda Plantation to obstruct the farmers' efforts (Kwie, 1943).

At the same time, the Pacouda Plantation was trying to recover from bankruptcy due to the global economic crisis by expanding *kleindlandbouw* for coffee-growing areas through the *Rech van Erpacht* permit and the Koloni-Bate project (Anonim, 1936). Senen, Karso and Doelgani, the three prominent figures among the farmers of Pakel Village, were repeatedly arrested and fined *f*. 2,50 on charges of clearing forest cover (Anonim, 1938). However, their efforts continued despite repeated arrests and trials.

Agrarian conflicts involved the Pakel Village community and the plantation until 1942 (Kwie, 1943). During the Japanese occupation, 2,000 hectares of former Pacouda plantation land along with 4,000 *bahu* (the unit of cultivated land area, one *bahu*, is equivalent to 10 square meters) of land owned by the Pakel Village community, which in the previous period had become an agrarian conflict, were returned to be owned by the community. Although the land was owned again by the community, it was still owned and controlled by Japan as the occupying country. However, the return of the land ownership was not without conditions. The Japanese military ordered the Pakel Village community to cultivate state land to plant castor trees, cotton, and rice, which were groups of plants to meet Japan's needs for war purposes (Aprianto, 2016). The farmers were also required to participate in forced labour for 8 days per month (Kwie, 1943). Despite being considered quite burdensome, the Pakel Village farmers agreed to the decision, since the most important matter for them was to regain ownership of the cultivated land.

The Minister of Agriculture and Agrarian Affairs, Sadjarwo, visited to defuse the situation (Anonim, 1965). Therefore, after the events of 1965, the Pakel Village land dispute became even worse. Pakel villagers were accused of being involved in rebellion by seizing forestry lands. Pakel villagers did not dare to cultivate the Sengkan Kandang Keseran land. Considering that 2,366 residents in the Rogojampi sub-district were previously detained for alleged participation in the Leftist Movement in Banyuwangi (Anonim, 1968b). Land grabbing and agrarian conflicts have been exacerbated by state policies employing military supremacy to secure abandoned agricultural lands previously owned by local communities in the Sengkan Kandang Keseran Forest area. A case study from Myanmar illustrates that nearly half of land grabbing and seizure cases directly involve the military or see the military acting in cooperation with other actors, including local governments, ministries, and domestic capital owners (Ra and Ju, 2021).

In February 1966, farmers experienced evicted and extorted, accusing Pakel villagers of being part of the Leftist movement. They were charged Rp. 15,000-25,000 if they wanted to remain in the village (Anonim, 1968a). The discomfort of the Sengkan Kandang Keseran land dispute was compounded when Agrarian Minister, Rudolf Hermanses, issued a national policy on February 17th, 1966, instructing the Land Reform Committee that the Committee control the redistributed land on behalf of the Agrarian MinisterSimilarly, the resolution of plantation and forestry lands that have been occupied by the people since the colonial

period in other areas of Banyuwangi, including: Kalikempit Plantation in Kalibaru District, Sumberdadi Plantation in Pesanggaran District, forestry land in Alas Tembakor Pesanggaran District and Sugihwaras in Glenmore. This issue has, in fact, received the attention of the Level I of the East PT regional *land reform* committee, which has issued an instruction letter PT. I/Agr/1211/XI/Lf/66 concerning the Implementation of Settlement of Plantation Lands occupied and cultivated by the people. It clearly emphasises that in resolving the issue of former plantation lands, strict adherence to existing laws and regulations must be maintained (Pelaksanaan Penyelesaian Tanah-Tanah Perkebunan Yang Diduduki/Digarap Rakyat [Implementation of Settlement of Plantation Lands Occupied/Cultivated by the People], 1966). The security posts and road barriers belong to PT. Bumi Sari was also built on land owned by the Pakel Village community.

According to Leeuwen et al. (2022), land disputes in regions experiencing agrarian conflicts—often perceived as serious security threats—should ideally be resolved through mediation efforts and strengthening the rule of law, specifically the applicable Agrarian Law. However, in some cases, particularly in Pakel Village, companies have resorted to violence and hired security personnel, including private enforcers, to secure contested areas as a means to manage threats from the community. This approach is widely regarded as exacerbating the situation and neglecting the root causes of land conflict resolution. A case study of land conflicts in the Republic of Congo and Tanzania involving former plantation workers and land concession holders highlights the inability of mediation to resolve disputes and the failure to address structural inequalities, which resulted in former plantation workers losing access to land as a livelihood (Leeuwen et al., 2022; Chung et al., 2025). While security supremacy may temporarily alleviate conflict, it remains a short-term solution that fails to fundamentally resolve the conflict, particularly issues related to long-term justice in agricultural development.

Therefore, waves of resistance and social movements by the Pakel Village community have been carried out extensively to continuously advocate for their land rights in the Sengkan Kandang Keseran forest. The Pakel Village community steadfastly hold onto their ownership evidence from the 1929 *Acte Van Verwizing*. However, their efforts were outweighed by the Right to Cultivate (Hak Guna Usaha, HGU) decision owned by PT. Bumi Sari. Regarding the Sengkan Kandang Keseran land dispute after independence, it can be concluded that, in this case, the state remains as the party controlling and owning the land.

POSITION OF THE REGION IN ITS ROLE BETWEEN THE COMMUNITY AND THE PLANTATION

The enactment of Basic Agrarian Law No. 5 of 1960 brought fundamental changes to agrarian law in Indonesia in regulating the land position of an area. Lands that were previously owned by foreign plantations were reclaimed, and their status was converted to state land. The legal basis for the implementation of land rights conversion is the second part of UUPA on conversion provisions, consisting of nine articles regulating three types of conversion, namely: conversion of land rights originating from Indonesian rights, conversion of former Swapraja land rights, and conversion of land rights originating from western rights (Undang-Undang Pokok Agraria [Basic Agrarian Law], 1960).

Therefore, the position of PT. Bumi Sari, as a contributor to the compensation capital, is the private party referred to. After the determination of compensation, Bumi Sari had to return 800 hectares of coffee plantation land within the specified boundaries as the rights of the Pakel Village community (Kwie, 1977). The process of returning this land position was carried out gradually until PT. Bumi Sari completes the payment, whereby 24 hectares have been returned to the community (Kwie, 1977).

A new problem arose in 1961 when *Dienst van Het Boschwezen* was nationalised and became West Banyuwangi Forestry Agency (Jawatan Perhutani) (Wasino et al., 2014). Perhutani has the authority to manage state land, particularly when the land has been released from inherent rights such as *erfpacht verponding,* which is land that formerly belonged to colonial plantations. Subsequently, the government made the former colonial plantation land into a forest area with the issuance of a Boundary Setting Report (Berita Acara Tata Batas/BATB). This BATB becomes an authentic deed due to it fulfilling the requirements stipulated by Article 1868 of the Civil Code, and as an authentic deed, the BATB has outward, formal and material evidentiary power, and therefore serves as a complete and binding evidence instrument (Anonim, 1961).

Table 2. BATB 1961 Mapping

To the East	Part of Porolinggo-Setail-Bate
To the West	Setail-Patrang-Balak
To the North	Group of Porolinggo Forest-Bayu-Setail
To the South	West Banyuwangi Forest-South Balak-Gondang River

Source: Anonim, 1961

Table 3. Pakel Village Land Clearing Boundaries

To the North	Patrang River with Malar
To the East	Paras Gempal with Janti River
To the South	Sasak Gondang with Seroya
To the West	Karet Nyamplong with Sasak Gondang

Source: Kwie, 1977

If inconsistencies exist between the topographical boundaries claimed by Perhutani Forestry Agency and those claimed by the Pakel Village community, it suggests a lack of authenticity in the Boundary Setting Report (BATB).

The 1961 BATB mapping contains boundaries based on the partial BATB Porolinggo-Setail-Bate Forest Group (Eastern Section) BATB No. 2B dated March 14th, 1927; Additional BATB Setail-Patrang-Balak (Supletoir) (Western Section) dated May 16th, 1930; Additional BATB (Supletoir) Porolinggo-Bayu-Setail Forest Group (Northern Section) No. 2E dated June 20th, 1935; Additional BATB (Supletoir) Banyuwangi Forest Group West-South Balak-Gondang River (Southern Section) dated August 14th, 1961 (Minutes of Boundary Demarcation). 2E dated June 20th, 1935; BATB Tambahan (Supletoir) Forest Group West Banyuwangi-South Balak-Gondang River (South) No. 3F dated August 14th, 1961 (Boundary Setting Report of the East Java Forestry Office, 1961). When examining the territorial positions claimed in the BATB, there are inconsistencies between the topographic boundaries submitted by Perhutani Agency and the topographic boundaries claimed by the Pakel Village community. These inconsistencies can be observed by comparing the boundaries described in Table 1 with the boundaries of the land cleared by the Pakel Village community. The boundaries of the topographic map of the land cleared by the community are as Table 3.

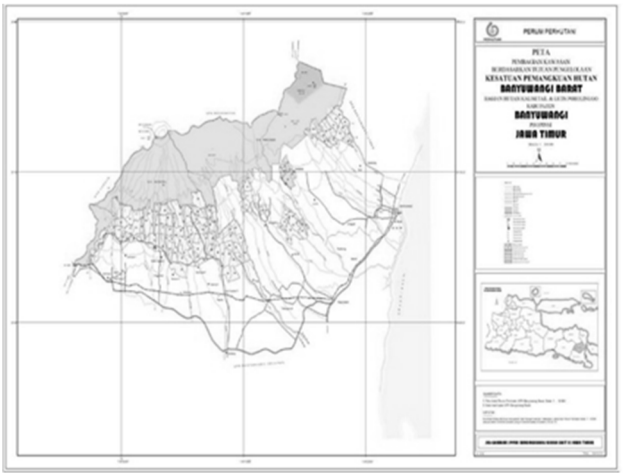

Figure 2. BATB Topography Map of West Banyuwangi Perhutani Agency**.** Source: The East Java Provincial Archive and Library Office

Based on these boundaries, the land claimed by the Pakel Village community does not mention the Setail-Bate area, which is already a different sub-district, quite far from the position of the Perhutani Agency's claimed boundaries. This issue has two other interests: the Pakel Village community and the West Banyuwangi Perhutani Agency. There is an overlap of management rights by West Banyuwangi Perhutani Agency and control rights by the community. The community considers that the land is their customary land, which they cultivate to meet their daily needs. Meanwhile, the West Banyuwangi Perhutani Agency is interested in maintaining state forests for economic value, national interests, and environmental conservation purposes.

These two different interests are at the root of the problem regarding this change in land position. Both parties have not been able to prove the boundaries of their respective rights consistently. Amidst an uncertain vortex of conflict, indigenous communities can assert land ownership claims through ethnoterritorial rights. Land exclusion within the Guarayos Nature Reserve in Bolivia demonstrates that dispute boundaries are recognised through full acknowledgment of the territorial limits claimed by both parties (Ballivian, 2022; Doyle, 2024). The relationship between ethno-territoriality and customary rights is considered relevant and serves as a cornerstone in advocating for indigenous communal lands (ulayat land) (Hale, 1997). In this case, establishing the boundaries of rights is very important to determine the basis of land control. The UUPA, as the main land law, does not implicitly provide a statement to distinguish the position of the area between state land and state forest. However, UUPA explicitly states that applicable customary law must not contradict higher state principles, namely national and state interests.

COMMUNITY RESPONSE TO LAND CONFLICTS

The contradictions in land conflicts are, in fact, not something new behind what the Pakel Village community has experienced for decades. Borrowing from what Gouwgioksiong stated, the conflicts of interest between the community and the plantations, as well as Perhutani, crystallised further post the nationalisation of capitalistic colonial economic assets in the 1960s (Gouwgioksiong, 1961). In recent decades, forest areas have increasingly been criticised as elitist, inflexible, and alienating indigenous communities, particularly around protected areas such as the Sengkan Kandang Keseran Forest. Case studies of conservation areas like the Richtersveld and Kruger Parks illustrate the difficulties faced by indigenous peoples in utilising and managing local land as customary resources (Adams & Mulligan, 2003). In these cases, customary land used for agriculture alongside conservation land owned by Perhutani can be suddenly appropriated by the state based on master plans for land use. Ideally, state land acquisition should occur well before rural lands are repurposed for non-agricultural uses. The transfer of collectively owned village forest land into state-owned plantation land managed by private companies effectively amounts to the collective dispossession of land rights from the affected communities. The Agrarian Law should, in principle, protect the customary rights of local communities against such dispossession. This legal protection has become a controversial trigger in Pakel Village, as similarly detailed in cases from rural China and India by Joel Andreas et al. (2020).

While indigenous land rights can be commercialised through certification, the central role in land ownership remains firmly held by the state, backed by its coercive power—in this case, embodied by PT. Bumi Sari. On one hand, when communities seek to commercialise their agricultural lands extensively, they face new challenges due to conflicts with the Forestry Law. On the other hand, the state grants PT. Bumi Sari has the authority to manage the disputed forest land as plantation areas, which can generate tax revenue for the government.

A case study involving farming communities on the outskirts of India further illustrates that communities dispossessed of their land experience economic and cultural marginalisation in rural agriculture (Das and Kumar, 2024). This has severely undermined the traditional agricultural culture practised by village communities. Many farmers were forced to relinquish their land use rights and were evicted from their farms through tactics involving deceit and violence. These conditions have triggered waves of social movements among rural populations. In response to such injustices, village communities have persistently engaged in both communal and physical forms of resistance.

Pakel Village community were not afraid to show their dissatisfaction openly through mass actions and agrarian courts. This is what the Pakel community experienced in 1958, when they learned that efforts to plant coffee, cloves, rubber and coconuts on 262 hectares of their land were nothing more than attempts to manipulate the plantation into an unpaid labourers' (Egis, 2022).

Based on a report written by Mr Tjan Gwan Kwie in 1977, the repressive actions carried out by PT. Bumi Sari began in the 1960s with the expansion of coffee, cloves, rubber and coconut plantations in the Sengkan Kandang Keseran area (Kwie, 1977). This situation later gave rise to both latent and manifest dissatisfaction. Not only that, but coercive efforts were often made through threats, intimidation, and coercion to dissuade Pakel Village farmers. Since 1963, Pakel villagers have signalled resistance to the forced occupation of their farmland by planting short-term crops such as corn, beans, chillies and vegetables (Kwie, 1977). During the 1960s, 18 arrests were recorded as part of PT Bumi Sari's coercive measures against the forced occupation of Pakel Village farmers (Kwie, 1977).

DISCUSSION

In his book The Moral Economy of the Peasant, James C. Scott (1976) argues that subsistence farmers (small farmers) are not solely driven by rational economic logic to maximise profits. Instead, they adhere to a "moral economy" based on two main principles: Subsistence Ethic: This principle prioritises the guarantee of survival. Farmers will do whatever it takes to ensure that they and their families have enough food to survive, even if it means avoiding risks that could potentially yield large profits. A case study in China explains that the capitalist transformation of agriculture is, in fact, carried out by smallholder farming households in rural areas (Zhang & Wu, 2025). Land, for them, is a guarantee of life, not merely an economic commodity. Reciprocity Norm: This principle emphasises mutual relationships and mutual assistance within the community. There is an unwritten agreement

between farmers and local elites (such as landlords or rulers) that, as long as farmers fulfil their obligations, elites also have an obligation to ensure that farmers do not go hungry or become marginalised.

Scott's theory posits that understanding the rural household economy is fundamentally based on the social, economic, and political behaviour of the peasants themselves (Scott, 2010). Through the lens of moral economy, Scott aims to depict a mutually dependent relationship between landlords and peasants. However, Scott's perspective is somewhat naive in portraying the reality of the farming community in Pakel Village, as his concept of moral economy tends to favour the viewpoint of local elites as landlords. Consequently, within peasant societies, landowners dominate. At the same time, the moral economy that applies and is accepted by the landless poor—who are marginalised not by choice but out of necessity and arduous survival—is sidelined.

Referring to the case in Bolivia, the polyvalence of agricultural land for Indigenous postcolonial communities represents progress in codifying agricultural decolonisation into a legal pluralism that counters the oppression of land control imposed on marginalised peasant groups by local elites (Doyle, 2024). Bolivia is not the only country striving to realise social change through constitutional agrarian law reform. Similar waves of social movements can be observed more broadly among postcolonial societies in Latin America, South Africa, Asia, and elsewhere (Viljoen et al., 2013).

Land conflicts often erupt when this "moral economy" is violated. When parties outside the community (such as plantation companies, investors, or even the state) enter and seize land that farmers consider essential to their livelihoods, their subsistence ethics are threatened. For example, land grabbing by large corporations often disregards local norms and replaces subsistence relationships with exploitative market relationships. For farmers, land grabbing is not merely the loss of assets, but also the loss of identity, ancestral heritage, and livelihood security. Their resistance to land grabbing is often motivated by efforts to preserve this "moral economy." This resistance can take the form of protests, sabotage, and everyday forms of resistance that are not formally organised, as also analysed by Scott.

The land conflict in Pakel Village has affected the condition of the people in that area, which still holds intact customary rules. This condition is worsened by changes in regulations that previously focused on indigenous peoples before independence, and now it has changed to ownership by PT. Bumi Sari is due to its having a complete land deed. This complexity is compounded by the existence of a legal decision that legally grants the land ownership rights to PT. Bumi Sari. Masriani states that there is a struggle for conversion by the Pakel Village community regarding land ownership to ensure legal certainty in the future, but this has not yet received significant results (Masriani, 2022). In this case, the state still protects global forces without considering the historically established and ongoing local capabilities. Similar cases characterise land conflicts commonly occurring in other developing countries, such as those in Africa. In Ethiopia, large-scale colonial-era lands have been leased to domestic and foreign investors for large-scale agrofuel production, particularly in lowland areas where state control is limited (Moreda, 2017). Most of the land offered consists of areas classified by state bureaucratic elites as underutilised. This classification neglects the spatial use of land managed as agricultural territory by indigenous communities. This case contrasts with the situation in Kurdistan, where agricultural decolonisation serves as a framework to resist land conversion driven by capital power (Turk & Jongerden, 2024).

However, the current developments are, in fact, a challenge and an opportunity for us as a community whose land is disputed. This means that those who consider it a challenge must only think and continue seeking solutions without considering the prevailing conditions on the other side. If considered as potential, we must also understand the policies that are being implemented and promptly process all deeds as valid juridical evidence of land ownership.

It is important to reconsider the territorial position in the conflict arena. In the Pakel Village area, with its various boundaries, there should ideally be a good agreement between the two conflicting parties. However, there are inconsistencies in each existing policy, for example, with changes to the Rogojampi Topographic Map coupled with the existence of the Perhutani Agency, which further marginalises the customary rights of residents there and makes their direction increasingly invisible. The inconsistency of the government, particularly the policy-making elite, must in fact be questioned for its effectiveness in making decisions related to these boundaries, as changes to these boundaries will have what kind of

implications for existing managers and communities. The existence of clear boundaries on the land has a function of avoiding land disputes (Usman, 2022). Therefore, the dualism that occurs in every agrarian policy creates prolonged disputes.

Legal pluralism, developed by Benda-Beckmann (2005) and other legal anthropologists, rejects the idea that there is only one legitimate legal system (state law). Instead, legal pluralism argues that within the same "social field," various legal systems can coexist, interact, and even conflict with one another. These legal systems can take the form of state law, customary law, religious law, or unwritten local norms. Legal pluralism is particularly relevant in the context of land conflicts because there are often clashes between state law and customary law.

Furthermore, Benda-Beckmann and Bertram Turner (2018) explain that political and economic developments influence the shifting constellations of legal pluralism, following various approaches that produce diverse meanings. This perspective is grounded in legal theory, which views law as capable of creating social order. It originated from the influence of mid-20th-century Anglo-American legal studies, focusing on the jurisprudence of American legal realism and a shift in land anthropology from an interpretive to a conflict-oriented approach, thereby simplifying legal studies into the law of disputes (Beckmann et al., 2006). Moreover, within European legal anthropology, legal pluralism was developed as an analytical tool to dissect socio-legal approaches (Beckmann, 2002; Michaels, 2009). From a postcolonial legal pluralism perspective, customary law has been critiqued as a colonial state invention (Beckmann, 2020). In line with this concept, social movements in Pakel Village, following the enactment of the Agrarian Law, broadly demand the restitution of customary land rights based on the Acte Van Verwizing documents they possess. However, the colonial state established the documents and referred to colonial land legislation. On the other hand, by the late 20th century, customary laws became more oriented toward communities as actors, social constructivism, interpretative theories, and relational approaches in the context of applying customary legal pluralism within social interactions (Berman, 2016). Therefore, this concept faces criticism from a modernist legal perspective, which reinforces the role of state law in land control. State Law: Tends to be based on individual ownership (property rights), proven by formal certificates. This legal logic often ignores communal or traditional forms of land tenure. Customary Law: Conversely, it often prioritises communal rights to land, kinship norms, and ancestral inheritance. Ownership is not always individual but can be collective and regulated by the community.

Land conflicts arise when one party, usually a company or the state, uses the legitimacy of state law to take over land traditionally controlled by indigenous peoples. Indigenous peoples then fight to defend their rights by referring to their customary legal system. These conflicts are not merely disputes over ownership, but also clashes between two different legal systems. The legal pluralism approach helps us understand why dispute resolution through formal litigation is often unsuccessful or unfair. This is because the courts only recognise one legal system (state law) and ignore other legal systems that are also valid and believed by the local community.

Both parties have proved their boundaries but have yet to find common ground on this issue. Some parties feel that they are at a loss, and those who are disadvantaged can only protect one aspect of this problem. The position issue is indeed very risky in land control, particularly in lands that used to hold colonial policies and later changed to post-independence policies. Every change must have a different response, and Pakel Village is one of the bases for conflicts caused by differences in knowledge of land boundaries, ownership and control within an area. However, the existing positions are still being reinforced by each party, which means that the stronger the arguments, the longer the conflict continues.

The manipulation and suppression of the rights of the Pakel Village community have also led to several responses that have implications for the ongoing conflict. Efforts have been made both administratively and culturally. Administratively, the Pakel Village community collectively organised the existing files as an effort to express their shared fate. Culturally, the community engages in resistance dominated by a number of villagers who share the same grievances for justice and equality in land rights. Indigenous peoples carry out resistance in order to regain their land ownership rights as a form of resistance due to land disputes they are facing (Farakhiyah & Irfan, 2019). Therefore, it becomes the closest and most immediate response given the collective suffering due to acts of misrepresentation of the existence of indigenous communities' land rights.

If the Banyuwangi Regency Government has

a relocation policy by providing new land to the Pakel Village community, it certainly cannot be immediately accepted by the community. This is not only regarding physical aspects, but also socio-cultural aspects are forgotten. The community considers their land as the place where they were born and raised, and interacts with other community members. Therefore, the idea of relocation is not appropriate when culturally considering the community's satisfaction, as it forces them to redefine the meaning of home. This redefinition requires a long and difficult adaptation period; therefore, relocation should be reconsidered as a conflict resolution. Certainly, it is not a solution; it will only add new problems when the community struggles to adapt to the new place due to environmental, economic, educational factors, and other access to other basic needs. Indirectly, this can also be understood as the state's effort to grab the land from indigenous communities.

Land grabbing is a global phenomenon that refers to the large-scale acquisition of agricultural land or other natural resources by investors, companies, or countries. The theory of land grabbing, as analysed by Derek Hall, Philip Hirsch, and Tania Murray Li (2012), does not view this as a normal economic transaction. Instead, they highlight how land grabbing is a political-economic process driven by structural forces and supported by the state.

In relation to land conflicts, land grabbing is a major cause of contemporary agrarian conflicts. This theory helps us understand land conflicts not only from a local perspective but also from a global perspective. The Role of the State: The state often facilitates land grabbing by issuing policies that facilitate large-scale land acquisition, for example, by changing the status of customary land to state forest areas or land use rights (HGU). The state also often uses violence to suppress community resistance. Land Tenure Transformation: Land grabbing not only changes who owns the land, but also how it is used. Communal subsistence farms are converted into market-oriented monoculture plantations (e.g., palm oil or sugar cane). This destroys the local "moral economy" and creates new dependencies on wage labour. The Role of Global Capital: This theory also highlights the role of global capital, such as foreign investment, which seeks to profit from agricultural commodities and natural resources. Land conflicts in remote locations are often linked to global supply chains and demand from world markets. Thus, the theory of land grabbing explains that land conflicts are not merely internal community issues, but the result of complex interactions between state policies, the logic of global capitalism, and resistance from marginalised communities.

CONCLUSION

The agrarian study on land ownership and control in Banyuwangi cannot be separated from the long history of interconnected plantations and rural areas. It was recorded that during the 1950s to 1960s, the state issued policies through laws and government regulations to eliminate the dominance of common property ownership (communal property) and convert it into state or individual private ownership. Through Law Number 6 of 1953 concerning the Necessity of Returning Several Private Lands to State Land and Government Regulation Number 8 of 1953 concerning the Control of State Lands, indicating that the nature of both laws is a desire for the state to be the sole authority over the ownership of former foreign-owned lands in Indonesia. Even though the state has issued various legal products, in its implementation, particularly in rural areas such as Pakel Village, they continued to experience land ownership disputes until post-Indonesian independence. This indicates that at that time, Indonesia had just been established as a sovereign country. There are many national problems faced by the country. As a newly established sovereign state, the laws issued by the state serve as indications of becoming the new state laws, replacing the colonial state laws. With the new state law, the customary law for controlling the land of Sengkan Kandang Keseran was abolished. The Pakel Village community adheres to the 1929 Acte Van Verwizing as one of the old legal products they have. In the end, the people of Pakel Village had to face two major forces, namely plantations and Perhutani, in seeking legal certainty. In fact, the assets of the Pacouda Plantation are on the list of the Compensation Determination Agency as planned for nationalisation. In the process, after determining compensation, PT. Bumi Sari, as the third party involved in providing government compensation capital, must return 800 hectares of coffee planting land, which is written in the boundaries, as the right of the Pakel Village community. However, the return process has only been carried out on an area of 24 hectares. Eventually, Basic Agrarian Law No. 5/1960 was issued to regulate agrarian issues for indigenous peoples. This UUPA still contains characteristics of colonial law that cannot be avoided. There is a

dualistic nature in the UUPA by placing customary law above the national interest. So, in this case, the state has done a lot to transfer communal land rights and then control them.

REFERENCES

Adams, W. M., & Mulligan, M. (2003). *Decolonizing nature strategies for conservation in a post-colonial era.* London: Earthscan Publications.

Afrizal., Putra, E. V., & Elida, L. (2024). Palm Oil Expansion, Insecure Land Rights, and Land-Use Conflict: A Case of Palm Oil Centre of Riau, Indonesia. *Land Use Policy, 146* (1), 1-10.

Agheyisi, J.E. (2019). Inter-Communal Land Conflicts in Benin City, Nigeria: Exploring The Root Causes in The Context of Customary Land Supply. *Land Use Policy 83* (1), 532-542.

Andreas, J., Kale, S. S., Levien, M. & Zhang, Q. F. (2020). Rural land dispossession in China and India. *The Journal of Peasant Studies, 47* (6), 1109 -1142.

Anonim. (1913a). *Beheer der bossen van den lande op Java en Madura [Management of the country ' s forests in Java and Madura]*.

Anonim. (1913b). *Boschdienstregelement voor Java en Madoera No. 221 [Bosch service arrangement for Java and Madura No. 221]*.

Anonim. (1915). *Topographische inrichting [Topographical arrangement]* [Map].

Anonim. (1927). *Bepalingen met betrekking tot s ' land boschbeheer op Java en Madoera [Provisions relating to s ' land forest management on Java and Madura]*.

Anonim. (1936, May 5). Naar de bate-kolonie: Van onzen correspondent de Banjoewangi [To the Bate colony: From our correspondent the Banjoewangi]. *De Indische Courant*.

Anonim. (1938, April 27). In het correspondence van Banjoewangi [In the correspondence of Banjoewangi]. *Soerabaiasch-Handelsblad*.

Anonim. (1940). *Boschdienstregelement voor Java en Madoera No. 3 [Bosch service arrangement for Java and Madura No. 3]*.

Anonim. (1953). *Sertifikat penjualan saham Pacouda [Pacouda share sale sertificate]*. Cultuur Maatschappij.

Anonim. (1961). *Laporan Perhutani: Berita acara tata batas Jawatan Perhutani Jawa Timur [Perhutani Report: Minutes of the boundary demarcation program of the East Java Perhutani]*.

Anonim. (1965, January 5). Di Banjuwangi setiap hari ada aksi sepihak [In Banyuwangi, there is unilateral action every day]. *Antara*.

Anonim. (1968a, February 2). *Surat memorie [Letter of memory]*.

Anonim. (1968b, July 2). *Laporan satu bundel (71 halaman) dari Komandan Korem 0825 Kecamatan Rogojampi Tentang Rekapitulasi Anggota Kiri jang Masuk Daftar "F" Ketjamatan Rogojampi [One Bundels Report (71 pages) from Comander of Korem 0825 Rogojampi District about Recapitulation Left Member who Entered The "F" List Rogojampi District]*.

Aprianto, T. C. (2016). *Perjuangan Landreform Masyarakat Perkebunan: Partisipasi Politik, Klaim, dan Konflik Agraria di Jember [Landreform Struggles of Plantation Communities: Political Participations, Claims, and Agrarian Conflict in Jember]*. STPN Press.

Asisten Residen in Banjoewangi. (1929, Djanoeari). *Acta van verwizing [Acta of Dilation]*. Asisten Resident Banjoewangi.

Ballivian, E. C. (2022). Situating Ethno-Territorial Claims: Dynamics of Land Exclusion in The Guarayos Forest Reserve, Bolivia. *The Journal of Peasant Studies, 49* (4), 884-904.

Berman, P. S. (2016). *The Evolution of Global Legal Pluralism. In Authority in Transnational Legal Theory: Theorising Across Disciplines*. Cheltenham: Elgar.

Broderstad, E. G., Hausner, V., Josefsen, E., & Søreng, S. U. (2020). Local Support Among Arctic Residents to A Land Tenure Reform in Finnmark, Norway. *Land Use Policy, 91* (1), 1-12.

Chabot, H. Th., & Sonius, H. W. J. (1963). *Agrarian Property Right*.

Chung, Y. B., Mbilinyi, M., & Sulle, E. (2025). Sugar, The Plantation, and The State in Tanzania. *The Journal of Peasant Studies, 1* (1), 1-21.

Compagnie des Agents de Change. (n.d.). *Annuaire des valeurs admises à la Cote officielle [Directory of listed securities]*. Chambre Syndicale de la CAC.

Das, R., & Kumar, N. (2025). Fragmented Marginalities: Dispossessed Peasantry and Migrant Labour Communities in Urban North India. *The Journal of Peasant Studies, 52* (4), 751-786.

Defosses, C. (1931). *Compagnie de agents de change de Paris [Company of Paris stockbrokers]*. Chambre Syndicale de la CAC.

Derek, H., Hirsch, P., & Li, T. M. (2012). *Powers of Exclusion: Land Dilemmas in Southeast Asia*. Singapore: NUS Press.

Doyle, M. (2024). Can states be decolonized? Indigenous peoples and radical constitutional reform in Bolivia. *The Journal of Peasant Studies, 51* (1), 166-184.

Egis, R. (2022). Puluhan Tahun Tanah Kami Dikuasai PT Bumi Sari [For decades our land has been controlled bu PT Bumi Sari]. *Artikel Walhi, 19* (1), 1–8.

Farakhiyah, R., & Irfan, M. (2019). Eksistensi Masyarakat Adat Tergerus oleh Kebutuhan Zaman: Studi Analisis Konflik Masyarakat Adat Sunda Wiwitan di Kuningan yang Terusir Dari Tanah Adatnya Sendiri Dengan Teori Identitas [The Existence of Indigenous Peoples is Eroded By The Needs of The Times: A Conflict Analysis Study of The Sunda Wiwitan Indigenous Community in Kuningan Who Were Expelled from Their Own Customary Land using Identity Theory]. *Jurnal Kolaborasi Resolusi Konflik*, *1* (1), 44–54. https://doi.org/10.24198/jkrk.v1i1.20892

Flower, B. C. R., Ganepola, P., Popuri, S., & Turkstra, J. (2023). Securing Tenure for Conflict-Affected Populations: A Case Study of Land Titling and Fit -For-Purpose Land Administration in Post-Conflict Sri Lanka. *Land Use Policy, 125* (1), 1-8.

Go, V. K., & Lai, L. W. C. (2019). Learning from Taiwan's Post-Colonial Heritage Conservation. *Land Use Policy, 84* (1). 79-86.

Gouwgioksiong. (1961). Law Reform in Indonesia. *The Rabel Journal of Comparative and International Private Law*, *26* (3), 535–553.

Hale, C. R. (1997). Cultural Politics of Identity in Latin America. *Annual Review of Anthropology*, *26* (1) 567–590.

Hariri, A., Prakasa, S. U. W., Arifin, S., Efendi, A. B., & Asis. (2022). Corporate vs Community Head to Head: The Complexity of Land Tenure Conflict in Indonesia. *Indonesian Journal of Advocacy & Legal Services*, *4* (1), 223–242. https://doi.org/10.15294/ijals.v4i1.55648

Ibrahim, A. S., Abubakari, M., Akanbang, B. A. A., Kepe, T. (2022). Resolving Land Conflicts Through Alternative Dispute Resolution: Exploring the Motivations and Challenges in Ghana. *Land Use Policy, 120* (1), 1-12.

Karomah, S., & Susilowati, I. F. (2020). Konflik Pertanahan Antara Masyarakat Desa Pakel dengan Perhutani KPH Banyuwangi Barat [Land Conflict between Pakel Village Community and Perhutani KPH Western Banyuwangi]. *Novum: Jurnal Hukum*, *7* (3), 150–163. https://doi.org/10.2674/novum.v7i3.32678.

Kwie, T. G. (1943, April 9). *Soerat memory [Letter of memory]*. East Java Provincial Archives and Library Office.

Kwie, T. G. (1977, September 17). *Laporan penyelewengan tanah hutan Sengkan Kandang Keseran*.

Leeuwen, M. V. (2010). Crisis Or Continuity? Framing Land Disputes And Local Conflict Resolution In Burundi. *Land Use Policy, 27* (1), 753-762.

Manji, A. (2001). Land Reform in The Shadow of The State: The Implementation of New Land Laws in Sub-Saharan Africa. *Third World Quarterly*, *22* (3), 327-342.

Masriani, Y. T. (2022). Pentingnya Kepemilikan Sertifikat Tanah Melalui Pendaftaran Tanah sebagai Bukti Hak [The Importance of Land Certificate Ownership Through Land Registration as Proof of Rights]. *Jurnal USM Law Review*, *5* (2), 539–552. https://doi.org/10.26623/julr.v5i2.5777

Michaels, R. (2009). Global Legal Pluralism. *The Annual Review of Law and Social Science 5* (1), 243-60.

Mijailoff, J. D., Giessen, L., & Burns, S. L. (2023). Local to Global Escalation of Land Use Conflicts: Long-Term Dynamics on Social Movements Protests Against Pulp Mills and Plantation Forests in Argentina and Uruguay. *Land Use Policy, 134* (1), 1-10.

Moreda, T. (2017). Large-Scale Land Acquisitions, State Authority and Indigenous Local Communities: Insights from Ethiopia. *Third World Quarterly, 38* (3), 698-716.

Moreda, T. (2023). Beyond Land Rights Registration: Understanding The Mundane Elements of Land Conflict in Ethiopia. *The Journal of Peasant Studies, 50* (5), 1791-1819.

Ospina, M. V. (2025). Land, Labor and War in the Amazon: Mechanisms Behind Peasant-Led Deforestation. *The Journal of Peasant Studies, 2* (1), 1-27.

Pelaksanaan Penyelesaian Tanah-Tanah Perkebunan Yang Diduduki/Digarap Rakyat [Implementation of Settlement of Plantation Lands Occupied/Cultivated by the People], I/Agr/1211/XI/Lf/66 (1966).

Ra, D., & Ju, K. K. (2021). 'Nothing about us, without us': Reflections on the Challenges of Building Land in Our Hands, a National Land Network in Myanmar/Burma. *The Journal of Peasant Studies, 48* (3), 497-516.

Roder, A., Propper, M., Stellmes, M., Schneibel, A., & Hill, J. (2015). Assessing Urban Growth And Rural Land Use Transformations In A Cross-Border Situation In Northern Namibia And Southern Angola. *Land Use Policy, 42* (1), 340–354.

Scott, J. C. (1976). *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*. New Haven: Yale University Press.

Sefiw, N., Alemayehu, A., & Kebede, B. (2025). Conflict in Land Acquisition for Cooperative Housing Development in Woldia, Ethiopia. *Land Use Policy, 154* (1), 1–14.

Shwababa, S., Child, M. F., de Vos, A., Mneno, N., & Clements, H. S. (2025). Unlocking Opportunities for Meaningful Participation of Land Reform Beneficiaries in the Wildlife Economy. *Land Use Policy, 154* (1), 1–12.

Tahir, A. I. (2022). Legal Pluralism, Obscure Reforms

and Adjudication of Land Conflicts in Hargeisa, Somaliland. *Land Use Policy, 120* (1), 1-9.

Tamura, Y. (2021). Contexts Behind Differentiated Responses to Contract Farming and Large-Scale Land Acquisitions in Central Mozambique: Post-War Experiences, Social Relations, and Power Balance of Local Authorities. *Land Use Policy, 106* (1), 1-9.

Turk, N. & Jongerden, J. (2024). Decolonisation Agriculture: Challenging Colonisation Through The Reconstruction of Agriculture in Western Kurdistan (Rojava). *Third World Quarterly, 45* (11), 1738-1757.

Undang-Undang Pokok Agraria [Basic Agrarian Law], Pub. L. No. 5 (1960).

Usman, A. H. (2022). Mencegah Sengketa Tanah [Prevent Land Disputes]. *Sol Justicia*, *5* (1), 63–75. https://doi.org/10.54816/sj.v5i1.478

van Leeuwen, M., Mathys, G., de Vries, L., & van der Haar, G. (2022). From Resolving Land Disputes to Agrarian Justice: Dealing with The Structural Crisis of Plantation Agriculture in Eastern DR Congo. The Journal of Peasant Studies, 49 (2), 309 -334.

Viljoen, F., Vilhena, O., & Baxi, U. (2013). *Transformative Constitutionalism: Comparingthe Apex Courts of Brazil, India and South Africa*. Pretoria University of Law Press: Pretoria.

von Benda-Beckmann, F., & Turner, B. (2018). Legal pluralism, social theory, and the state. *The Journal of Legal Pluralism, 50* (3), 255-274.

von Benda-Beckmann, F., von Benda-Beckmann, K., & Griffiths, A. (2005). *Mimetic Legal Pluralism*. In von Benda-Beckmann, F., von Benda-Beckmann, K., van der Velden, M.G.A. (Eds.), *The Challenges of Legal Pluralism: Essays in Honour of Gordon Woodman*. Leiden: Brill.

von Benda-Beckmann, K. (2002). Globalisation and Legal Pluralism. *International Law Forum du droit international,* 4 (1): 19–25.

von Benda-Beckmann, F., & von Benda-Beckmann, K. (2006). The Dynamics of Change and Continuity in Plural Legal Orders. In Dynamics of Plural Legal Orders. *Special Double Issue of the Journal of Legal Pluralism*, *53* (54), 1-39.

von Benda-Beckmann, K., & Turner, B. (2020). *Anthropological Roots of Global Legal Pluralism*. London: Oxford University Press.

Wasino, Margana, S., Supriyono, A., Nawiyanto, Juwono, H., Hartatik, E. S., Uddin, B., Shokheh, M., Radjimo, & Priyatmoko, H. (2014). *Sejarah Nasionalisasi Aset-Aset BUMN: Dari Perusahaan Kolonial Menuju Perusahaan Nasional [The history of nationalization of BUMN assets: From colonial enterprise to national enterprise]*. Kementerian Badan Usaha Milik Negara Republik Indonesia.

Xu, Y. (2018). Political Economy of Land Grabbing Inside China Involving Foreign Investors. *Third World Quarterly, 39* (11), 2069-2084.

Zhang, Q. F. & Wu, M. (2025). The Decline and Transformation of Smallholders in Chinese Agriculture: National Trends. *The Journal of Peasant Studies, 52* (3), 485-512.