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Discourses of Land Conflicts in Indonesia

Ward Berenschot  and Nisrina Saraswati

ABSTRACT

This article analyses how rural Indonesians involved in land conflicts articulate their claims vis-à-vis palm oil companies and government. Addressing a long-standing debate about the relative importance of laws and rights in the contentious politics of marginalized citizens in the Global South, the authors examine statements of community spokespersons as published in regional newspapers from four Indonesian provinces. They find that this discourse is characterized by an emphasis on social norms and customary traditions, while laws, regulations and conceptions of justice are rarely invoked. The authors argue that this modest and comparatively ‘rightless’ discourse is a consequence of the character of the marginalization facing rural Indonesians. The combination of relative powerlessness and an unreliable legal system forces rural Indonesians to avoid an assertive claiming of rights and, instead, to adopt a more muted and polite tone to cultivate the goodwill of companies and local authorities.

INTRODUCTION

On 19 February 2018, 500 members of the Sakai community gathered in front of the regional police station in Siak to demand that the police investigate the actions of the palm oil company PT Ivo Mas Tunggal. In 2012 the company had incorporated 6,500 hectares of the community’s land into its plantation, promising compensation with alternative plots of land. But when the company reneged on this promise, the Sakai community felt cheated. They wanted their land back, or at least to be fairly compensated for their loss. Six months previously they had demonstrated in front of the office of the governor. At that time their spokesperson had said to journalists that

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‘we want the the Riau Provincial Government and, in this case, [Governor] Andi Rachman, to fulfil its responsibility towards us [*bertanggung jawab dengan kami*], the Indigenous people of Riau, who have had our dignity trampled upon’.¹ As they had received no response, the Sakai now turned to the police. Given the importance of the land for their livelihood, and the repeated failure of authorities to address this issue, their spokesperson Anggi expressed her claim in a remarkably restrained manner: ‘We hope that Riau regional police can be cooperative, because this case concerns large companies For this reason Riau Police must investigate as fairly as possible’.²

This article analyses how Anggi and other rural Indonesians involved in land conflicts articulate their claims vis-à-vis companies and government. In recent years a ‘global land grab’ has intensified (Pearce, 2012; White et al., 2012) as companies have stepped up their efforts to convert community land into plantations, mines, real estate or infrastructure. In Indonesia, the rapid expansion of palm oil plantations led to at least 2,000 new conflicts between companies and rural communities in the period 2015–20 (KPA, 2020). While a large literature has sprung up, examining the strategies that communities embrace to defend their land (for overviews, see Hall et al., 2015; Woods, 2008), there has been little systematic analysis of the discourse that community representatives adopt to articulate their grievances (but see Zhou and Yang, 2018). The statements of community leaders like Anggi provide an extraordinary, albeit understudied, window onto prevailing political norms and interpretations of citizenship. An analysis of this discourse can contribute to a long-standing debate about the role of laws and rights in the contentious politics of marginalized citizens in the Global South. On one side of this debate are those who emphasize that marginalized communities see access to land as a right (Wittman, 2009), invoking laws and regulations and engaging in litigation against, for example, a mining company in Papua New Guinea (Kirsch, 2014: 84–127), or plans for a car factory on farmland in India (Nielsen, 2018). O’Brien and Li (2006) coined the term ‘rightful resistance’ to describe the ways in which communities in China strategically invoke laws and regulations to discipline local power holders. Others have observed such ‘rightful resistance’ among marginalized communities in Vietnam (Kerkvliet, 2014) and Brazil and India (Schock, 2015). In all these studies, communities appear to have considerable faith in the effectiveness of articulating their claims in terms of rights and laws.

On the other side of this debate one finds scholars often associated with subaltern studies, who suggest that the resistance of marginalized citizens

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1. ‘Tanah Kami Sudah Tidak Ada’ [‘Our Land Is Already Lost’], *Riau Pos* 16 March 2017.
 2. ‘Hak Adat Sakai...’ [‘The Customary Rights of the Sakai’], *Info Riau* 20 February 2018. www.inforiau.co/news/read/hak-adat-sakai-kandis-siak-dijajah-sejak-1992-tuntut-ivo-mas-4-7-t-3332333236

is rarely 'rightful' (e.g. Guha, 1999; Scott, 1985), as 'the domain of legal-political relations constituted by the State will not be the exclusive, perhaps not even the principal, site of peasant struggle' (Chatterjee, 1988: 15). Faced with largely hostile state institutions implementing laws and regulations that tend to harm rather than benefit them, legal means constitute — these scholars observe — only a minor component of the ways in which rural subaltern citizens articulate and advance their claims. As part of a broader insistence that 'peasant consciousness has its own paradigmatic form, which is not only different from that of bourgeois consciousness, but in fact is its very other' (Chatterjee, 1988: 11; see also Chatterjee, 1986), this literature highlights that such resistance is motivated by a distinct 'moral economy' (Scott, 1977). In this vein, Sharma (2011: 965) writes that '[the] citizenship claims [of subalterns] draw upon multiple discourses, extending well beyond the law, mixing morality and materiality, ethics and politics, and traditional and bureaucratic languages of power, and thereby muddy the very distinctions on which modern citizenship rests' (see also Li, 2007: 25).

This debate about the relative importance of individual rights and law in rural subaltern politics is important, not least for envisioning and understanding how peasant communities might succeed in addressing the oppression and marginalization they face. Yet this discussion has been hampered by a significant selection bias, as these studies tend to be based on a very limited number of cases, often selected precisely because they are an outstanding example of the importance (or absence) of rights and legal strategies. A more comprehensive analysis of the discourse adopted by communities involved in a wider range of land conflicts could thus provide an avenue for examining the relative importance of different moral registers in peasant resistance.

This article addresses this challenge by analysing newspaper articles, print and online, containing interviews with community representatives expressing grievances against palm oil companies, which take place on the sidelines of demonstrations, land occupations or public hearings. We collected 264 such articles referring to 150 palm oil conflicts in Riau (62 articles), West Sumatra (51), Central Kalimantan (69) and West Kalimantan (82). This research method has its drawbacks: we could not trace the social backgrounds of the spokespersons and therefore could not take account of social differentiation within communities; nor could we explore the correlation between the statements and the character (or outcome) of their protests. But there are also methodological advantages to using public statements. Those who give such statements to newspapers are apt to study political norms and discourse because — in contrast to comments made during private interviews — these public statements reflect the strategic considerations of community spokespersons about what kind of discourse will be effective ('what works') as well as about how to publicly legitimize a claim ('what is fair, or right'). When expressing public claims 'we articulate and enact, at

times even transform, our understandings of who we are as citizens and as a community' (Zivi, 2012: 22).

To briefly preview our findings: our study suggests that the political discourse adopted by protesting rural Indonesians is relatively free of notions of either citizen rights or social justice. Rather, they tend to adopt a discourse that, like Anggi's claim statement above, is not only very modest and polite, but emphasizes social norms and customary traditions while rarely invoking laws, regulations or conceptions of fairness or justice. This modest and relatively 'rightless' discourse is, we posit, a consequence not only of power imbalances and the weak legal protection of land rights in Indonesia, but also of the 1965 political genocide and the subsequent authoritarian New Order regime, which almost succeeded in eliminating notions of social justice concerning land (re)distribution from public debate and political discourse.

We will first discuss our approach to studying the discourse of land conflicts, including our categorization of different claim-frames, and describe our methodology. After providing an overview of the types of claims that community spokespersons express, we focus on the framing of three types of claims: claims to land, claims for profit-sharing and claims for government interventions. We end by offering our explanations for the particular character of the discourse we encountered, and the implications of our findings.

STUDYING CLAIM-MAKING IN THE CONTEXT OF PLURAL NORMATIVE REGISTERS

Citizens involved in palm oil conflicts can engage in 'discourse shopping' (Biezeveld, 2004) in the sense that they avail of a range of different normative registers to legitimize their claims vis-à-vis companies and local authorities. Studies of land conflicts in Indonesia tend to emphasize a normative register involving customary (in Indonesian: *adat*) traditions, as communities often legitimize their claims by invoking the norms and rights associated with (local) customary rule systems (see Afrizal and Berenschot, 2022 for an overview). Indonesia's democratization process sparked a resurgence of *adat*: after the fall of Suharto in 1998, a discourse about customary land rights became a promising avenue for rural communities to strengthen their claims to land (Afiff and Lowe, 2007; Davidson and Henley, 2007; Dhiaulhaq and McCarthy, 2019).

Alongside this *adat*-based discourse, rural Indonesians might also adopt a legal discourse involving a strategic use of state laws and citizen rights. In this vein, Christian Lund (2020) has argued that the tenuous and contested nature of land ownership in Indonesia has stimulated both communities and companies to engage in a strategic invocation of laws and procedures in order to give land claims an 'air of legality'. The literature on contentious politics and resistance in Southeast Asia highlights yet another type of

normative discourse: James Scott, for example, argued that a prevalent normative register involves a ‘subsistence ethics’ centring on economic and social needs and shaping moral standards and discourse. Discussing peasant protests, Scott (1977: 7) argued that ‘[i]t was the smallness that was left rather than the amount that was taken ... that moved peasants to rebel’. This literature also highlights the high levels of differentiation among rural communities, arguing that differences in social and economic conditions impact the attitudes and expressions of (everyday) resistance that individuals adopt.

Given this availability of different normative registers, some analytical distinctions are needed. We will use the term ‘framing’ to describe the way in which spokespersons interpret their grievances and the discourse they use to legitimize their claims. Frames are ‘shortcut devices [that] organize knowledge in ways that affect individuals’ interpretation of a situation and their choices regarding it’ (Kaufman and Smith, 1999: 165, see also Dhiaulhaq and McCarthy, 2019). As the literature on social movements has amply demonstrated, this framing is often highly strategic as activists aim to connect with prevailing norms and concerns to legitimate and motivate collective action (e.g. Benford and Snow, 2000). Drawing on the above-mentioned literature as well as studies of claim-making and citizenship elsewhere,³ we distinguish six categories of claim-frames, based on: rights; customary land rights (adat); need; justice; social norms; and environmental damage.

‘Rights-based’ claims are motivated and substantiated with reference to conceptions of rights as well as legal provisions and formal state regulation. Under rights-based discourse we categorized claim-frames that invoked citizen rights as well as discourse that presented corporate behaviour as a violation of state regulation. ‘Adat-based’ claims are those referred to above, that involve an invocation of customary or indigenous land rights, that is, claims to land that are substantiated by invoking local traditions in managing access to land. With ‘needs-based’ we refer to claims that are legitimated by invoking the importance of land for sustaining livelihoods (cf. Holston, 2008: 240–45). This includes discourses that reflect Scott’s ‘subsistence ethics’ by referring, for example, to how the loss of access to land generates hardship and poverty. ‘Justice-based’ claims are substantiated in terms of ideas about fairness and justice that are not related to legal provisions (or adat) but rather to visions of how access to land should ideally be organized. This discourse is animated by notions of what is fair and just (*adil*). A related framing involves reference to social norms such as reciprocity, the importance of keeping a promise, or of being tough and strict. Rodan and Hughes argue that such claim-making is particularly salient in Southeast Asia. They define such ‘moral ideologies’ in terms of ‘conformity to received codes of behavior [that] assumes pre-eminence in evaluating the

3. In particular we derived inspiration from Holston (2008), O’Brien and Li (2006) and Rodan and Hughes (2014).

conduct of power holders. This includes the recasting of cultural identity, ethical thought, and religious teaching' (Rodan and Hughes, 2014: 12, 4; see also Zhou and Yang, 2018). This kind of 'social norm-based' discourse often includes the argument that companies or local authorities have violated such norms or, conversely, that social norms prescribe that they accede to community demands. We include in this category discourses involving norms about how officials are supposed to behave vis-à-vis citizens. Finally, 'environmental-damage based' claims are, as the name suggests, legitimized in terms of the environmental damage that the company is causing. In addition to these six different ways of framing claims, we also encountered a number of statements which lacked an explicit legitimation of the stated claim, beyond a bare claim to land ownership. We put these claims into a 'residual' category.

This categorization of claim-frames is admittedly rough and overly schematic. Furthermore, longer statements can carry elements of two or even three types of claim-frames. Consequently, our count of the total number of identified instances of claim-framing exceeds the total number of analysed articles. Nevertheless, as we hope our analysis will show, this categorization can help to highlight the recurring elements in this discourse, identify aspects that are conspicuously absent, and explore why some forms of legitimizing claims are more common than others. To enable the reader to evaluate our approach, Table 1 provides examples of claim statements found in newspapers to illustrate each type of claim-framing.

METHODOLOGY

This article stems from a broader research project (see Berenschot et al., 2022) that involved an extensive documentation of the trajectories and outcomes of 150 cases of conflicts between palm oil companies and rural Indonesians in four Indonesian provinces (Riau, West Sumatra, Central Kalimantan and West Kalimantan). These conflicts were selected largely at random out of a longlist of 544 conflicts prepared by local NGOs on the basis of newspaper and government reports. We first randomly selected 220 cases from this list, and subsequently dropped cases for which insufficient written sources or respondents were available, resulting in a dataset of 150 documented conflicts. A team of 11 local researchers, supported by four interns and the authors of this article, subsequently collected a range of (government) documents and interviewed community representatives in order to write extensive case reports.

As part of our documentation efforts, we collected and searched online news sources, as well as printed articles of four important regional newspapers for which digitized archives were available for the period 2010–19 (*Kalteng Pos*, *Padang Ekspres*, *Pontianak Pos* and *Riau Pos*). Using the names of the selected palm oil companies as search strings, we collected 641

Table 1. Coding Newspaper Statements: Examples of Claim-frames

Claim Statement	Claim frame	Type of claim	Case	Occasion	Source
'According to the plantation law, when using customary land a plantation company has an obligation to provide compensation to the local community'.	Rights-based	Land claim (compensation)	PT Karya Agung Megah Utama	Hearing at local parliament	Amperiamedia.wordpress.com, 18 Feb 2013
'The land is customary land (<i>tanah ulayat</i>). <i>Adat</i> is applicable to this customary land. . . . The community only wants to maintain its <i>adat</i> heritage'.	Adat-based	Land claim (ownership)	PTPN V	Occupation of the plantation	<i>Riau Pos</i> , 10 Oct 2013
'We will fight to the last drop of blood. Because that land is our rice pot to support our family'.	Needs-based	Land claim (return of land)	PT I. Kamparindo Sejahtera	Demonstration at plantation office	<i>Riau Pos</i> 10 Oct 2008
'We do not want anyone to intervene, because we want this case to be decided fairly'.	Justice-based	Government involvement	PT Benua Indah Group	Demonstration in front of court	<i>Pontianak Pos</i> 5 Aug 2015
'We, the residents of Karamuan Village, are tired of the company's promises, which are never kept. The company promised [to provide plasma] when the company entered the Karamuan area, but this collaboration was never realized'.	Social norm-based	Profit-sharing	PT Multi Persada Gatra Megah	Demonstration	<i>Kalteng Pos</i> 17 Dec 2017
'We demand that the Indragiri Hilir Regency Government revoke PT SAL's permit, because it has damaged the environmental ecosystem in our village'.	Environmental damage-based	Government involvement	PT Setia Agro Lestari	Demonstration in front of district head office	www.infosawit.com 9 Feb 2016
'Our demands are to stop land clearing because it violates the law and it violates customary rights. [The company] never did the correct socialization'.	Rights-based and adat-based	Land claim (refusal of plantation)	PT Sinar Sawit Andalan	Demonstration at Human Rights Office	<i>Pontianak Post</i> 17 March 2013
'Our demands remain the same. We demand that 1,500 hectares of land controlled by PT Sekar Bumi Alam Lestari (SBAL) be returned as soon as possible'.	No legitimization of claim ('residual category')	Land claim (return of land)	PT Sekar Bumi Alam Lestari	Demonstration at plantation office	<i>Kalteng Pos</i> 20 June 2014

Table 2. Claims Expressed in 264 Newspaper Statements

What is being claimed?	No. of statements (% out of 264 statements)
Land-related claims	136 (51%)
<i>Compensation for land acquisition</i>	35 (13%)
<i>Rejection of new plantation</i>	7 (3%)
<i>Return of land to villagers</i>	49 (19%)
<i>Land ownership claim</i>	42 (16%)
<i>Redrawing of village boundaries</i>	2 (1%)
<i>Land grabbing beyond concession</i>	15 (6%)
Claims related to profit-sharing	58 (22%)
<i>Profit sharing ('plasma')</i>	46 (17%)
<i>Management of profit-sharing</i>	15 (6%)
Demand for government intervention	84 (32%)
Claims of plantation labourers	14 (5%)
Pollution/environmental damage	9 (3%)
Demand for corporate donations to village activities	6 (2%)
Release of arrested villagers	10 (4%)
Plantation licence violations	24 (9%)
Other / unclear	10 (4%)
Total	368 (139%)

articles discussing conflict-related events. Of this broader collection, only 264 articles contained direct and indirect quotes from community members (we filtered out statements of third-party actors such as outside NGO activists). We then coded these statements first in terms of the objective and type of claim that spokespersons expressed, that is, in terms of what they said they wanted the company or state officials to do, employing categorizations outlined in the next section. We subsequently coded the framing of these claims in the manner outlined above. To interpret this material, we relied on our documentation of these 150 conflicts as well in-depth fieldwork in sites related to 14 of these cases. This fieldwork consisted of extensive interviews with actors involved in the conflicts, which entailed cases of both successful and failed conflict resolution. While not employing that material directly in this article, the fieldwork facilitated the analysis and interpretation of the claim statements. To enable the exploration and replication of our analysis, we provide our full dataset with the coding of these 264 articles in an online appendix (available as Supporting Information in the online version of this article).

TYPES OF CLAIMS

In this section, we start with a brief overview of the wide range of claims that community representatives expressed in the newspaper articles studied. Table 2 details this range, based on a categorization and coding of the different types of claims we encountered. As some statements can contain more than one claim (such as, for example, a claim that a company should

return the land *and* an appeal to local government officials to mediate the conflict) the total number of identified claims exceeds the number of examined newspaper articles.

Most statements (in 136 or 51.5 per cent of our statements) concern claims that are land-related in some way, including claims of land ownership, claims for compensation for land taken by the company, or requests for the return of such land. It is telling of the relative weakness of communities that only seven statements involve the rejection of a new plantation: in most cases the establishment of a new plantation is a foregone conclusion because of the weak land rights of rural Indonesians (see Berenschot and Dhiaulhaq, 2023). Once a company has acquired the necessary government permits, disputes tend to revolve not around whether the plantation should be established, but around which land the company will take, and how communities will be compensated for their loss of land. Conflicts often stem from the perfunctory way in which companies acquire informed consent from villagers before incorporating their land (HRW, 2019): while companies are legally obliged to obtain such consent, in practice people often feel that their land is simply taken away for them, and that they do not receive any compensation for this loss.

A second set of claims (expressed in 58 statements, 22 per cent) involves the profit-sharing mechanisms that the Indonesian government is promoting as a way to compensate for this loss of land. These schemes are often referred to as *plasma* or Nucleus Estate and Smallholder (NES) schemes, indicating the part of profit from the plantation (usually 20 per cent) that is reserved for communities (the ‘plasma’) next to larger company estates (the nucleus or *inti*). The idea behind these profit-sharing schemes is that they would enable Indonesians to benefit from palm oil plantations and, in the process, reduce rural poverty. In practice, however, the actual benefits of these inti–plasma schemes have been limited (see Gecko Project, 2022): many grievances revolve around companies refusing to provide the expected profit-sharing, or managing the benefits in an untransparent manner.

A third broad category of claims (involving 84 statements, 32 per cent) is targeted at local authorities, and involves demands that government institutions take measures to resolve these conflicts. Finding that companies usually refuse to respond to their demands, communities often turn to politicians or state officials in the hope that they will either mediate the conflict or take action against the company by, for example, revoking their licence or halting operations. Such claims thus reflect a strategy of enlisting government support to put more pressure on the company. Beside these three main types of claims, Table 2 also lists less commonly encountered claims such as those concerning working conditions at the plantation and licence violations. In the remainder of this article, however, we will focus on the claim frames that community members employ to legitimize these three most common types of claims, regarding land, profit-sharing and government involvement.

Table 3. Claim Frames in 264 Statements

Claim frame	All claims (% of 264 statements)	Land-related claims (% of 136 statements)	Claims related to profit-sharing (% of 58 statements)	Claims for government intervention (% of 84 statements)
Claim without legitimation	74 (28%)	52 (39%)	10 (17%)	30 (36%)
Adat-based	34 (13%)	29 (21%)	6 (10%)	9 (11%)
Justice-based	15 (6%)	3 (2%)	1 (2%)	9 (11%)
Rights-based	37 (14%)	13 (10%)	10 (17%)	14 (17%)
Violation of regulation	27 (10%)	17 (13%)	5 (9%)	5 (6%)
Needs-based	26 (10%)	17 (13%)	1 (2%)	9 (11%)
Violation of social norm or promise	64 (24%)	30 (22%)	30 (52%)	11 (13%)
Obligation of officials	10 (4%)	2 (1%)	0 (0%)	9 (11%)
Environmental damage-based	5 (2%)	2 (1%)	0 (0%)	1 (1%)
	292 (111%)	164 (121%)	63 (109%)	97 (116%)

CLAIMING LAND AND PROFIT-SHARING

In Table 3 we provide an overview of our key findings. The first column of this Table indicates the frequency of different claim-frames found across all 264 examined articles. The second column zooms in on the sub-set of claims involving land-related claims, while the third column concerns the sub-set of statements related to profit-sharing (plasma). This section focuses on these two sub-sets. The fourth column of Table 3 covers claims for government intervention, which are the subject of the following section.

Table 3 yields a number of conclusions. A first observation is that of the 264 analysed claim statements, 74 (28 per cent) of all statements and 52 (39 per cent) of the sub-set of 136 statements involving land-related claims, do not contain any explicit legitimization of the stated claim. To cite just a few examples; during a demonstration against the company Suryamas Cipta Perkasa (SCP), local leader Anton said simply: ‘We ask for clarity on the price and when the compensation will be paid by the company’.⁴ In the case of PT Merangkai Artha Nusantara, the community spokesperson stated: ‘Our hope is clear. The hope of the people is that this problem can be solved as quickly as possible, and that the land be returned to the people’.⁵ Given the tenuous legal status of land ownership in Indonesia this is remarkable: in such a situation one might expect more discursive activity to strengthen the legally weak claims to land ownership. Instead, community representatives

4. ‘Warga Kemah di Halaman Kantor Bupati’ [‘Citizens Camp in the Yard of District Heads’ Office’], *Kalieng Pos* 10 June 2011.

5. ‘Buntut Sengketa Kebun PT MAN...’ [‘The Conflict with PT MAN Is Stuck’], *Radarr Riau* 26 October 2015. <https://radarriaunet.com/mobile/detailberita/7457/buntut-sengketa-kebun-pt-man,-ratusan-warga-tamut-protres-polres-rohul-tahan-7-rekannya.html>

often make little effort to substantiate their claim, and do not go beyond asking for their demand to be fulfilled.

Rights- and Needs-based Claim-framing

The majority of claim statements do, however, articulate some legitimation for the claim that the community is making. When it comes to land claims, a relatively common claim-framing involves adat. Community representatives might say, for example: ‘we claim the adat land of the Misik Dayak farmers group’,⁶ or, somewhat more indirectly, ‘the company always insults the adat traditions of the Dayak Tewoyan tribe’.⁷ Here our findings partially resonate with the literature on land conflicts in Indonesia which regularly emphasizes the important role of an adat-based discourse — although our material does nuance the significance of such discourse. Involving 21 per cent of land-related statements, adat-based claim frames are relatively common but not as pervasive as the literature suggests. That said, even this degree of prominence of adat-based discourse is noteworthy, given its limited role in formal laws. An adat-based land claim is a moral rather than a legally enforceable claim. The claim that a plot of land is adat land appeals to normative notions that the land rights of the original, Indigenous inhabitants of the area should be respected. But as the state rarely recognizes customary land rights, adat-based claims have, as recent studies find, been relatively ineffectual (Arizona 2022; Bedner and Arizona, 2019; van der Muur, 2018). The prominence of adat-based land claims might therefore not be a reflection of the effectiveness of such discourse, but rather an indication of the limitations of the alternatives.

One such alternative is a rights-based discourse. This discourse is not absent but is relatively uncommon, involving only 13 (or 10 per cent) of the land-related claim statements, and 37 (14 per cent) of all the claim statements. In 27 statements (10 per cent), community representatives frame their claim in relation to a violation of a state regulation. Taking these two categories together, this means that in almost a quarter of the statements that we analysed, community representatives talk about their claims either in terms of citizen rights or in terms of violations of government regulations. When it comes to claims regarding profit-sharing, about 17 per cent of the 58 statements invoke a notion of rights, while 9 per cent claim a violation of regulation. It is not surprising that such a rights-based framing is slightly

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6. ‘Tuntut Tanah Adat...’ [‘Claiming Customary Land’], *Sindo News* 19 July 2018. <https://daerah.sindonews.com/berita/1323294/174/tuntut-tanah-adat-ratusan-massa-dayak-geruduk-perusahaan-sawit>
 7. ‘Tuntut PT AGU...’ [‘Expressing Claims to PT AGU’], *Jejak Rekam* 26 November 2018. <https://jejakrekam.com/2018/11/26/tuntut-pt-agu-warga-7-des-a-di-gunung-timang-demo-pemkab-barito-utara/>

more common for plasma-related claims, since various Indonesian regulations explicitly state that companies incorporating community land into their plantation should adopt a profit-sharing scheme. In that context, it is fairly straightforward to present a lack of profit-sharing as a violation of rights and regulations.

Our analysis suggests that this rights-based discourse is not very explicit in terms of the character of the rights or regulations that it invokes. In most cases, community spokespersons do not allude to concrete notions of rights. In most of the statements that we analysed, the term ‘right’ (*hak*) does not refer to specific citizen rights and their legal basis but rather to a notion of entitlement. For example, community representatives say that ‘PT Kamu has not given the people’s right to compensation [*hak kompensasi*] until now’,⁸ or ‘We will blockade the road until the company gives us our right’.⁹ Such statements do not mention how and why the community spokespersons feel they have these rights. Rather, the word *hak* tends to be used in a very broad and unspecified sense, in expressions such as ‘getting our rights back’ (*kembali hak*) or ‘claiming our rights’ (*menuntut hak*). This kind of ‘rights-based’ discourse is not, in other words, anchored in an awareness of specific citizen rights but expresses a more general claim to land ownership or compensation. We are often left guessing as to whether these statements refer to state-granted citizen rights or notions of customary rights. Since we coded all such instances as ‘rights-based’, even when the spokesperson might actually be expressing a notion of customary land rights, it is likely that the numbers in Table 3 exaggerate the incidence of rights-based discourse, and underestimate the incidence of adat-based discourse.

Similarly, we find that community spokespersons rarely invoke concrete state laws, regulations or official letters. We encountered only 20 (or 7 per cent) of the 264 statements in which spokespersons refer to any kind of state regulation.¹⁰ Even when referring to profit-sharing — which is in many cases a ‘right’, because the 2007 plantation law obliges companies to engage in profit-sharing — their statements rarely (just 4 out of 58 statements) explicitly mention the state regulations that underpin this obligation. We cite one example in Table 1 above, of a community spokesperson referring to the plantation law in the case of PT KAMU. In other instances, spokespersons refer to court verdicts or, most commonly, letters from district heads (*bupati*) regarding the revocation of a licence or the establishing of an investigative team to examine possible violations. Given the fact that many of the community grievances involve a violation of state regulations

8. ‘Anak Nagari Manggopoh Demo’ [‘Manggopoh Villagers Demonstrate’], *Padang Express* 24 May 2013.

9. ‘Massa Blokir Jalan PT LIN’ [‘A Mob Blocks the Road of PT LIN’], *Padang Express* 27 June 2014.

10. In a further two statements, community spokespersons referred to regulations of the Round Table on Sustainable Palm Oil (RSPO).

— taking community land without consent, operating without proper plantation licences, disregarding court verdicts or, particularly common, failing to provide plasma to communities — it is striking that community representatives articulate their grievances in terms of violations of state regulations in only 27 (10 per cent) of all the statements that we analysed.

We thus find that, in contrast to the literature on ‘rightful resistance’ in China which emphasizes that ‘discontented villagers increasingly cite laws, regulations, and other authoritative communications’ (O’Brien and Li, 2006: 6), the discourse of communities involved in land conflicts in Indonesia is not so ‘rightful’. Our findings also provide some nuancing of Lund’s argument that Indonesians engage in ‘legalization’ strategies to bestow their land claim with an ‘air of legality’ (Lund, 2020: 1–26 ff.). Lund focuses mainly on slightly better-off actors in peri-urban Indonesia who have some control over land. For rural Indonesians who have just lost their land to palm oil companies waving state licences and citing regulations, the law tends to be perceived as a foe rather than an ally. Such experiences, combined with expectations that judges can be bought (Kouwagam, 2020), discourage the adoption of a legal discourse. We conclude that, generally speaking, a legal discourse might be attractive for those who have (taken control of) land, as Lund finds, but not so much for those trying to recover land.

In that light it is telling that communities are almost as likely to legitimate their claims by referring to their needs and livelihoods, as they are to invoke a rights-based discourse. In 10 per cent of the claim statements, community spokespersons legitimized their claims to (mainly) land by emphasizing that they need this land to sustain themselves and their children. For example, in the case of PT Ivomas Tunggal (Riau), villagers expressed their claim as follows: ‘PT Ivomas and PT Murini Wood Industri have occupied this land since 1996 and they have never given compensation to the Sakai *adat* community. ... As there has been no agreement between the company and the Sakai community, the customary elders and our parents suffer economically because they can only get an income from farming [on that land]’.¹¹ Or, to take an example from a demonstration against PT UHP, community leader Noorhaidi legitimized the community’s claim to land as follows: ‘Where else should we look for a place to live? And where else should we small people look for our livelihood [*sumber pangan*]? How about the future of our grandchildren, if our land and fields continue to be mortgaged?’.¹² This kind of discourse contrasts sharply with the rights-based discourse we discussed earlier: in these instances communities are not appealing to what rules and regulations should provide for them, but rather to moral notions

11. ‘Mahasiswa Sakai: Ini Bentuk Penjajahan’ [‘Sakai Students: This Is a Form of Colonization’], *Riau Pos* 10 October 2017.

12. See www.solidaritasperempuan.org/memperingati-hari-tani-nasional-30-perempuan-desa-mantangai-hulu-aksi-tuntut-kembalikan-lahan-yang-dirampas-perusahaan-sawit-dikalimantan-tengah/

about what society should afford to them in terms of quality of life. In this sense this needs-based claim framing is akin to the norms-based discourse we will discuss next.

Social Norms-based Claim-framing

The most common claim-frame, according to our research, involves the legitimation of claims in the context of social norms. We find that in 22 per cent of land-related claims and 24 per cent of all claims, community spokespersons describe the behaviour of companies or government officials in terms of a violation of a social norm, such as failing to fulfil a promise, to properly communicate, to show respect or to care (*peduli*). A particularly straightforward example is the case of PT IKS, where the community spokesperson simply argued that ‘so far the company has not had good etiquette [*etiket*]’.¹³ In the case of PT KAP, the community representative emphasized the unwillingness of the company to attend meetings with villagers and government officials: ‘The company has not attended several meetings. If the company really has good intentions, they surely want to come [to such a meeting]. But in reality when the local government invites them they do not come, let alone when we invite them’.¹⁴

Such statements sometimes frame land-related claims in terms of a failure of the company to speak to villagers before taking the land, such as this example: ‘The people [from the company] never informed us or involved [us] in all the activities of PT MPG ... they never spoke with villagers’.¹⁵ It perhaps bears pointing out that in such statements, the references to violations of social norms generally constitute the only legitimization of a community claim. Complaints about a lack of etiquette, unattended meetings or a failure to communicate are generally not part of longer statements involving other, more explicit legitimations of community claims. Concerns about a lack of prior communication are rarely couched, for example, in statements about why the land belongs to the community, or why the company has no right to take this land.

A particularly large sub-set of social norm-based framing involves violations of promises. Very often a statement involves a demand that a company fulfil an earlier commitment. For example, during a demonstration in the case of PT Laras Internusa Manti Minang, a community leader said: ‘According to the company agreement signed by Ir Soediartha last September 8, 2006, we customary leader and the community of Anam Koto will

13. ‘Yudi dan Hanafi Kubur Diri’ [‘Yudi and Hanafi Bury Themselves’], *Riau Pos* 26 January 2015.

14. ‘Tak Ditemui...’ [‘Not Found’], *Tribun News* 1 April 2014. <https://pontianak.tribunnews.com/2014/04/01/tak-ditemui-ratusan-warga-ancam-bakar-pt-kal>

15. ‘Bila Tidak Kooperatif’ [‘If They Are Not Cooperative’], *Kalteng Pos* 16 April 2018.

receive compensation funds. But we generally never receive these funds. For that, now we demand that it be immediately disbursed'.¹⁶ This kind of framing involving obligation to commitments is particularly common when community representatives discuss profit-sharing. Of 58 statements related to plasma, 30 claims (52 per cent) are framed in terms of a violation of social norms, and all of these include references to promises. For example, on the occasion of a mass demonstration at the plantation of PT RAP in Riau, a community spokesperson said: 'The company made no effort to hand over the plasma land to the farmers. It now turns out that, with the lure of millions [of rupias] and without the farmers realizing it, these promises have not been fulfilled'.¹⁷ During a demonstration against PT Peputra Masterindo, the spokesperson said: 'Now we want to cultivate our own land. I do not want the KKPA [profit-sharing] system again. We're just being fooled. They [PT Peputra Masterindo] have never realized many things [that were] in the cooperation agreement. They have not contributed anything to the people, even though they have taken 1,100 hectares of land'.¹⁸ The prominence of a discourse around broken promises is particularly remarkable for claims involving plasma, because it would be relatively easy to present this issue in terms of a violation of regulation and rights (because there is a formal regulation that supports such a claim). This tendency to speak about broken promises instead of invoking a clear right to profit-sharing is another indication of the relatively 'rightless' nature of the discourse that rural Indonesian communities adopt.

CLAIMING GOVERNMENT SUPPORT

The third prominent type of claims made in the analysed articles features the communities' attempts to get local government to investigate their claims and, subsequently, pressurize the company on their behalf. As direct negotiations with companies tend to fail, and as litigation is often not an option, communities often pin their hopes on persuading local governments to take up their grievances. The hope is that local authorities will either cancel plantations' licences (which rarely happens) or will agree to organize and chair mediation sessions with the company. This government-centred strategy can be observed in both the protests and the discourse that communities adopt. Many community demonstrations take place in front of government offices, and the main messages of these protests do not concern

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16. 'Masyarakat Anam Koto Tagih Kompensasi' ['Anam Koto Community Demands Compensation'], *Padang Express* 19 May 2014.
 17. 'Warga Desa Sungai Sena Minta...' ['Citizens of Sungai Village Ask'], *Uncak.com* 5 March 2017. www.uncak.com/2017/05/warga-desa-sungai-sena-minta-pt-rap.html
 18. 'Kebun Sawit Masterindo Diduduki Warga' ['Masterindo Palm Oil Plantation Occupied by Residents'], *Antara News* 6 March 2012. <https://riau.antaranews.com/berita/19099/kebun-sawit-masterindo-diduduki-warga>

grievances about company behaviour, but rather claims about how the government should respond to such grievances.

We note, first, that many such claims (a total of 24 per cent of 84 statements) are once again expressed in terms of social norms (11 statements) and the obligations of officials (9 statements), such as providing clarity, not keeping villagers waiting, fulfilling promises and caring for people (see the fourth column of Table 3 above). For example, during a hearing with local parliamentarians in the case of Multi Prima Entakai (West Kalimantan), villagers said:

We are not clear at all. Our fate is in limbo. Whereas previously we have conveyed it with the *bupati* [district head] ... there is no clarity at all. We have been waiting long enough. ... Maybe this is the climax of the community's disappointment with the local government, which seems slow, and does not even care [*peduli*] about the condition of the farmer.¹⁹

In the case of PT AGU, community members expressed a common frustration about the lack of follow-up from the local government: 'During the meeting in October 2012 it was agreed that a team [of local officials] would come to the location [to collect facts] related to the land conflict and farmers, but in reality there has not been any follow-up'.²⁰ In the case of PT KMP, community members stated that 'we hope for [*mengharapkan*] a firm stance from the Sambas Regency Government regarding this long-standing issue. Due to the history in Sambas Regency to this day, the Sambas Regency Government has never dared to take firm action [*tindakan tegas*] against violations committed by the company [engaged in] the expropriation of community land. We claim our land back'.²¹

A somewhat special example relates to the conflict involving PT SBAL. To pressurize PT SBAL, the community had made use of an election campaign visit of President Jokowi in late 2018 to extract a promise that he would look into the matter. Four months later, the community invoked this symbolic support from the president by staging a demonstration in front of the provincial parliament and the National Land Agency (BPN) of Riau Province, where they stated: 'we came here to collect the promise of President Jokowi. He promised that he would finish the case of land grabbing perpetrated by PT SBAL. This promise still rings in our ears ... but until now, the promise has remained a promise. There is no proof [of action]'.²²

19. 'Petani Ancam Demo' ['Farmers Threaten to Stage Demonstration'], *Pontianak Pos* 21 October 2012.

20. 'Warga Sikan Serbu DPR Batara' ['Sikan Residents Storm Batara Parliament'], *Radar Barito* 13 November 2012.

21. 'Puluhan Petani Sawit di Sambas Tahan 2 Truk' ['Dozens of Palm Oil Farmers in Sambas Detain Two Trucks'], *Tribun Pontianak* 7 February 2018. <https://pontianak.tribunnews.com/2018/02/07/puluhan-petani-sawit-di-sambas-tahan-2-truk-pt-kmp-ini-alasannya?page=all>

22. 'Warga Desa Koto Aman Tagih Janji Presiden Jokowi' ['Koto Aman Village Residents Demand President Jokowi Fulfill Promise'], *Jawa Pos* 21 January 2019. www.jawapos.com/jpg-today/21/01/2019/warga-desa-koto-aman-tagih-janji-presiden-jokowi.

In such instances of communities pressurizing state authorities to take action, it is once again striking that a legal discourse is rarely deployed. In most instances communities are not claiming that government officials should implement particular laws or regulations. Nor do they evoke notions of social justice that the Indonesian government should achieve. Rather, community representatives tend to legitimize their claims by invoking particular norms-based notions about the obligations of officials, such as the need to keep a promise (in the case of PT SBAL), to implement a previous agreement (in the case of PT AGU), or to care for communities. When community spokespersons demand that local government bring an end to corporate violations (as in the case of PT KMP), they do not elaborate on what government regulations prescribe, but rather use language like *berani* (dare) and *tindakan tegas* (firm action). These terms again appeal to social norms about desired behaviour rather than legal or procedural norms. With such statements, communities pressurize local authorities not on the basis of formal procedures or laws, but on the basis of prevailing social norms.

On the relatively few occasions when community representatives do refer to laws and regulations, their statements often amount to exhortations to state officials to uphold those laws in a faithful and neutral way. They are calling, as in the examples above and Anggi's request in the introduction, for procedural justice. For example, in the case of PT Bangkit Giat Usaha Mandiri, a community representative said: 'We ask [*meminta*] the government, law enforcement and related agencies to open their eyes regarding the demands from the public against PT BUM. We do not have many requests, we just want the government and law enforcement to carry out the rules according to the regulations'.²³ In the case of PT Riau Agung Karya Abadi, villagers protested in front of the courthouse in Siak in support of community leader Heri, who had been accused of falsifying official documents, saying: 'We ask the honourable judge to act fairly and enforce the law without bias. We citizens who are oppressed will continue to monitor this trial'.²⁴ In the case of PT Adei Plantation in West Kalimantan, community representatives were a bit more explicit in their calls for the law to be implemented fairly: 'To whom should we turn when the bureaucrats [*pejabat*] and the police collude [*bersekongkol*] to seize community land?'.²⁵ A similar concern about the manipulation of legal processes was expressed during a protest against the embezzlement of community money by PT Benua Indah Group: 'We have smelled that there are certain parties trying to twist this

23. 'Hari ini, Pemda Bakal Diserbu Pendemo' ['Today, Local Government Will Be Stormed by Protesters'], *Kalteng Pos* 25 April 2016.

24. 'Didakwa Palsukan Surat Tanah' ['Accused of Falsifying a Land Letter'], *Berita Riau* 8 August 2014. www.beritariau.com/berita-193-didakwa-palsukan-surat-tanah-heri-alias-andre-tak-ajukan-eksepsi.html

25. 'Warga Adukan PT Adei Plantation ke DPR RI' ['People Report PT Adei to Parliament'], *Riau Pos* 4 February 2015.

case. We are fed up with all the interventions, the fighting, the threats and the twisting of the facts'.²⁶

All these exhortations to government officials to be 'unbiased' and follow 'existing rules', to 'be firm' and 'not take bribes' make sense in a context where state officials often do not apply the law without bias: these statements all allude to the entrenched collusion between government officials and company representatives. This discourse stems from the widespread suspicion that government officials face various kinds of incentives to side or collude with (*bersekongkol*) the companies and, consequently, 'twist the case'. While we coded these claim statements about remaining neutral and faithfully implementing regulations as 'rights-based' discourse, they should also be interpreted as an expression of a deep distrust of Indonesia's legal system based on a tendency for state officials to ignore state laws and regulations for the benefit of companies.

THE CHARACTER OF CLAIM-MAKING

When we analyse the character of claim-making, an important conclusion that can be drawn from Table 3 is the relative absence of justice-based claim framing. We encountered such framing in only 15 (6 per cent) of the 264 statements that we analysed. Similarly, the community representatives rarely invoked conceptions of justice: they did not, for example, frame conflicts in terms of a struggle against capitalism, against the way in which the state prioritizes large companies, or against Indonesia's restrictive land rights. We did not encounter any articulation of notions of fairness and social justice.

The statements that we did code as involving justice-based framing tend to be vague about what 'justice' actually entails. One example of this vagueness is the statement made by community leader Endi Dacosta at the court case against PT Sinar Sawit Andalan (West Sumatra): 'We want justice. Because the court is the place to search for justice We want this problem to be resolved as soon as possible. The point here is that we are asking for justice to be served in Sintang'.²⁷ In fact, most of the statements invoking notions of justice actually revolve around more practical concerns, mainly related to procedural justice. Such statements legitimated claims by arguing that the proper procedure had not been followed. For example, during another demonstration against PT Multi Prima Entakai, a community spokesperson argued that: 'farmers accuse the company of being unfair in applying loan interest of 1.5 per cent per month to farmers [for the cost of planting oil palm trees on plasma land], because the interest has never been

26. 'Petani BIG Datangi Kejari dan PN' ['BIG Farmers Visit the District Attorney and District Court'], *Pontianak Pos* 24 February 2015.

27. 'Ketua Pengadilan Dituntut Mundur' ['Chief Justice Urged to Resign'], *Pontianak Pos* 19 April 2011.

socialized to them'.²⁸ Here the spokesperson focused on a procedural issue — the fact that farmers had not been informed about the interest rate — and thereby seems to implicitly agree with the fairness of the community being indebted to the company after giving up their land.

This discourse is striking, in other words, not just because communities rarely talk about their grievances in terms of (in)justice, but also because broader notions about social justice are almost completely absent. This discourse is a far cry from the much more radical visions of land distribution promoted by Indonesia's communist movement in the 1950s and 1960s, which deployed a discourse that was full of references to social justice and equality (see White et al., 2023). The glaring absence of ideas of social justice in our newspaper articles suggests that the political genocide of 1965 — in which an estimated 500,000 people suspected of being communists were killed, and the communist movement was crushed — and the subsequent New Order propaganda have been very effective in cleansing political discourse in Indonesia of references to social justice, equality or fairness.²⁹ As Lucas and Warren (2013: 14) describe the peak of the New Order era, rural landholders faced the risk of being considered 'anti-development', 'subversive' or 'ex-communist' if they attempted to exercise their right to refuse any land acquisition for 'development' purposes. As a result, most people surrendered their land rather than risk being subjected to intimidation or attack. This labelling of anyone who promoted land rights as 'communist' continued in the post-Soeharto era. As the Indonesian Legal Aid Foundation (YLBHI) wrote in a press release in 2016, activists advocating for land rights and redistribution are sometimes accused by state officials (notably those from a military background) of being communists or attempting to resurrect communism, a criminal offence in Indonesia (YLBHI, 2016). Our material suggests that rural Indonesians involved in land conflicts lack (access to) a discursive repertoire about social justice, and that the fall of the New Order in 1998 has not (yet) led to the revival of a discourse that was much more common in the 1950s and the early 1960s.

It is similarly noteworthy that communities formulate their claims to land in relatively modest and polite terms. These spokespersons do use harsh words to describe the behaviour of companies, such as *dirampas*, *dicaplok* or *diserobot*, all of which refer to expropriation. However, while their complaints concern the significant loss of land and sources of livelihoods, they do not translate into strongly worded grievances. The claims that community leaders voice are generally quite modest; the communities do not oppose the establishment of the plantations, and they ask for relatively little monetary compensation — from our study it appears that communities received around Rp. 500,000 (about US\$ 35) per hectare in 2004, up to Rp. 2 million

28. 'Petani Tuntut Transparansi Perusahaan' ['Farmers Demand Corporate Transparency'], *Pontianak Pos* 6 March 2012.

29. Our study thus supports Hadiz (2006), who makes the same point.

(about US\$ 140) per hectare in 2014, with US\$ 20–40 per hectare added for land planted with cash crops such as rubber. Furthermore, these modest claims are formulated in very polite terms. Community representatives rarely ‘expect’ or ‘demand’ something from governments or companies. Rather, the community spokespersons ‘request’ (*meminta*) the return of their land (PT RASR) or ‘request when clarity about monetary compensation can be given’ (PT SCP), and they ‘ask PT GAL to suspend their activities’. We quoted one such example of a modest discourse in the introduction: after struggling unsuccessfully for years, Anggi very politely says: ‘we hope that Riau regional police can be cooperative’.

This particular discourse — polite, relatively devoid of notions of social justice and references to specific laws — can be partially attributed to the strong power imbalances that characterize these land conflicts. In most cases communities simply lack the contacts, resources, skills and legal opportunities to force the powerful and wealthy companies to accede to their demands, and their discourse reflects this reality. But this polite discourse also needs to be interpreted in the light of the reliance of communities on informal mediation to settle conflicts. As we have documented elsewhere, protesting communities regularly face violent police action, while litigation and formal complaint procedures are largely ineffective. Consequently, communities frequently rely on mediation facilitated by government officials (see Berenschot et al., 2022). This reliance on mediation incentivizes villagers to express themselves with restraint, to maintain good relationships with company representatives and state officials.

CONCLUSION

This contribution has used newspaper articles to study the discourses that rural Indonesians employ to express their grievances against palm oil companies and local governments. We found that, in contrast to literature on ‘rightful resistance’ elsewhere, references to laws and regulations and to citizen rights are relatively scarce in the statements of spokespersons of communities involved in land conflicts. Furthermore, we found that such leaders rarely invoke notions of justice and fairness to substantiate their claims. Instead, the interviewed community representatives more often invoked either customary land rights or social norms such as the need to fulfil promises or to care for the community. We noted the strikingly modest and polite tone with which community leaders formulate their claims. These villagers have many reasons to be angry: their land has been taken away; it takes years before their grievances are taken seriously; local authorities tend to side with companies; and companies regularly renege on their commitments. And yet community representatives opt for politely worded requests to governments and companies to take up their grievances. A drawback of our newspaper-based method is that we could not explore how these statements

related to the particular socio-economic backgrounds of spokespersons and their communities. Given that such backgrounds vary considerably across Indonesia, however, it is all the more striking that the recurring feature of the discourse found in all the newspaper statements we analysed is not one of assertive rights-claiming, but rather of a subtle playing on notions of social obligation.

A few broader implications might be distilled from these findings. Returning to the debate about the relative importance of legal means in peasant resistance, our study nuances the emphasis of some academic studies and (especially) development agencies on a 'rights-based approach'. Our findings suggest that strategies involving legal means to claim citizen rights remain relatively alien for rural communities, particularly in the context of legal systems which are experienced as biased and corruptible. The limited engagement with citizen rights or regulations does not stem from a lack of skills or understanding, but rather from the experience that regulations and legal guarantees of rights are often not implemented.

This does not mean that our findings are fully in line with the emphasis in subaltern studies on the 'paradigmatic' distinctiveness of 'peasant consciousness' which 'poses a basic challenge [to those] ... searching for the "rational peasant"' (Chatterjee, 1988: 11). Some of our findings — particularly concerning the importance of social norms and customary traditions — are in line with the emphasis of this literature on the limited role of 'the domain of legal-political relations' (Chatterjee, 1988: 15). Yet our interpretation of the findings diverges: it is our contention that such discourse does not stem from the inherently different political consciousness of these communities but rather, as Chibber (2014: 152–78) argues, from their particular political and material marginalization. Rural communities not only lack the financial power, the legal skills and the influential connections of palm oil companies; they are also hampered by the weak legal standing of their land claims and, consequently, the unavailability of effective formal conflict resolution mechanisms such as courts. Particular characteristics of communities, such as their class structure or migration background, might be compounding this marginalization.

Faced with these considerable challenges, the strategy that most rural communities adopt revolves around getting both companies and local authorities to participate in informal mediation which, they hope, might lead to a negotiated settlement and improved monetary compensation for the loss of land. The discourse that we have described in this paper is attuned to this strategy. Rural Indonesians are, by and large, not engaging in 'rightful resistance' because citizen rights, state laws and, hence, a rights-based discourse are, in this context, rarely effective tools to secure a favourable outcome. Instead, communities adopt a modest, polite tone and avoid harsh accusations because cultivating the goodwill of both company representatives and local authorities is, in this context of relative powerlessness, perceived as more effective. In other words, there is little ground for attributing these

discursive strategies to an essentializing notion of ‘peasant consciousness’ when the strategies are in fact quite ‘rational’ and pragmatically attuned to the situation in which rural Indonesians find themselves.

Indonesia’s political history constitutes another source of political marginalization. Both the 1965 genocide and the subsequent authoritarian New Order regime have cleansed political debate in Indonesia of issues related to social justice, equality and, relatedly, land rights. Since 1965, there has not been a strong progressive movement to draw attention to such issues, while the propaganda disseminated by the New Order — with its emphasis on harmony and citizen duties rather than rights (see Bouchier, 2015) — served to discourage the propagation of a discourse on what a ‘just’ system of land tenure and land rights might be. The consequences of this history are observable in the discourse that we encountered. It seems that rural Indonesians do not have access to, and rarely hear about, a discursive repertoire that would allow them to present their grievances in terms of ideas about social justice or a fairer legal framework related to land. The New Order has left a long-lasting legacy.

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