



# Unconventional resistance under the land bank agency regime in agrarian conflicts

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Received Date: December 21, 2024    Revised Date: February 13, 2025    Accepted Date: February 27, 2025

## ABSTRACT

**Background:** The land bank agency, a product of the Job Creation Law, has eclipsed any hope of resolving agrarian conflicts in Indonesia. Various resistances against arbitrary land claims by indigenous communities continue, complemented by unconventional forms of resistance to achieve justice. Using the perspective of unconventional resistance or everyday resistance introduced by Scott, the author attempts to highlight how communities struggle through avenues other than legal channels in agrarian conflicts against the land bank agency. **Methods:** This study employs a qualitative normative approach, drawing on secondary sources to analyse agrarian law, the land bank agency, and related legal conflicts before and after its establishment in Indonesia. **Findings:** With the support of various references, this study finds that non-conventional resistance against the land bank agency in agrarian conflicts has similar or more severe challenges than agrarian conflicts in the regime before the land bank agency. The presence of the land bank agency further exacerbates the situation with strong legal legitimacy to carry out land grabs and unilateral claims to land. All of this is intended for national development ideals supported by private investment. **Conclusion:** Non-conventional resistance from indigenous communities against the land bank agency faces new challenges where indigenous communities are increasingly difficult to achieve the goals and are increasingly easy to criminalize in the process of fighting for land control rights. **Novelty/Originality of this article:** This study highlights something that has not previously been prioritized in research on the land bank agency, namely the results of community reactions to conflicts involving the land bank agency. Specifically, the author tries to show how the results of non-conventional community resistance in agrarian conflicts under the land bank agency regime.

**KEYWORDS:** land bank agency; agrarian conflict; unconventional resistance.

## 1. Introduction

The year 2025 marks the fourth anniversary of the land bank agency. Prior to its establishment, several studies highlighted the importance of an agency like the land bank agency to address agrarian issues in Indonesia and support land redistribution to the community. The land bank agency is expected to provide a solution to the problems of land acquisition, management, and development in Indonesia (Putrazta et al., 2025; Suyudi & Suhattanto, 2018; Ganindha, 2016). In line with the aforementioned research, Indonesia is currently a country plagued by various agrarian conflicts due to the large demand for land (Afrizal & Berenschot, 2022; Afrizal & Berenschot, 2020). This fact is supported by Indonesia's recognition as one of the countries with the most massive levels of agro-environmental transformation—particularly in rural areas—in modern world history (Cramb & Curry, 2012).

However, despite the hopes placed in the agency's formation, the land bank agency has instead become an extension of the state, effectively punishing communities perceived as

### Cite This Article:

Nugroho, S. W. (2025). Unconventional resistance under the land bank agency regime in agrarian conflicts. *Environment Conflict*, 2(1), 68-81. <https://doi.org/10.61511/environc.v2i1.2025.3266>

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obstructing state-sponsored development projects or private sector development. According to data compiled by the Agrarian Reform Consortium in 2024, there have been at least 295 agrarian conflicts in Indonesia, seven of which involved the land bank agency (Wicaksono, 2025). The land bank agency appears to have had no significant impact on improving the agrarian conflict situation from the past. As a representative of the state, the land bank agency appears to prioritize the interests of large corporations seeking to profit from areas previously maintained by the community. This contradicts the spirit of national agrarian law, which aims to maximize the welfare of the community, especially farmers, through legal certainty and equitable land distribution (Mahfud et al., 2024). The transfer of land ownership in a manner that triggers conflict ultimately infuriates the community and leads to various forms of resistance.

The study of agrarian conflicts requires an understanding of how marginalized groups navigate systemic power imbalances. One form of resistance attempted by indigenous communities in Indonesia in this agrarian conflict is unconventional resistance. Unconventional resistance, or everyday resistance, according to Scott (1986), is resistance carried out by utilizing massive community unity—individually or in small groups—to demonstrate the strength to fight, even through paths that are not supported by law and authorities. This is often also referred to as guerrilla tactics by small communities against the state or large corporations (Vinthagen & Johansson, 2013). These conceptualizations emphasize that power is not merely a top-down phenomenon but is actively contested through the daily actions of the subaltern.

Distrust and betrayal of the legal system have led communities to seek alternative means to secure justice for land ownership (Afrizal & Berenschot, 2022). This resistance appears to represent an additional stage in indigenous communities' efforts to resist state or corporate attempts to transfer control over land that has long been managed. This disillusionment is often exacerbated when state agencies prioritize administrative efficiency and corporate investment over historical tenure and customary rights, leaving communities to navigate a hostile legal landscape (Peluso, 1992). The persistence of these communities in asserting rights through non-traditional channels highlights a strategic adaptation to powerlessness. By operating outside the formal judicial system, these groups avoid the prohibitive costs and inherent biases of state-sanctioned forums. As Scott (1990) argues, these subtle forms of defiance are critical to preserving the social fabric of the community, as such actions allow for the maintenance of local autonomy even when the state's reach seems absolute.

This distrust is not without reason, but rather stems from the painful experiences of communities who have to navigate formal legal procedures that often fail to accommodate communal rights inherent in land ownership or even blatantly ignore them. In many cases, the country's positive legal framework tends to favor capitalist interests in the name of state or corporate development projects. Legal procedures, which should protect communities, instead serve as legitimators in agrarian conflicts, leading to land grabbing. Unconventional forms of resistance have become a welcome palliative for those frustrated with positive legal procedures. As an alternative avenue for justice, many communities have sought resistance with the support of social and political forces, attempting to build public pressure on the government and the corporations behind it.

The efficacy of such resistance is not measured by immediate legal victory, but by the community's ability to defend way of life and slow the pace of dispossession. As documented in Li (2014) study, the ability of indigenous groups to mobilize collective memory and solidarity effectively challenges the state's monopoly on defining "land use." Ultimately, these unconventional strategies underscore the need for an agrarian reform model that is grounded in the reality of local lived experiences rather than strictly technocratic mandates. Actions undertaken in unconventional resistance are not merely aimed at achieving victory in agrarian conflicts. These actions also serve to assert the autonomy and sovereignty of indigenous communities that control disputed land. Indigenous communities are not only economically but also historically and culturally connected to the land. Ultimately, unconventional resistance becomes a form of reinterpretation of justice in relation to land

ownership, challenging the hegemony of law, which has often functioned as a state instrument in agrarian conflicts.

So far, past research on the land bank agency has not addressed much of the community's resistance or conflict over the policies implemented regarding land use. Many published journals only discuss the land bank agency's general impact (Mahfud et al., 2024) and its future projections (Putrazta et al., 2025). This study attempts to summarize the conditions of indigenous communities in various regions, as evidenced by previous research and related news, in defending living space against the dominance of the Land Bank Agency as an extension of the state through unconventional resistance. This study also aims to provide an overview of the current state of unconventional resistance among communities compared to conditions in the past before the existence of the land bank agency. The differences in constraints and similarities, and summarize the outcomes of unconventional resistance in agrarian conflicts against the land bank agency. These findings are expected to be useful in understanding future agrarian conflicts related to the land bank agency.

## 2. Methods

### 2.1 Research methodology and data sources

In conducting this research, this study employed a qualitative analysis method. References were drawn from secondary sources such as books, journals, and online articles to support my findings. My approach was normative research, which examines existing laws, legal issues, and the possibility of new laws being created in the future (Christiawan & Widyaningrum, 2024). By grounding the study in normative inquiry, the analysis maintains a rigorous focus on the intersections between current legislative mandates and the protection of constitutional rights within the agrarian sector.

At least, the references used in this research can be divided into several categories, namely references that discuss agrarian law in general and references that discuss specifically about the land bank agency; references that only provide theories related to the land bank agency and references that also discuss case studies of conflicts related to the land bank agency; and references published before the establishment of the land bank in Indonesia and references published after the emergence of the land bank agency in Indonesia. This multi-tiered categorization allows for a comprehensive overview of how academic discourse has evolved in response to institutional shifts in Indonesian land policy.

### 2.2 Analytical framework and literature classification

The distinction between literature published before and after the formation of the land bank agency is particularly significant for capturing the shift in the socio-legal landscape. Earlier studies provide the essential baseline for understanding traditional agrarian disputes, while more recent publications offer critical insights into the contemporary pressures placed upon indigenous land rights. This chronological contrast helps to highlight whether current conflicts are truly novel or merely an intensification of persistent structural issues. By balancing theoretical frameworks with empirical case studies of land bank agency operations, this research avoids the pitfalls of purely abstract legal analysis.

The theory-focused literature provides the necessary conceptual tools while the case study literature provides the grounded reality of how these laws affect local communities. This synthesis is vital for evaluating whether the land bank agency is functioning according to its stated legislative objectives or if its operations deviate toward disproportionate corporate interests. Ultimately, this methodological strategy ensures that the research remains both academically grounded and practically relevant to the ongoing debate over agrarian justice in Indonesia. By systematically synthesizing diverse legal and socio-political perspectives, the study aims to provide a clear picture of the current regulatory challenges. This holistic approach is essential for proposing evidence-based

recommendations for future legal reforms that could better safeguard the interests of marginalized communities against systemic dispossession.

### 3. Results and Discussion

#### 3.1 Root causes of agrarian conflict

The history of land tenure in Indonesia is marked by a persistent tension between state-led developmentalism and the traditional rights of local populations. Before the establishment of the land bank agency, indigenous communities in Indonesia frequently engaged in agrarian conflicts against large entities. A wide variety of issues related to agrarian conflicts arose in the pre-land bank era, ranging from agrarian conflicts against the government (ministries and agencies), corporations, and even the military. These historical struggles underscore a chronic structural imbalance where customary land claims have consistently been sidelined in favor of strategic national interests or industrial expansion. Throughout this pre-reform period, the lack of robust legal recognition for customary tenure forced communities to operate in a defensive capacity, navigating a fragmented system where the interests of powerful state and private actors frequently converged to the detriment of local land security.

There are at least three fundamental issues that have triggered the agrarian conflicts experienced by indigenous communities. First, there is a difference in perspective between customary law and national law in viewing the basis of land ownership. According to Ayunanda et al. (2024), customary law views land ownership based on physically visible claims—control, use, maintenance, and protection—or better known as *ipso facto*. Meanwhile, national law in force in Indonesia tends to be based on legally based ownership claims—such as certificates or court decisions—also known as *ipso jure* (Isnaeni & Hamadi, 2024). Indigenous communities often control land from generation to generation without recognizing the need for formal legal ownership. Various efforts are undertaken to ensure survival and to provide for families and relatives. However, the state, as the entity that designs and enforces laws, seems oblivious to this phenomenon. In several cases, the state often appears only to expose legal claims to land ownership and evict communities deemed unlawful to the disputed land (Putrazta et al., 2025; Earlene & Djaja, 2023).

Therefore, it is not merely differences in perspective that trap indigenous communities in agrarian conflicts on ancestral lands. There's also the deliberate compulsion of the state and its supporting institutions to ignore the realities on the ground—the community's insensitivity to the legality of land ownership—and exploit this to seize land for investment purposes. The conceptual gap in how land is valued lies at the very heart of current agrarian disputes. The second issue that can be problematic is the sharp difference in perspective between those who view land as merely an economic right (Adhariani & Afrizal, 2021) and those who consider land to be more than just an economic right, encompassing also spiritual and cultural rights (Muammar, 2024; Kandzior, 2016). Indeed, land essentially serves a dual function: as a social asset and a capital asset (Suharyono et al., 2022). The state often fails to recognize that communities, especially indigenous communities, are connected to the land under occupation.

This fundamental divergence in values creates a structural disconnect between state policy and the lived reality of local populations. While the state apparatus frequently prioritizes the optimization of land for industrial efficiency and national economic growth, these frameworks lack the capacity to account for non-market values. Consequently, the legal tools used to manage land often treat territory as a homogeneous commodity, effectively erasing the intricate and historical bonds that define the identity of the people living upon it. These communities don't just view land from an economic perspective, viewing it as a commodity that can be easily traded to increase capital. Land also has social functions related to spiritual and cultural well-being. Unfortunately, in agrarian conflicts in Indonesia, the state often—whether intentionally or unintentionally—fails to recognize

these functions, thereby depriving communities of spiritual and cultural rights to the land to which communities are connected.

This oversight is not merely a technical error in land administration but a profound violation of the social contract. When the spiritual and cultural dimensions of land are omitted from the state's developmental calculations, the resulting policies inevitably lead to the alienation of communities from ancestral domains. Addressing this crisis requires a shift toward an integrated land governance model—one that elevates these intangible values to an equal footing with economic interests, ensuring that development does not come at the cost of the cultural survival of Indonesia's indigenous peoples. In various regions in Indonesia, it is common to find land ownership based on certain customary groups, where communal land is traditionally owned and governed collectively (Semedi & Bakker, 2014). A more concrete case can be cited from research conducted by Haug (2014), in research discussing the Benuaq Dayak Tribe in East Kalimantan, Haug captured a phenomenon where the Benuaq Dayak Tribe connects the existence of the forest being utilized with the presence of ancestral spirits there, so that in the process of utilization, certain rituals are needed to avoid something undesirable—things also known as ancestral anger.

In this context, the state again fails to be present and understand the beliefs and practices of its citizens at the grassroots level. Cultural and religious practices common in society, which serve as evidence of land ownership, are consistently overlooked by the state. This makes the state appear to focus solely on the economic rights to be developed from land or land ownership, ignoring the spiritual or cultural rights deeply embedded in the communities that inhabit that land. By privileging formal administrative documents over historical, communal, and customary forms of evidence, the state effectively disenfranchises those who have maintained territories for generations through oral tradition and social practice. This disconnect is not merely a bureaucratic oversight but a structural exclusion, where the very definitions of "ownership" and "legitimacy" are crafted to exclude non-market-based relationships. Consequently, communities are forced to navigate a legal system that views ancestral heritage as invisible or secondary to industrial objectives.

The result is a fragmented social landscape where citizens are alienated from the environments that sustain social and spiritual identities, leaving them vulnerable to displacement under the guise of modernization. The third problem is how the rate of population growth is not balanced with the availability of land to meet development needs (Ganindha, 2016). This problem presents difficulties for the government because the land required for development is often not yet available, leading the government to resort to methods that trigger protracted conflicts with communities during the land acquisition process. The state bears a fundamental obligation to safeguard the basic human rights of its citizenry, which includes securing access to land for both residential stability and economic empowerment (Ayunanda et al., 2024; Sihutami et al., 2022; Roestamy et al., 2022; Riggs et al., 2016). Consequently, when the government finds itself in conflict with its own people during the land acquisition process, such disputes serve as a clear indication of the state's failure to uphold these essential human rights, prioritizing procedural objectives over the well-being of the populace.

The complicated land acquisition process then makes the rights of other parties—namely the government or the private sector, who claim a more urgent need to utilize land parcels immediately—remain unfulfilled, so that the potential for welfare that would otherwise be obtained cannot be realized (Sihutami et al., 2022). This deadlock creates a paradox of development in the haste to unlock land for "national interest," the bureaucratic entanglement often paralyzes the very projects intended to drive growth. When conflict stalls progress, the intended public benefits are indefinitely postponed, leaving the promised socio-economic welfare in a state of suspended animation. There is indeed an imbalance between population growth and land availability. However, the state's reluctance to respond and seek solutions to this issue can exacerbate potential agrarian conflicts with local communities. The state, through its agrarian agencies, tends to take swift action, often sidelining the rights of communities who previously controlled the land. In the name of investment, law enforcement can even be deployed to suppress resistance from indigenous

communities. Communities are repeatedly injured by the state's choices in addressing agrarian issues. The state's lack of role in addressing the imbalance between land availability and development needs is ultimately exploited by speculators for profit (Roestamy et al., 2022). A state that sides with those seeking land profits increases the difficulty for communities defending land rights. Officials who should serve and ensure order in society are ultimately repurposed for the needs of capitalism.

### 3.2 Land bank agency

The introduction of the Job Creation Law (Law No. 11 of 2020 concerning Job Creation) has significantly altered the regulatory landscape, transforming the intended purpose of the land bank agency into a mechanism for corporate expansion. As a direct result of the Job Creation Law, the land bank agency, which initially aimed to address land issues, particularly abandoned land and former Right to Cultivate (HGU) concessions, has veered in the wrong direction by becoming a tool used to facilitate reckless private investment activities in Indonesia. Indirectly, the land bank agency's function has shifted from serving the public interest to serving the interests of a select few. This institutional realignment prioritizes the accumulation of assets over the equitable distribution of resources, creating a systemic bias within the land governance structure. By focusing on the administrative requirements of private developers, the agency essentially functions as a facilitator for land clearing, often at the expense of those who rely on these territories for livelihood. This shift represents a departure from the democratic ideals of agrarian reform and points toward a model of land management that prioritizes capital intensity and speed over social stability and the protection of vulnerable groups.

The capitalist tone emanating from these agencies can be broadly examined in research by Sasu et al. (2024). The research shows that, across the globe, agencies known as land bank agencies tend to expand land control to private companies to strengthen capital. Capital consolidation in the hands of certain parties alone makes the goal of land redistribution to the community far from being achieved. The global phenomenon described in current literature suggests that the challenges facing Indonesia are not isolated, but rather part of a broader trend of "land financialization". When agencies tasked with land administration begin to act as intermediaries for corporate acquisition, the community's access to land is structurally impeded (Su et al., 2024). Without an intentional focus on distributive justice and a move away from purely capital-centric models, the potential for achieving meaningful agrarian reform—and ensuring that land contributes to the welfare of the collective rather than the profit of a few—remains largely unreachable.

The potential negative impacts of the land bank agency in Indonesia stem from the possibility of the agency facilitating land grabbing (Putrazta et al., 2025; Afrizal & Berenschot, 2022; Tohari, 2018; Semedi & Bakker, 2014), causing abuse of state control rights/ *domein verklaring* (Agustin & Mahfud, 2024), and being the main actor in actions that sideline the Free, Prior, and Informed Consent (FPIC) mechanism in processes related to agrarian conflicts (Kusniati, 2024). These potential impacts are certainly highly undesirable in achieving agrarian reform in Indonesia. The previously predicted negative impacts will have fatal consequences for the livelihoods of communities surrounding the disputed land (Suharyono et al., 2022). Communities will experience outcomes ranging from the loss of livelihoods to potential physical clashes during conflicts over land ownership. Naturally, the community is in a vulnerable position because it lacks the necessary resources to resist compared to the state or private sector.

The land bank agency was established in April 2021, along with the issuance of implementing regulations for the Job Creation Law, namely Government Regulation No. 64 of 2021 concerning the land bank agency and Presidential Regulation No. 113 of 2021 concerning the Structure and Administration of the land bank agency. Before and since the agency became an official entity, the land bank agency, established under the aforementioned regulations, has received criticism. This is due to conditions that prevent the land bank agency from being a necessary solution to address ongoing agrarian conflicts

in Indonesia, particularly those involving indigenous communities (Isnaeni & Hamadi 2024). The new agency, which supports the Job Creation Law, serves as ammunition for the government's drive to promote investment and national development. The land bank agency's actions continue to prioritize macroeconomic interests over the agrarian rights of communities. The drive for economic growth through policies to provide flexible land availability and streamlined permitting facilitates agrarian conflicts with indigenous communities.

Long before the emergence of the land bank agency as an extension of the government in agrarian conflicts, the community's struggle was already quite complex and arduous. Despite support from the Basic Agrarian Law and Constitutional Court rulings, indigenous communities often encountered difficulties in asserting customary land rights. Implementation on the ground was often hampered by sectoral interests and convoluted bureaucracy. Communities, whose local wisdom and passion for preserving ancestral cultural heritage, consistently struggle to confront state authority. The state, mandated to control resources, fails to use its authority to maximize the well-being of the community.

Indigenous communities face new challenges under the Job Creation Law in defending land rights that may have been held for generations, even predating the existence of the nation-state itself. The land bank agency's legitimacy to side with corporations is at least partially supported by its authority. Article 19 of Government Regulation No. 64/2021 states that guaranteeing land availability for national development (one of the land bank agency's duties) is intended to support economic growth and investment. This situation underpins the land bank agency's stance in agrarian conflicts, aiming to eliminate communities deemed to be obstructing the national development process through investment in lands. The bias of institutions such as the Land Bank Agency has a destructive double impact on indigenous communities. Socially, community identity is eroded, and long-established social order is threatened with disruption due to the loss of connection to land that serves as a lifeline. Ecologically, surviving communities must accept environmental damage and the loss of biodiversity in conflict areas. This makes the land bank agency responsible for the inability of communities to preserve the way of life and ecosystems that have grown alongside culture.

### *3.3 Unconventional resistance to the land bank agency*

Unconventional resistance is certainly not new in existing agrarian conflicts. Conflicts in other countries, including remote areas in Indonesia, have involved non-judicial means to defend land rights. In an effort to maintain access to land—or at least obtain compensation that provides a sense of justice—communities often engage in demonstrations, land occupations, road blockades, and extensive lobbying (Afrizal & Berenschot, 2020). Strategies used to support resistance can also be rooted in local culture and spirituality. Forms of resistance include symbolic practices such as performing traditional rituals on disputed land boundaries or planting crops (especially those with sacred or historical significance) on land allocated for investment. These tactics aim to morally and spiritually reassert territorial claims in the eyes of the public and own communities, while simultaneously undermining the legitimacy of investment projects.

Another form of unconventional resistance emerging in modern times is through the mobilization of narratives in public and digital spaces. Indigenous communities can utilize social media and online campaigns, either independently or with the assistance of non-governmental organizations, to garner national and international support, which is rarely achieved through court channels. National or even international public support can increase the legitimacy of indigenous communities attempting to defend living space. An example of unconventional resistance can be seen in communities in India who are pushing for the resolution of agrarian conflicts through demonstrations supported by various groups. Demands are directed at relevant politicians, thus providing political steps that benefit the conflicting communities (Levien, 2018). The Barambang Katute indigenous community in Sinjai Regency also took similar action to push for the resolution of agrarian conflicts in

village. By forming a resistance organization called the People's Movement to Reject Bonto Katute Mining, consisting of residents, students, and NGOs, the Barambang Katute indigenous community encouraged representatives in the Regional People's Representative Council through demonstrations to participate in bridging the agrarian conflict involving Bonto Katute Village against PT Galena Sumber Energi, which intended to conduct mining activities there (Muammar, 2024; Nurlinda et al., 2019).

Research conducted by Semedi & Bakker (2014) shows another method of unconventional resistance related to agrarian conflict, namely farmers who manipulate land sizes in unequal agreements with large palm oil plantation companies. Smallholder palm oil farmers in Buayan, West Kalimantan, who felt disadvantaged in the agreement with the Nucleus State and Smallholders (NES) scheme initiated by the government, made false reports to reclaim some of previously owned land. Disadvantaged position and reluctance to rely too much on the nucleus company led some farmers to engage in this form of resistance. Another example is the case of the Kapa indigenous community in West Sumatra. The Kapa community, involved in a land conflict with a palm oil company, fought back through the Complaints Panel (CP), which is part of the Roundtable on Sustainable Palm Oil (RSPO) (Afrizal et al., 2023). Ultimately, the palm oil company was found guilty of unlawful land transfer. This victory was also supported by assistance from the non-profit organization Forest Peoples Program (FPP). FPP staff assisted the Kapa indigenous community in drafting a letter of rebuttal to the CP regarding the agrarian conflict with the palm oil company.

There's also resistance in the form of theft from large plantations to profit from the plantation corporations that control vast tracts of land. For example, farmers in Ngabang, West Kalimantan, collect fallen fruit from plantations and sell it to collectors, who then channel the fruit to plantation factories—making it appear as if the plantations are purchasing goods from own plantations (Acciaioli & Dewi, 2016). In these various forms of unconventional resistance, communities essentially express identity in every action taken to reclaim the rights rightfully deserved. The smallest possible outcome of unconventional resistance is increasing the capital and time costs incurred by the private sector and the state in the process of taking land from communities. This forces those with the most capital to make greater sacrifices to achieve goals.

With a spirit of resistance that adapts to local circumstances, communities can challenge the capitalist logic imposed by the state in agrarian conflicts. This can also increase the time it takes for indigenous communities to garner support from other community groups. Public support can be garnered through strategies that prioritize moral justice. If successful, agrarian issues that originate from local conflicts will grow into national ethical issues. Victory over agrarian conflicts may not be guaranteed, but victory in public discourse is certain and can influence the course of agrarian conflicts experienced by indigenous communities.

The land bank agency, as one of the state's instruments in the vortex of agrarian conflict against indigenous communities, has not escaped unconventional resistance or "everyday resistance" carried out by the community to achieve justice for agrarian rights. Fighting against capitalist products that facilitate the misery of indigenous communities in the agrarian realm, the Pekurehua indigenous community in Watutau Village, Poso Regency, Central Sulawesi, united with the Pekurehua Guardian Coalition, the Indonesian Forum for the Environment Central Sulawesi, and the Indigenous Peoples Alliance of the Archipelago (AMAN) to restore the rights seized from farmers in Watutau Village. In this area, the Land Bank Agency has claimed management rights over customary land that has traditionally been the community's living space (Indonesian Forum for the Environment Central Sulawesi, 2024).



Fig. 1. Pekurehua indigenous people territory

According to Agrarian Reform Consortium, the land bank agency has seized 35,724 hectares of land from seven different locations in Watutau Village, using claims of right of management for these lands. The right of management was allegedly not verified and identified prior to the right of management, thus ignoring the fact that the Pekurehua indigenous community already controls and owns the lands. To fight for land rights, the Pekurehua indigenous people have not only filed formal lawsuits but also staged mass demonstrations and a massive media campaign to demand the land bank agency's (Ministry of Agrarian Affairs and Spatial Planning) revocation of the right of management from customary lands. The removal of the land boundary markers previously installed by the Ministry of Agrarian Affairs and Spatial Planning also adds to the list of resistance carried out by the Pekurehua indigenous people. This action represents a strong assertion of customary sovereignty against the legal legitimacy granted by the Job Creation Law.

The various forms of resistance undertaken by the Pekurehua indigenous community have naturally met with backlash. This culminated in at least 35 members of the Watutau Village community being criminalized by law enforcement officers deployed to protect the area claimed by the land bank agency (Indonesian Forum for the Environment Central Sulawesi, 2024). This criminalization, of course, symbolizes the state's sledgehammer of punishment against those who dare to resist private investment ventures in which the state has a vested interest. In response to repressive actions by the authorities, indigenous groups and civil society coalitions remained undeterred and also advocated for resistance from other bodies, including by storming the offices of the National Human Rights Commission (Indonesian Forum for the Environment Central Sulawesi, 2024). This action served not only as a protest against the plight of some members of the Pekurehua indigenous community, but also as a platform for garnering broader support from other civil society groups.

The operational model of the land bank agency introduces significant concerns regarding the acceleration of land dispossession, particularly in rural and indigenous areas. By centralizing the management of land assets, the institution possesses the authority to bypass established redistributive processes, often under the guise of prioritizing national economic interests. This institutional capability creates a high-stakes environment where the potential for marginalization of local populations increases significantly as land is reclaimed for strategic allocation. Potential for land grabbing by the land bank agency is very likely to perpetuate existing structural conflicts within the community. A similar situation occurred in the conflict in Batulawang Village, Cianjur, where the land bank agency operated on former HGU land that should have been returned to farmers or indigenous communities. Instead, the land bank agency undermined agrarian reform efforts designed

for the Batulawang community and supported the return of land ownership to corporations (Agrarian Reform Consortium, 2025).

In Batulawang, indigenous communities face a new threat from the land bank agency, which is claiming land abandoned by the company since 1998. The community has finally launched a collective resistance and garnered public support. Support from communities and civil society organizations has also urged the government to return to its original land redistribution plan, which was supposed to begin in 2020 for communities in Batulawang Village. The situation in Batulawang serves as a critical indicator of the broader challenges facing agrarian reform in Indonesia today. When institutional mechanisms intended to streamline land administration instead serve to obstruct the rights of local inhabitants, it creates a persistent cycle of resistance and distrust. Moving forward, the effectiveness of national agrarian policy will likely depend on whether the state can move away from prioritizing corporate interests and instead uphold the restorative justice goals originally envisioned for these communities. This case highlights the urgent necessity for a systemic re-evaluation of how agrarian mandates are executed, particularly regarding the role of centralized institutions in land conflict resolution. If the state continues to prioritize capital-intensive development over the foundational rights of its citizens, it will likely perpetuate a cycle of marginalization that undermines both national stability and the long-term potential for equitable development. The path toward a more just agrarian future, therefore, requires a fundamental shift toward institutional accountability and the genuine recognition of community-led stewardship.

#### 4. Conclusions

The landscape of land management in Indonesia has undergone a significant transformation with the introduction of the Job Creation Law, which fundamentally altered how the state interacts with land and its inhabitants. By centralizing authority, the state has sought to streamline land acquisition to facilitate national strategic projects and attract global capital. However, this shift has inevitably created a friction point between the state's developmental agenda and the long-standing, customary land rights held by local populations, whose claims are often rooted in historical and cultural continuity rather than formal state-issued titles. The land bank agency's potential as a tool for attracting investment has been evident in just a few years since its establishment under the Job Creation Law. The problems presented in the form of agrarian conflicts with indigenous communities are also often addressed through methods previously encountered in past agrarian conflicts. However, the strong legitimacy of the land bank agency's legislation and effective assistance from law enforcement complicate the problems faced by indigenous communities in agrarian conflicts.

When formal avenues for resolution are perceived as biased, indigenous communities are forced to rely on grassroots strategies to protect territories. These unconventional forms of resistance serve as an essential defense against dispossession. Yet, these efforts are increasingly challenged by a legal environment that prioritizes economic efficiency over local tenure security, leaving community members in a position where traditional methods of stewardship are rendered invisible or illegitimate by modern regulatory frameworks. Unconventional methods of resistance are increasingly struggling to gain legitimacy under the land bank agency regime, as the state increasingly finds it easier to frame agrarian conflicts as forms of civil disobedience. New agrarian regulations increasingly favor investment in land previously controlled by indigenous communities. The result is that communities engaging in unconventional resistance are vulnerable to criminalization and increasingly struggling to achieve justice for land rights.

The current trajectory of agrarian policy suggests an urgent need for a more inclusive approach that reconciles national economic goals with the protection of human rights and customary laws. Without a mechanism that genuinely acknowledges the legitimacy of ancestral claims, the cycle of conflict is likely to persist and intensify. Achieving sustainable development requires moving beyond the binary of "investment versus tradition" and

instead fostering a framework where the rights of indigenous peoples are treated as an integral component of, rather than an obstacle to, national prosperity.

### **Acknowledgement**

The author sincerely thanks all contributors, institutions, and supporting references for their assistance, guidance, and valuable input in completing this study and improving the quality of the manuscript.

### **Author Contribution**

The author solely contributed to all stages of this research, including conceptualization, data collection, analysis, interpretation of findings, and manuscript writing and revision.

### **Funding**

This research received no external funding from any source. All funding required for this research was provided without assistance from any specific party, either individual or organization.

### **Ethical Review Board Statement**

This study does not involve humans or animals related to the development of anything that violates ethics.

### **Informed Consent Statement**

Not available.

### **Data Availability Statement**

The data used in this study is secondary, so it is freely accessible to anyone who needs it for further study. The author also provide links to some online sources to make it easier for readers to find the sources listed in this study.

### **Conflict of Interest**

The author declares that there is no conflict of interest in the preparation of this research.

### **Declaration on the Use of Generative AI**

In compiling this article, author used Gemini to correct wording and sentence structure. After using it, author re-verified it through editing and review, and therefore, author take full responsibility for the content of this research publication.

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