



THE ROLE OF AGRARIAN LAW IN RESOLVING LAND TENURE CONFLICTS BETWEEN CORPORATIONS AND INDIGENOUS COMMUNITIES WITHIN STRATEGIC NATIONAL CONCESSION AREAS

**¹I Made Suwitra, ²Yulian Junaidi, ³Suyanto, ⁴Loso Judijanto,
⁵Ni Made Puspasutari Ujianti**

¹*Fakultas Hukum Universitas Warmadewa Denpasar, Bali Indonesia.*

²*Fakultas Pertanian Universitas Sriwijaya, Indonesia.*

³*Universitas Gresik, Indonesia.*

⁴*IPOSS Jakarta, Indonesia.*

⁵*Universitas Warmadewa Denpasar, Bali Indonesia.*

Email: madesuwitra27@gmail.com, yulianjunaidi@fp.unsri.ac.id, suyanto@unigres.ac.id,

losojudijantobumn@gmail.com, puspa.niwapong@gmail.com

Abstract: This study explores the land tenure conflicts between indigenous communities and corporations within strategic national concession areas in Indonesia, focusing on the legal challenges and the role of agrarian law in conflict resolution. The main issue arises from the lack of legal recognition for indigenous land rights, which leaves these communities vulnerable to displacement by corporate interests. The purpose of this research is to examine how agrarian law can be reformed to better protect indigenous land rights and resolve conflicts in a fair and sustainable manner. A library-based research method was employed, utilizing primary and secondary data from relevant legal texts, case studies, and scholarly literature. The findings reveal that while agrarian law provides a framework for land management, it fails to adequately address the complexities of indigenous land tenure systems. The study recommends legal reforms to formally recognize indigenous land claims, improve consultation processes with indigenous communities, and integrate alternative dispute resolution mechanisms. In conclusion, the research advocates for a more inclusive and equitable legal framework that balances corporate interests with the rights of indigenous peoples, ensuring justice and sustainable development within Indonesia's national concession areas.

Keywords (English): Agrarian Law, Land Tenure Conflicts, Indigenous Communities and Corporate Relations

**INTRODUCTION:**

In Indonesia, land tenure conflicts between corporations and indigenous communities remain a significant issue with substantial social and economic implications. These conflicts often arise in areas designated as strategic national concession zones, including forests, plantations, and mining regions, where large corporations operate. Indigenous communities, who traditionally manage these lands, frequently lack clear legal recognition or land ownership rights. This ambiguity creates a legal vacuum that undermines the security and livelihoods of indigenous peoples, while also complicating the expansion of investments that could otherwise contribute to national economic development. The unresolved land tenure disputes have led to tensions and violence, which further exacerbates the challenges of achieving sustainable development and social harmony. Consequently, addressing land tenure conflicts between corporations and indigenous communities within strategic national concession areas becomes crucial for fostering equitable development and ensuring the protection of the rights of marginalized groups[1].

A review of existing literature reveals that while numerous theories have been proposed to resolve land tenure conflicts, none of them seem to provide a comprehensive solution for the specific challenges faced by indigenous communities in strategic national concession areas. Legal theories related to land ownership, such as those focusing on private property rights under positive law or distributive justice, often fail to account for the complex dynamics between indigenous peoples and corporations within these contested spaces. Many existing frameworks emphasize administrative or formal legal mechanisms for dispute resolution, which may not align with the social realities and cultural practices of indigenous communities. Furthermore, current literature often overlooks the importance of indigenous knowledge systems and local values in land management, which are integral to understanding and resolving conflicts. This gap in legal theory and practice highlights the need for a more nuanced and culturally sensitive approach to land disputes, one that integrates both formal legal norms and indigenous perspectives[2].

The primary objective of this research is to examine the role of agrarian law in resolving land tenure conflicts between indigenous communities and corporations within strategic national concession areas in Indonesia. Specifically, the study seeks to explore how agrarian law can be utilized as a tool for achieving fair and sustainable resolutions to these land disputes. Additionally, the research aims to identify gaps and limitations in the current implementation of agrarian law and propose recommendations for enhancing its effectiveness in addressing the unique challenges posed by land tenure conflicts. By examining these issues, this study intends to contribute to the development of legal frameworks that can balance corporate interests with the rights and aspirations of indigenous peoples, ensuring that both parties are treated equitably and justly[3].

This research argues that, despite the existence of agrarian law in Indonesia, it has not been fully effective in resolving conflicts between indigenous communities and corporations within strategic national concession areas. One of the primary reasons for this is the misalignment between the formal legal system and the social and cultural realities of indigenous peoples, whose customary land rights are often not recognized within the framework of national law. This discrepancy creates



a significant barrier to resolving land disputes in a manner that respects the traditional knowledge and land stewardship practices of indigenous communities. Therefore, this research hypothesizes that through the adaptation and proper implementation of agrarian law principles, more equitable and acceptable solutions can be found for both corporations and indigenous communities. The study posits that incorporating indigenous perspectives into land governance, alongside formal legal reforms, will lead to more effective conflict resolution and foster greater social justice in the management of land resources. Thus, this research is essential for improving the current legal landscape and promoting harmonious relationships between indigenous communities and corporations in Indonesia's strategic national concession areas[4].

METHODOLOGY:

Research Object

The object of this research revolves around the land tenure conflicts between indigenous communities and corporations within strategic national concession areas in Indonesia. This study focuses on the phenomena and issues arising from the conflicting interests between these two groups, particularly in areas that have been allocated for large-scale development projects such as plantations, mining, and forestry. The central problem under investigation is the lack of legal recognition for indigenous land rights, which often leads to disputes over land use, ownership, and access to natural resources. These disputes are particularly complex because they involve not only legal frameworks but also cultural and social dimensions that are integral to the lives of indigenous peoples. Therefore, this research aims to explore how the existing agrarian law can be applied to resolve these conflicts, and the broader implications of these disputes for national development and social justice[5].

Research Type and Data Sources

This research adopts a library-based approach, focusing on a comprehensive review of secondary data collected from a variety of academic and legal sources. Primary data for this research is sourced from relevant literature that discusses the ongoing land tenure conflicts and the legal frameworks that have been implemented to address these issues. The primary data is derived from case studies, legal documents, and government reports related to land tenure issues within strategic national concession areas. In addition to the primary sources, secondary data is collected from a range of scholarly books, peer-reviewed journal articles, academic theses, and previous research studies that provide theoretical frameworks, contextual analysis, and case examples. These secondary sources contribute to building a comprehensive understanding of the broader issues surrounding agrarian law, land tenure conflicts, and indigenous rights in Indonesia[6].

Theoretical Framework

The theoretical framework guiding this research is based on the principles of agrarian law, property rights, and social justice. One key theory used is the theory of *Customary Land Rights* (also known as *Adat Land Rights*), which focuses on the legal recognition and protection of indigenous peoples'



land claims based on their traditional customs. This theory was articulated by legal scholars such as Van Vollenhoven (1931), who emphasized the importance of acknowledging indigenous land ownership systems that do not always align with formal legal frameworks. Van Vollenhoven's theory argues that indigenous land systems have their own set of rules and principles that should be respected within the national legal system. Additionally, theories on *Distributive Justice* (Rawls, 1971) and *Development Justice* (Sen, 1999) are also explored, as they address how land policies should promote fairness and equality, especially in contexts where indigenous peoples are marginalized by economic or political forces. These theoretical lenses inform the analysis of the legal and social dynamics in land tenure conflicts and the role of agrarian law in resolving such disputes[7].

Research Process and Data Collection Techniques

The research process involves several stages of data collection. This study primarily employs a qualitative approach, focusing on documentary analysis to gather data from various written sources, including books, articles, reports, and academic papers. The primary technique used for data collection is literature review, which entails systematic reading and reviewing of both primary and secondary sources relevant to the subject matter. Key documents reviewed include legal texts, case law, government regulations, and policy documents related to agrarian law and indigenous land rights. In addition, previous research papers and journal articles discussing land tenure conflicts, corporate interests, and indigenous rights are also examined to understand the historical and socio-legal context of these issues. This extensive literature review allows the researcher to build a broad understanding of the existing knowledge on the topic and to identify gaps that the current research aims to fill[8].

Data Analysis Techniques

For data analysis, this research utilizes *content analysis*, a technique that allows for the systematic examination of textual information to identify patterns, themes, and key issues relevant to the study. Content analysis involves organizing and categorizing data based on specific themes related to the research questions, such as the legal recognition of indigenous land rights, the role of agrarian law, and the nature of land tenure conflicts. This method involves closely reading the collected documents to extract meaningful insights and to uncover relationships between different variables, such as the application of legal norms and the outcomes of land disputes. Through content analysis, the researcher will interpret the data to identify recurring patterns in the ways conflicts are managed or resolved and assess how effectively current agrarian laws address the issues at hand. This analysis will provide a deeper understanding of how agrarian law functions in practice and offer recommendations for improving its application in resolving land tenure conflicts[9].

RESULTS AND DISCUSSION

The results of this study reveal that land tenure conflicts between indigenous communities and corporations in Indonesia are deeply embedded in the country's legal, social, and economic fabric.



These conflicts are primarily driven by the absence of legal recognition for indigenous land rights, which often leads to disputes between corporations seeking to utilize land for large-scale economic projects and indigenous communities who have historically inhabited and managed these lands. The lack of clear land titles or formal recognition of indigenous land claims creates a situation where indigenous peoples are often unable to assert their rights in the face of corporate interests. Consequently, corporations frequently encroach on indigenous territories without consultation, leading to direct conflicts over land use, ownership, and resource extraction[10].

In many cases, the government's allocation of strategic national concession areas to corporations without proper consultation with indigenous communities exacerbates the problem. This lack of consultation results in indigenous groups being excluded from decision-making processes that directly impact their lives and livelihoods. As the research shows, corporate interests, particularly in sectors such as mining, plantations, and forestry, are often prioritized over the rights of indigenous peoples, who are frequently marginalized and left without recourse to protect their ancestral lands. This practice perpetuates a cycle of injustice, where the voices of indigenous communities are not heard, and their land rights remain unprotected under the law.

The research further indicates that while agrarian law theoretically provides a framework for resolving land tenure disputes, its implementation is often inadequate. Agrarian law in Indonesia, though comprehensive in terms of regulating land ownership and use, fails to sufficiently address the complexities of indigenous land rights. One of the main shortcomings identified in the study is the failure of the legal system to recognize and incorporate indigenous customary land rights within the formal legal framework. As a result, many indigenous communities face challenges in proving their ownership or stewardship over land that has been passed down through generations, especially when such land does not have formal titles or is not registered under the national land system.

Moreover, the research highlights the importance of legal reform to bridge the gap between formal agrarian law and indigenous land rights. It was found that the current legal system often operates in a way that benefits corporate entities, particularly in areas designated for national strategic purposes. This imbalance leads to situations where corporations can easily secure land concessions without regard for the customary rights of indigenous communities. In contrast, indigenous peoples face substantial barriers when attempting to secure legal recognition for their land, which is often treated as informal or outside the bounds of the national legal system. Therefore, there is a critical need for legal reforms that will ensure the protection of indigenous land rights while also facilitating economic development in a manner that is just and inclusive.

Additionally, the study reveals that the relationship between indigenous communities and corporations is characterized by a fundamental clash of values. For indigenous peoples, land is not just a commodity, but a vital part of their culture, identity, and way of life. In contrast, corporations typically view land as a resource to be exploited for economic gain. This disparity in how land is perceived contributes to the escalation of conflicts, as indigenous communities are often unwilling



to relinquish control over land that holds cultural and spiritual significance. This conflict is particularly pronounced in strategic national concession areas, where the national interest in resource extraction can override the rights of local populations, further intensifying tensions.

One of the key findings of the study is the limited effectiveness of current conflict resolution mechanisms. Although the legal system in Indonesia provides formal dispute resolution processes, these mechanisms are often slow, bureaucratic, and not tailored to the specific needs of indigenous communities. In many cases, indigenous peoples are forced to rely on formal courts to resolve land disputes, but these courts are often ill-equipped to handle cases involving indigenous land rights, particularly when it comes to recognizing customary law or traditional land management practices. This disconnect between formal legal processes and the realities of indigenous land tenure further perpetuates the cycle of conflict, as indigenous groups often find themselves disadvantaged in legal battles against powerful corporate entities.

The research also identifies the crucial role of alternative dispute resolution mechanisms in addressing land tenure conflicts. In several instances, local and indigenous-led conflict resolution practices, such as community mediation and dialogue, have shown promise in resolving disputes in a manner that is more in line with the cultural values and practices of indigenous peoples. However, these mechanisms are not always recognized by the formal legal system, and their outcomes may not be legally binding. This lack of formal recognition of indigenous conflict resolution practices often undermines the effectiveness of these approaches, making it necessary for the legal system to incorporate and respect indigenous methods of resolving disputes as part of a broader, more inclusive conflict resolution strategy.

Lastly, the study emphasizes the need for a comprehensive legal reform that acknowledges both the economic importance of corporate development projects and the rights of indigenous communities. It highlights that addressing land tenure conflicts requires more than just legal reforms; it calls for a shift in the way that land is viewed, both legally and socially. A more inclusive approach to land governance, one that balances economic growth with the protection of indigenous rights, is essential for achieving long-term social justice and sustainable development in Indonesia. The study concludes that through a combination of legal recognition of indigenous land rights, the promotion of alternative dispute resolution mechanisms, and the integration of indigenous perspectives into national land policy, a more equitable and harmonious resolution to land tenure conflicts can be achieved.

Discussion

1. The Legal Recognition of Indigenous Land Rights

The legal recognition of indigenous land rights is one of the most pressing challenges in resolving land tenure conflicts between indigenous communities and corporations in Indonesia. Indigenous communities often hold ancestral claims to land that have been passed down through generations, yet these claims are frequently not acknowledged under the formal legal system. The lack of legal recognition of customary land tenure systems creates a significant barrier to the protection of



indigenous land rights, leaving communities vulnerable to encroachment by corporate entities. Indonesian agrarian law, while extensive in regulating land use, primarily focuses on individual land ownership and the formal registration of land titles, which often excludes the recognition of indigenous land tenure practices.

In addition, the Indonesian legal system fails to adequately bridge the gap between customary land rights and formal land ownership, leaving indigenous communities at a disadvantage when seeking legal protection. Without legal acknowledgment, indigenous communities are left without the means to defend their ancestral lands against corporate interests seeking to exploit the land for economic purposes. The historical lack of recognition has resulted in widespread land dispossession, with many indigenous groups losing access to their traditional territories, often without compensation or alternative land offers.

The government's policies regarding land allocation have often placed corporate interests above those of indigenous peoples, particularly in the case of large-scale development projects within strategic national concession areas. The situation is worsened by the government's failure to consult or involve indigenous communities in decisions related to land concessions. This exclusion from decision-making processes exacerbates the sense of injustice and helplessness experienced by indigenous peoples, as they are unable to legally protect their lands or even have a say in their future use.

One key issue is that agrarian law in Indonesia typically favors a legal framework that operates in a one-size-fits-all manner, ignoring the complex and diverse systems of land ownership and management that exist among indigenous communities. This lack of flexibility in the law prevents the formal recognition of indigenous land claims that do not conform to the standard practices of land titling. The research identifies this failure as a primary reason why many indigenous groups continue to experience land disputes and conflicts with corporations.

The legal recognition of indigenous land rights requires significant reform to the national legal system. These reforms should aim to integrate customary land rights into the broader framework of agrarian law while also respecting the traditional governance systems of indigenous peoples. Establishing a legal system that both acknowledges the existence of indigenous land claims and provides mechanisms for securing formal recognition is essential for ensuring the protection of these communities' rights.

Moreover, indigenous communities often face bureaucratic barriers when attempting to formalize their land claims, as the process of land registration can be prohibitively complex and expensive. This lack of accessibility to the legal system makes it difficult for indigenous peoples to navigate the formal processes required to secure their land titles. Legal reforms should aim to simplify the land registration process for indigenous peoples, making it more inclusive and responsive to the needs of these communities.



Further legal reforms should also include the establishment of a dedicated body or commission that can handle land disputes specifically related to indigenous communities. This body would act as a mediator between indigenous groups and corporations, ensuring that the rights of indigenous peoples are adequately represented in land negotiations. Additionally, the government should prioritize creating an institutional framework that supports the enforcement of land rights, ensuring that indigenous communities can exercise their rights to land without fear of displacement or exploitation.

Ultimately, the legal recognition of indigenous land rights is fundamental to resolving land tenure conflicts in Indonesia. Without this recognition, indigenous communities will continue to face systematic exclusion and dispossession, which will hinder efforts to achieve social justice and sustainable development. Legal reform is essential not only for resolving conflicts but for promoting long-term peace and reconciliation between indigenous communities and corporations.

Table 1, legal challenges and reforms for indigenous land rights in indonesia

Challenge	Impact on Indigenous Communities	Root Causes	Recommended Reforms
Lack of legal recognition of customary land tenure	Vulnerability to corporate encroachment and dispossession	Formal agrarian law prioritizes individual titles over ancestral claims	Integrate customary rights into national agrarian law framework
Failure to bridge customary and formal systems	Inability to defend lands legally; loss without compensation	Exclusion from land concession decisions	Mandate free, prior, informed consent (FPIC) in policy
Government favoritism toward corporations	Heightened injustice and helplessness in development projects	One-size-fits-all legal approach ignores diverse indigenous systems	Establish flexible titling processes tailored to indigenous practices
Bureaucratic barriers to registration	Prohibitive costs and complexity blocking formal claims	Inaccessible legal processes for remote groups	Simplify and subsidize land registration for indigenous peoples
Absence of dispute resolution mechanisms	Ongoing conflicts without mediation	No dedicated institutional support	Create indigenous land commission for mediation and enforcement



2. Corporate Interests and Indigenous Land Conflicts

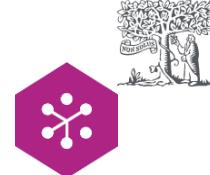
Corporate interests often dominate land use decisions in Indonesia, particularly in areas designated as strategic national concession zones. These zones, which include vast tracts of land allocated for industrial development, are frequently located on territories traditionally inhabited and managed by indigenous communities. Corporations pursuing economic activities such as mining, plantation agriculture, and forestry are often given priority access to these lands, even when they are home to indigenous peoples who have long relied on the land for subsistence and cultural practices. The research indicates that this prioritization of corporate interests over indigenous rights is a significant driver of land tenure conflicts in the country.

The government's role in facilitating these corporate interests often exacerbates the situation. By granting land concessions to corporations without consulting or seeking the consent of indigenous communities, the government disregards the rights and aspirations of these communities. The lack of a formal consultation process leads to feelings of powerlessness and injustice among indigenous groups, as they are excluded from the decision-making process that directly affects their land, livelihoods, and cultural heritage. This exclusion from land governance further entrenches the power imbalance between corporations and indigenous peoples, making it difficult for indigenous communities to assert their rights.

Another key issue identified in the study is the corporate approach to land as a resource to be exploited for profit. Corporations often view land solely through an economic lens, prioritizing the extraction of resources over the preservation of the environment and the protection of indigenous peoples' rights. In many instances, corporate activities such as logging or mining have devastating effects on indigenous communities, including the destruction of sacred sites, contamination of water sources, and displacement of people from their ancestral territories. These activities are frequently carried out with little regard for the cultural significance of the land or the long-term consequences for indigenous communities.

The research highlights the contrast between the values of indigenous communities and those of corporations. For indigenous peoples, land is not just a commodity but a sacred space that is intimately tied to their culture, identity, and spiritual practices. This deep connection to the land makes it extremely difficult for indigenous communities to accept its commodification or displacement. The research found that when corporate activities encroach on indigenous territories, they disrupt not only the physical landscape but also the cultural and social fabric of indigenous communities, often causing irreparable harm to their ways of life.

The conflict between corporate interests and indigenous land rights is further complicated by the economic power that corporations wield in shaping government policies and legal frameworks. Corporations often have the resources to influence land governance decisions in their favor, which results in the marginalization of indigenous voices. This dynamic creates a situation where the legal system tends to favor corporate interests, leaving indigenous communities with limited recourse to protect their lands. The research suggests that this imbalance of power needs to be



addressed through legal reforms that ensure corporate activities are balanced with the rights of indigenous peoples.

Moreover, the involvement of multinational corporations often leads to the intensification of land conflicts. These corporations frequently operate across borders, making it more difficult for indigenous communities to engage in direct negotiations. The sheer scale and financial capacity of multinational corporations often overwhelm local efforts to resist land encroachment. The research points to the need for stronger international and national regulations that hold corporations accountable for their impact on indigenous lands, ensuring that indigenous rights are respected in the context of global development projects.

The research also emphasizes the role of indigenous resistance movements in challenging corporate interests. Despite the challenges, indigenous communities have shown resilience in fighting for their land rights. These movements, often organized at the grassroots level, use a combination of legal challenges, protest actions, and advocacy to raise awareness of the injustices they face. The study finds that supporting these movements and amplifying indigenous voices is critical to achieving more equitable land governance practices that prioritize both the environment and human rights.

In conclusion, the research highlights that resolving land tenure conflicts requires finding a balance between corporate interests and the rights of indigenous communities. Corporations must recognize the cultural and environmental significance of indigenous land, while the government must ensure that indigenous peoples are included in land governance processes. A more inclusive and respectful approach to land management is essential for achieving sustainable development that benefits all stakeholders.

3. The Role of Agrarian Law in Conflict Resolution

Agrarian law plays a central role in regulating land tenure and resolving land conflicts in Indonesia, but its current application is often insufficient in addressing the needs of indigenous communities. The research highlights that while agrarian law provides a framework for land ownership and use, it fails to adequately consider the unique characteristics of indigenous land tenure systems, which are based on customary law rather than formal titles. This legal gap prevents indigenous communities from fully protecting their land rights and securing legal recognition of their ancestral lands.

The study identifies several key shortcomings in the application of agrarian law. One major issue is that agrarian law primarily focuses on individual land ownership, which does not align with the communal and collective land ownership systems practiced by many indigenous communities. The law's emphasis on individual titles creates a situation where indigenous peoples, who traditionally manage land collectively, cannot assert ownership over their ancestral territories. This misalignment between agrarian law and indigenous land practices leaves indigenous communities vulnerable to legal challenges from corporations and other external actors.



The research suggests that agrarian law must be reformed to better accommodate indigenous land rights. The reform should include provisions that explicitly recognize and protect indigenous land claims based on customary law, allowing indigenous communities to register their land claims within the formal legal system. Such reforms would provide indigenous peoples with the legal tools to defend their land rights in the face of encroachment by corporations or other land users. Furthermore, the research recommends that agrarian law be more flexible in accommodating the diverse forms of land tenure practiced by indigenous communities, allowing for greater recognition of traditional land management practices.

Another important finding of the study is the need for a more inclusive approach to land governance that respects the rights of indigenous peoples. Agrarian law must not only recognize indigenous land rights but also ensure that indigenous communities are consulted and involved in decision-making processes related to land use and development. The research emphasizes that the current legal framework does not require meaningful consultation with indigenous communities when land concessions are granted to corporations. This lack of consultation leads to conflicts, as indigenous peoples are often left out of decisions that affect their land and livelihoods.

The research also points out the need for effective mechanisms to enforce agrarian law and ensure that indigenous communities can access justice when their land rights are violated. The existing legal system is often slow and bureaucratic, making it difficult for indigenous peoples to navigate the process of securing their land rights. The study calls for the establishment of more accessible and efficient legal procedures for land dispute resolution, particularly in cases involving indigenous communities. These procedures should be tailored to the specific needs of indigenous peoples and should take into account their cultural practices and governance systems.

The role of agrarian law in conflict resolution is also tied to the broader issue of legal pluralism in Indonesia. Indigenous communities often operate within a dual legal system, where customary law exists alongside formal state law. The research suggests that the legal system should recognize this pluralism and allow for the coexistence of state law and customary law in land tenure matters. This would enable indigenous communities to use their own legal frameworks to protect their land rights while also engaging with formal legal processes when necessary.

Finally, the study highlights the importance of legal education and awareness among indigenous communities. Many indigenous groups are unaware of their legal rights under agrarian law, which leaves them vulnerable to exploitation. The research suggests that legal education programs should be introduced to inform indigenous communities about their rights and how to navigate the formal legal system. By empowering indigenous peoples with legal knowledge, they can better advocate for their land rights and engage more effectively in legal disputes.

In conclusion, the research finds that while agrarian law has the potential to play a key role in resolving land tenure conflicts, it must be reformed to better accommodate the needs of indigenous communities. Legal reforms should focus on recognizing and protecting indigenous land rights,



ensuring that indigenous peoples are consulted in land use decisions, and establishing more accessible mechanisms for resolving land disputes. Through these changes, agrarian law can become a more effective tool for achieving justice and resolving conflicts over land tenure.

4. The Importance of Alternative Dispute Resolution

Alternative dispute resolution (ADR) mechanisms play an essential role in resolving land tenure conflicts between indigenous communities and corporations in Indonesia. The research highlights that traditional legal processes, such as litigation in formal courts, can be slow, costly, and often inaccessible to indigenous communities. Many indigenous peoples face significant barriers in navigating the formal legal system, including a lack of legal representation, cultural differences, and unfamiliarity with complex legal procedures. These barriers make it difficult for indigenous communities to effectively resolve land disputes using the conventional legal system.

The study emphasizes the potential of ADR mechanisms, such as community mediation and traditional conflict resolution practices, to provide a more effective and culturally appropriate means of resolving land disputes. Indigenous communities have long used informal methods of dispute resolution that involve dialogue, negotiation, and consensus-building. These methods are often better suited to the social and cultural context of indigenous peoples, as they emphasize mutual understanding and respect for traditional values. By incorporating ADR mechanisms into the formal legal system, these traditional practices can be given greater recognition and support, making it easier for indigenous communities to resolve disputes without resorting to lengthy legal battles.

One of the key advantages of ADR is that it allows for faster and less formal resolution of conflicts. In the case of land disputes, ADR mechanisms can help to address issues related to land ownership, use, and access more quickly than the formal court system. This is especially important in cases where land is being contested by corporations, as delay in resolving disputes can lead to further encroachment on indigenous territories. By providing a faster route to resolution, ADR can help to prevent the escalation of conflicts and reduce the negative impact on indigenous communities. However, the research also identifies some challenges in implementing ADR mechanisms within the formal legal system. One major challenge is the lack of legal recognition of traditional conflict resolution practices. In many cases, indigenous-led ADR processes are not seen as legitimate by the state, which can undermine the effectiveness of these approaches. The research suggests that legal reforms should be introduced to formally recognize ADR mechanisms as a legitimate means of resolving land disputes, particularly those involving indigenous communities. This would help to bridge the gap between traditional and formal legal systems, creating a more inclusive and effective approach to conflict resolution.

Another issue is the lack of trained mediators and facilitators who can effectively implement ADR processes. While indigenous communities may have their own traditional mediators, these individuals are often not equipped to navigate the complexities of legal disputes involving corporations or the state. The study suggests that capacity-building programs should be introduced



to train mediators and facilitators in ADR techniques, helping them to effectively manage land disputes and ensure that the interests of both parties are fairly represented.

The research also highlights the potential for ADR to promote reconciliation and healing in situations where land conflicts have caused significant social and emotional harm. Formal legal processes often focus on determining legal ownership, which may not adequately address the underlying social and cultural issues that contribute to land disputes. ADR, on the other hand, emphasizes dialogue and mutual understanding, which can help to repair relationships between indigenous communities and corporations. By fostering better communication and cooperation, ADR can contribute to long-term peace and reconciliation.

In conclusion, the research underscores the importance of incorporating ADR mechanisms into the legal framework for resolving land tenure conflicts. ADR offers a culturally appropriate and effective means of addressing land disputes that respects indigenous values and provides a more accessible alternative to formal legal processes. Legal reforms should prioritize the recognition and integration of ADR into land governance, creating a more flexible and inclusive system for resolving land conflicts.

CONCLUSIONS

The study highlights the urgent need for comprehensive legal and policy reforms to address the land tenure conflicts between indigenous communities and corporations in Indonesia. The research underscores that the current agrarian law fails to adequately recognize indigenous land rights, leaving these communities vulnerable to exploitation and marginalization. Legal reforms should focus on explicitly incorporating indigenous land claims into the national legal system, ensuring that indigenous peoples are consulted in land use decisions, and establishing more accessible and culturally appropriate dispute resolution mechanisms. Furthermore, recognizing the value of alternative dispute resolution (ADR) can provide indigenous communities with more effective and timely means of resolving conflicts. Ultimately, these changes are necessary to promote social justice, balance corporate interests with indigenous rights, and foster sustainable development in Indonesia's strategic national concession areas.

References:

- [1] A. Dhiaulhaq and J. F. McCarthy, "Indigenous rights and agrarian justice framings in forest land conflicts in Indonesia," *Asia Pacific J. Anthropol.*, vol. 21, no. 1, pp. 34–54, 2020.
- [2] S. Rahman, A. Qahar, and N. Qamar, "Resolution of Land Rights Conflict Resolution of Customary Law Community at Foreign Investments Company," in *Journal of Physics: Conference Series*, IOP Publishing, 2018, p. 12179.
- [3] M. Abubakari, K. O. Twum, and G. A. Asokwah, "From conflict to cooperation: The trajectories of large scale land investments on land conflict reversal in Ghana," *Land use policy*, vol. 94, p. 104543, 2020.
- [4] A. Muthallib, "Agrarian Conflict in Aceh: The Intersection of Corporate Interests, Farmers' Rights, and Government Governance," *Jurisprudensi J. Ilmu Syariah, Perundangan dan Ekon. Islam*, vol. 17, no. 1, pp. 165–178, 2025.



- [5] L. Judijanto, "Agrarian Conflict and Customary Land Rights: An Adat Law Perspective on Land Dispute Resolution," *J. Adat R.*, vol. 1, no. 6, pp. 39–48, 2025.
- [6] W. Berenschot, "Land-use change conflicts and anti-corporate activism in Indonesia: A review essay," *J. East Asian Stud.*, vol. 22, no. 2, pp. 333–356, 2022.
- [7] T. M. Li, "Commons, co-ops, and corporations: assembling Indonesia's twenty-first century land reform," *J. Peasant Stud.*, vol. 48, no. 3, pp. 613–639, 2021.
- [8] H. Husendro, "Formulation of a Just Land Dispute Resolution Model: Derrida's Deconstruction Approach to the Former Dumai Concession Case," *J. Penelit. Huk. Jure*, vol. 25, no. 3, pp. 309–326, 2025.
- [9] W. Anseeuw, L. A. Wily, L. Cotula, and M. Taylor, "Land rights and the rush for land: Findings of the global commercial," *ILC Rome, Italy*, 2012.
- [10] S. M. Borras Jr and J. C. Franco, "Global land grabbing and trajectories of agrarian change: A preliminary analysis," *J. Agrar. Chang.*, vol. 12, no. 1, pp. 34–59, 2012.