

When Customary Land Meets Capital: Indigenous Sovereignty, State Legality, and Agrarian Dispossession in Kajang, Indonesia

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Abstract

This article examines the agrarian conflict between the Kajang Indigenous community and a plantation concession operating under Indonesia's Right of Cultivation regime. Moving beyond administrative explanations of overlapping land claims, it argues that the conflict reflects a structural reorganization of territorial sovereignty under concession based agrarian capitalism. Drawing on critical ethnography, the study analyzes how customary land embedded in relational governance, social reproduction, and ancestral obligation is reclassified as "state land" and transformed into concessionary space. This juridical reclassification constitutes a contemporary modality of dispossession mediated through legality rather than overt coercion. The Right of Cultivation regime functions as a legal technology that produces territorial abstraction, stabilizes capital accumulation, and institutionalizes hierarchical legal pluralism in which statutory sovereignty prevails over customary jurisdiction. Although Indigenous communities are formally recognized within national legal frameworks, such recognition remains conditional and does not redistribute territorial authority. Resistance in Kajang therefore represents not only opposition to corporate expansion but a political struggle over sovereignty and the authority to define land itself. By integrating Marxian political economy with decolonial theory, this article demonstrates that contemporary agrarian conflict in Indonesia is embedded in the operation of law and state centered sovereignty. It concludes that meaningful decolonization of land governance requires structural transformation of concessionary regimes rather than procedural recognition alone.

Keywords

Customary territoriality; Decolonial sovereignty; Indigenous land governance; Legal pluralism; Politics of recognition

Introduction

Across the Global South, land has become a central arena of struggle where Indigenous sovereignty confronts state sanctioned capitalist expansion. Agrarian conflicts are not merely technical disputes over property demarcation; they are structural confrontations over authority, legitimacy, and competing ontologies of land. In Indonesia, despite constitutional recognition of Indigenous peoples, large scale plantation expansion continues under the regime of the Right of Cultivation. The agrarian conflict between PT London Sumatra Indonesia Tbk (PT Lonsum) and the Kajang Indigenous community in South Sulawesi provides a critical site to examine how statutory land concessions intersect with customary territorial claims and how recognition can coexist with dispossession. Land, within many Indigenous epistemologies, is not a commodity but a living territory embedded in cosmology, collective identity, and intergenerational stewardship (Lima & Soares-Pinto, 2024; Lushombo, 2025). Among the Kajang community, land is regarded as ancestral inheritance governed by adat norms that regulate access, conservation, and spiritual obligations. Such understandings contrast sharply with capitalist land regimes that render territory legible, measurable, and alienable under formal instruments such as the Right of Cultivation. This ontological divergence, between land as relational territory and land as productive asset, forms the underlying tension in many contemporary agrarian conflicts.

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From a political economy perspective, plantation expansion in Indonesia can be interpreted as a process of accumulation by dispossession, where legal and bureaucratic mechanisms facilitate corporate access to land historically governed under customary systems (Kurniawan et al., 2024; Malinda, 2025). The granting and renewal of Right of Cultivation concessions institutionalize long term corporate control, often up to 35 years with possible extensions effectively transforming communal territories into concessionary space. Dispossession in this context is not always violent or spectacular; rather, it operates through administrative legality, licensing procedures, and regulatory frameworks that privilege statutory property regimes over customary tenure (Hartoto, 2025; Lund, 2025). Legal pluralism further complicates this landscape. Indonesia formally recognizes customary law within its constitutional framework, and Constitutional Court Decision No. 35/PUU-X/2012 affirmed that customary forests are not state forests. Yet recognition remains conditional and procedurally mediated, often requiring Indigenous communities to prove their existence through bureaucratic certification. Scholars have noted that such recognition frameworks can simultaneously acknowledge Indigenous identity while circumscribing territorial sovereignty (Bauder & Mueller, 2023; Fuentes & Fernández, 2022). This paradox symbolic inclusion alongside material exclusion generates structural vulnerabilities that intensify land disputes.

The conflict between PT Lonsum and the Kajang Indigenous community centers on overlapping territorial claims within areas covered by Right of Cultivation concessions. While the company operates under formally valid Right of Cultivation permits issued by the state, segments of the concession overlap with land claimed by the Kajang community as ancestral territory governed under adat authority. The renewal of concessions without meaningful consultation or free, prior, and informed consent (FPIC) has deepened tensions and reinforced perceptions of procedural injustice. The central problem, therefore, is not simply a contest over land administration, but a structural contradiction between state legitimated corporate legality and Indigenous territorial sovereignty.

Existing scholarship on Indigenous land conflicts in Indonesia and Southeast Asia can be grouped into three broad strands. First, normative legal analyses examine constitutional recognition, decentralization, and the implementation of customary land rights (Alfiyan et al., 2025; Yahya, 2025). Second, agrarian political economy literature situates plantation expansion within broader dynamics of land grabbing and global commodity chains (Beckert et al., 2021; Yang & He, 2021). Third, decolonial and Indigenous scholarship interrogates how recognition politics can reproduce colonial patterns of governance by subordinating Indigenous sovereignty to state defined criteria (Chawaremera, 2025; Komari, 2025). While these bodies of work provide valuable insights, two analytical gaps remain. First, there is limited integration between Indigenous epistemologies of land and critical political economy analyses of concession regimes. Customary law and capitalist land governance are often treated as parallel domains rather than intersecting regimes of authority. Second, localized case studies frequently document conflict dynamics descriptively without situating them within broader debates on dispossession, sovereignty, and decolonising land governance. The Kajang case offers an opportunity to bridge these literatures by examining how the Right of Cultivation regime functions as a legal technology that mediates and potentially restructures Indigenous territorial claims.

This article aims to analyze the agrarian conflict between PT Lonsum and the Kajang Indigenous community by examining (1) how the Right of Cultivation regime structures land control, (2) how customary territorial sovereignty is articulated and contested, and (3) how Indigenous resistance challenges the legitimacy of concession based governance. By integrating political economy and Indigenous sovereignty perspectives, this study seeks to contribute to debates on decolonising land governance in postcolonial states.

The urgency of this research lies in three interrelated dimensions. Empirically, agrarian conflicts remain widespread in Indonesia's plantation sector, affecting Indigenous communities across multiple provinces. Normatively, the persistence of such conflicts calls into question the transformative potential of constitutional recognition. Theoretically, the Kajang case compels a rethinking of land governance beyond formal legality toward frameworks that center Indigenous sovereignty, relational land ontologies, and epistemic justice. Without structural transformation, recognition risks functioning as administrative inclusion while dispossession continues through concessionary regimes. By situating the Kajang conflict within broader debates on dispossession and decolonisation, this article underscores the need to critically reassess the governance architecture underpinning plantation expansion in Indonesia.

Methods

This study adopts a critical ethnographic approach to examine the agrarian conflict between PT London Sumatra Indonesia Tbk (PT Lonsum) and the Kajang Indigenous community in South Sulawesi, with particular attention to overlapping territorial claims under the Right of Cultivation scheme. Critical ethnography is mobilised not only to document “what happened,” but to interrogate how state legality, corporate authority, and customary governance are lived, negotiated, and contested in everyday practices. Ethnography is crucial in this setting because land is not experienced solely as a material asset: for the Kajang, it is embedded in relational obligations, ancestral inheritance, and a normative order of living customary law (living law). Fieldwork combined limited participant observation and sustained immersion in community settings to capture embodied practices of territoriality, everyday interactions around land access, and the moral language through which legitimacy and injustice are articulated.

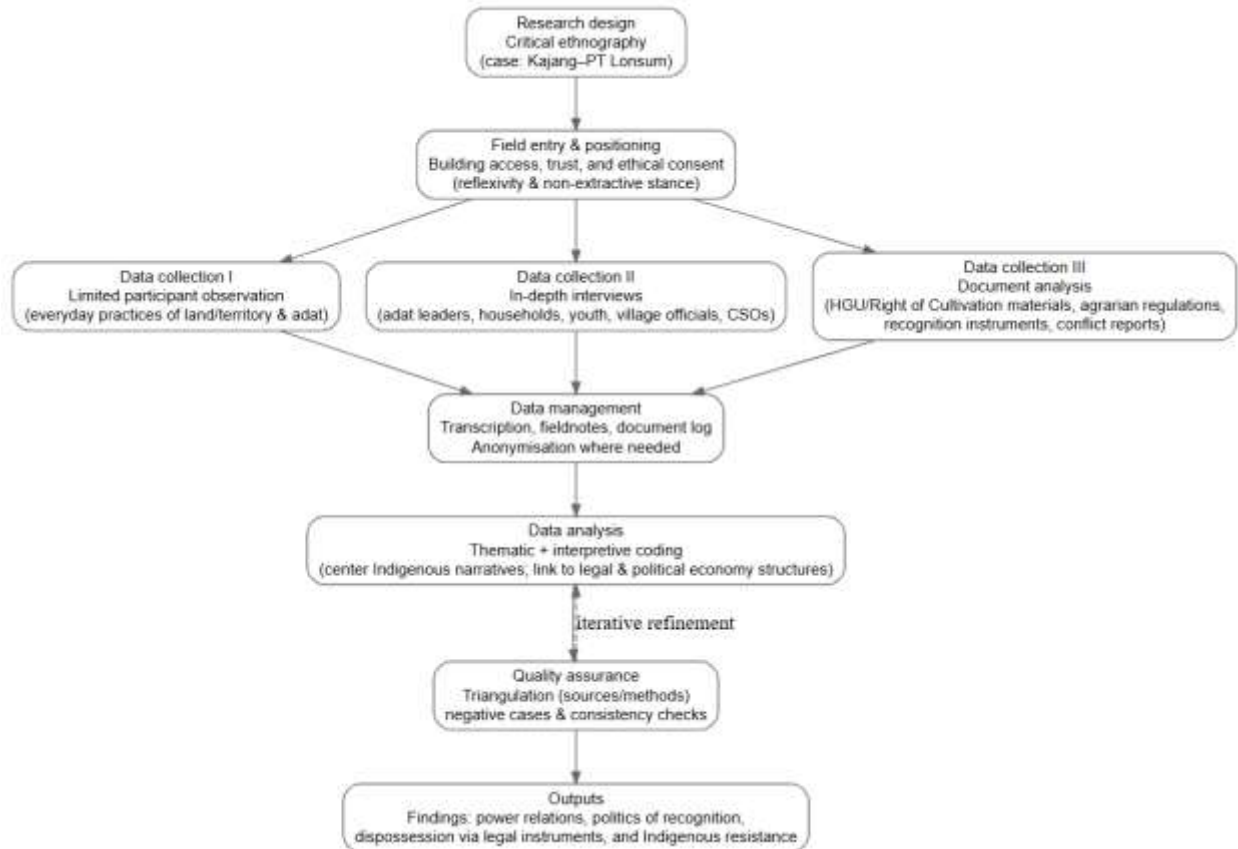


Figure 1. Research Design and Flow

Data collection further relied on in depth interviews with customary leaders, affected households, youth representatives, village officials, and civil society actors involved in advocacy and mediation, enabling the study to triangulate community narratives with institutional accounts. To situate lived experience within its governing architecture, the research incorporated document analysis of Right of Cultivation related materials (where accessible), national agrarian and customary recognition regulations, relevant jurisprudence, and agrarian conflict reports. Analytically, the study applies thematic and interpretive coding, placing Indigenous narratives and customary practices at the centre of interpretation while linking them to the broader political economy of concessions and recognition. This enables the article to move beyond an administrative description of dispute and instead reveal the underlying power relations, the politics of recognition, and the modalities of dispossession that operate through state legal instruments and bureaucratic procedures.

Results and Discussion

The conflict between PT London Sumatra Indonesia Tbk (PT Lonsum) and the Kajang Indigenous Community cannot be understood as a mere administrative boundary dispute, but rather as a concrete expression of an agrarian structure that brings together capital, the state, and indigenous communities in an asymmetrical power relationship. Ethnographic findings indicate that the tensions that arise are rooted in fundamental differences in the meaning of land, in the legal mechanism of the Right to Cultivate that allows concessions to operate on indigenous territories, and in a legal configuration that subordinates customary recognition. By linking the local experience of the Kajang with national agrarian conflict data and the framework of Marx's political economy, this section shows that the conflict is part of a broader structural process: the separation of communities from their means of production through legal instruments of the state.

Land as a Living Space: Customary Ontology and the Transformation of Relations of Production

Ethnographic findings indicate that for the Kajang Indigenous community, land is not positioned as a self-contained economic object, but as an inherent part of a cosmological, social, and moral order that shapes the community's very existence. In multiple interviews, informants consistently used the term *pusaka* to refer to land a term signifying ancestral inheritance inseparable from collective identity. A customary leader stated:

“Land is not merely a garden or a rice field. It is a trust from our ancestors. If the land is sold or taken, it means we sever our relationship with them.” (Interview, Customary Leader, 2024)

This statement reflects that land is understood as a relational entity it connects past, present, and future within a structure of continuity. In the Kajang context, the human land relationship is not merely utilitarian but normative and spiritual. Land constitutes the foundation of customary legitimacy, a source of livelihood, and a space of social reproduction. Its management is governed by adat norms that determine who may cultivate certain areas, how harvests are distributed, and which ecological limits must be respected. Thus, land forms the basis of a communal system of production integrated with customary authority structures. However, when this customary territory was incorporated into the concession map of the Right of Cultivation, a fundamental transformation occurred in the relations of production that had been sustained across generations. Land that had previously circulated within communal social relations was reclassified as “state land” and subsequently allocated as a plantation production concession (Fraser et al., 2025). This process marked an ontological shift: land was reduced to a spatial unit that could be measured, classified, and exploited according to the logic of productivity and accumulation.

From a Marxian perspective, this moment can be read as a process of separating direct producers from their means of production. Land as a means of production previously under communal control shifted into the control of capital through legal mechanisms. Marx described primitive accumulation as the historical process by which producers are separated from the means of production, compelling them into capitalist relations of production. In the Kajang context, this separation does not always take the form of overt physical expulsion, but rather manifests through restricted access, changes in legal land status, and strengthened corporate control over territory previously governed under customary authority.

A resident whose land falls within the concession area explained:

“We used to cultivate there freely. Now we must first check the Right of Cultivation boundary. If we go too far, it is considered a violation.” (Interview, Community Member, 2024)

This testimony illustrates how changes in legal land status restructure everyday practices. Space that was once accessed as part of communal rights has become surveilled and restricted territory. In other words, communal relations of production are replaced by capitalist relations oriented toward commodification and accumulation. This transformation affects not only household economies but also the broader social structure of the community. As access to land becomes limited, dependence on the market increases. Subsistence production is gradually displaced by the need to purchase commodities that were previously self produced. The process demonstrates how capital does not merely appropriate physical space but reorganizes the patterns of social reproduction within the community. Furthermore, the reduction of land to a commodity alters the value structure attached to customary territory. In a capitalist system, land value is measured through productivity and profitability. In contrast, within the Kajang customary system, land value is measured through

sustainability, ecological balance, and fidelity to ancestral inheritance (Ardilla et al., 2025). This divergence generates an epistemic tension: two distinct knowledge systems confront each other within the same geographical space.

Thus, the conflict cannot be reduced to an issue of administrative boundaries or documentary ambiguity (Cappellaro et al., 2021; Meehan & Pinnington, 2021). Rather, it reflects a fundamental clash between two ontologies of land and two relations of production. On one side stands land as a means of production within concession based capitalism; on the other, land as a living space within communal customary logic. When the state, through the Right of Cultivation instrument, validates one ontology over the other, dispossession becomes not only material but also epistemic and normative. These findings demonstrate that the agrarian conflict in Kajang represents a concrete expression of the transformation of relations of production mediated through state legality. Land as the basis of communal social reproduction is repositioned within a capitalist production system, generating structural tensions that extend beyond administrative dispute. In this context, the Right of Cultivation functions not merely as a business permit, but as a mechanism that institutionalizes the shift from communal to capitalist relations of production.

If examined more closely, the Kajang community's relationship with land is not merely a form of collective ownership, but a structure of being. In field conversations, several informants did not use the term "owning land," but rather "guarding the land" or "being entrusted with the land." This linguistic shift is analytically significant. It indicates that within the customary framework, land is not an object held under absolute ownership, but an entity carrying moral and spiritual responsibility.

A community leader explained:

"We are not the owners of the land. We are only its guardians. The land belongs to adat and to our ancestors. If it is damaged, we bear the consequences." (Interview, Community Leader, 2024)

This narrative affirms that the relationship to land is fiduciary grounded in trust and obligation rather than based on absolute individual rights as in modern property law. Land thus forms part of the structure of social reproduction: it ensures food security, ecological continuity, and community stability.

From a Marxian perspective, social reproduction is a crucial dimension of relations of production. Production does not merely generate commodities; it also reproduces the social conditions that make production possible. Within the Kajang customary system, land enables social reproduction to occur without full dependence on the market. When access to land is restricted due to the Right of Cultivation concession, it is not only economic production that is disrupted, but also the mechanisms of social reproduction within the community (Joshi, 2024; Ossome, 2021). This transformation illustrates what Marx referred to as the commodification of the means of production. Land, previously embedded in a logic of use value, is reduced to exchange value. Its worth is no longer measured by community sustainability, but by its capacity to generate profit within the plantation system. The shift from use value to exchange value reflects the penetration of capitalist logic into a space previously regulated by communal norms.

This process also produces new forms of dependency. Several residents explained that as access to land diminishes, economic options become increasingly limited. Some are compelled to work as daily laborers in informal sectors or rely on seasonal wage labor. This situation demonstrates how separation from the means of production does not always immediately proletarianize a community in full, but instead creates conditions of semi proletarianization where autonomy over production is lost, yet incorporation into stable wage labor remains incomplete. Within the framework of primitive accumulation, this process reveals the contemporary character of dispossession: not merely expropriation through overt violence, but through legalization, remapping, and administrative classification (Issar, 2021; Scobie et al., 2024). The Right of Cultivation becomes the instrument through which such transformation occurs without visible coercion. Legal legitimacy functions as a mechanism of normalization.

Moreover, changes in land status generate what, in Marxian analysis, may be read as commodity fetishism in the agrarian context. Land as a plantation commodity appears as a neutral entity legally authorized by the state, while the underlying social relations namely the historical process of separating the community from its territory become obscured. In other words, law renders power relations as ordinary administrative facts. From an ethnographic perspective, the impact of this transformation is also visible in shifting everyday practices (Canfield, 2023; Parissopoulos et al., 2026). Several informants noted that younger generations are beginning to lose their attachment to land as access becomes increasingly restricted. Whereas knowledge of customary territorial boundaries was previously transmitted orally through practice, boundaries are now determined by concession coordinates and administrative markers. This spatial transformation is simultaneously an epistemic transformation from experiential territorial knowledge to document based and state mapped knowledge.

At this point, the conflict becomes not only material but also symbolic. Land as a living space undergoes a process of abstraction. It is reduced to hectares, certificates, and concession documents. Yet within customary cosmology, land is never merely a number; it is a space of relationships. Thus, the conflict in Kajang may be understood as a clash between two production systems and two value systems that are fundamentally incompatible. On one side stands a capitalist production system dependent on land concentration and accumulation; on the other, a communal production system grounded in social distribution and ecological sustainability. The Right of Cultivation serves as the point of articulation of this transformation: it mediates the shift in relations of production while stabilizing capitalist dominance through state legality.

These findings underscore that land in the Kajang context is not simply a source of conflict, but an arena in which relations of production, power structures, and divergent ontologies intersect and confront one another. Therefore, understanding this conflict requires an analysis that moves beyond administrative legality and enters the structural terrain of how capital operates through law to reorganize the living space of Indigenous communities.

The transformation of relations of production experienced by the Kajang community did not occur in a vacuum. The shift from land as a living space to land as a productive asset was not merely the result of spontaneous capitalist expansion, but was mediated through concrete institutional mechanisms. At this juncture, state law plays a central role. If the previous discussion demonstrated how land was reduced to a commodity within agrarian capitalism, the subsequent question becomes: through what mechanisms is this reduction institutionalized and normalized? Field findings indicate that the ontological transformation of land acquires its operational form through the Right of Cultivation scheme. The Right of Cultivation is not simply an administrative permit; it is a legal instrument that transforms territory from a relational space grounded in customary authority into concessionary space structured by capitalist production. By designating certain areas as “state land” eligible for allocation to commercial enterprises, the state simultaneously abstracts the historical reality of customary control and reduces it to formal legal categories.

From a Marxian perspective, if primitive accumulation refers to the process by which producers are separated from their means of production, then the Right of Cultivation may be understood as a contemporary manifestation of that mechanism a legal technology that enables separation to occur through authorized and documented procedures. Dispossession no longer appears as overt violence, but as the outcome of classification, mapping, certification, and licensing. Law becomes the medium through which power relations are transformed into ostensibly neutral administrative facts. A comprehensive understanding of the Kajang conflict therefore requires moving from an analysis of land ontology and relations of production toward an examination of how state legal instruments operate as apparatuses that reorganize space and authority. The following sub section analyzes how the Right of Cultivation functions as a legal technology of dispossession that institutionalizes concessionary dominance over customary territory.

The Right of Cultivation as a Legal Mechanism of Capital Accumulation

The restructuring of Kajang customary territory cannot be adequately understood without situating the Right of Cultivation within Indonesia’s broader agrarian political economy. The Right of Cultivation is formally designed as a cultivation right granted over state land for large scale agricultural enterprises. However, in practice, it operates as a legal mechanism that institutionalizes capital accumulation by transforming socially embedded territory into concessionary production space. Rather than functioning as a neutral administrative instrument, the Right of Cultivation constitutes a juridical infrastructure through which land is abstracted, classified, and

reorganized according to the imperatives of plantation capitalism. The first decisive moment in this process lies in the legal designation of land as “state land.” This categorization precedes and enables the issuance of Right of Cultivation permits. By classifying territory under state authority, the historical and social embeddedness of customary land governance is rendered secondary to formal land administration. The act of classification itself constitutes a form of abstraction: it detaches land from its relational context and redefines it as an allocable resource. Once incorporated into cadastral systems and concession maps, land becomes legible primarily in terms of productivity, hectares, and investment potential (Chigbu et al., 2021; Suchodolski, 2025).

From a Marxian standpoint, this transformation reflects a contemporary form of primitive accumulation. Marx described primitive accumulation as the historical separation of producers from their means of production through enclosure and state intervention. In the Indonesian context, enclosure does not necessarily occur through visible coercion but through regulatory procedures. Mapping, licensing, boundary demarcation, and certification collectively perform the function of enclosure. The Right of Cultivation thus represents a juridical enclosure an administrative process that formalizes the separation of Indigenous communities from their means of subsistence. The legal temporality of Right of Cultivation further consolidates accumulation. Concessions are typically granted for long durations, often with the possibility of extension. This duration stabilizes corporate territorial control and reduces the reversibility of land reallocation. During the concession period, corporate rights are framed as legally protected, while community claims become subject to verification, negotiation, or contestation within state defined parameters (Epstein et al., 2025). This inversion of legitimacy where prior customary presence must be proven against concessionary documentation illustrates how legality reorganizes hierarchies of authority.

National agrarian conflict data confirm that this dynamic is structural rather than incidental. Annual reports by the Consortium for Agrarian Reform (KPA) consistently identify plantation concessions, particularly those operating under Right of Cultivation, as a leading source of agrarian conflict in Indonesia. In recent years, the plantation sector has accounted for a substantial proportion of total agrarian disputes, affecting thousands of households and extensive land areas. The recurrence of conflicts involving overlapping Right of Cultivation concessions and community claims suggests that accumulation through legality is embedded in the concessionary regime itself.

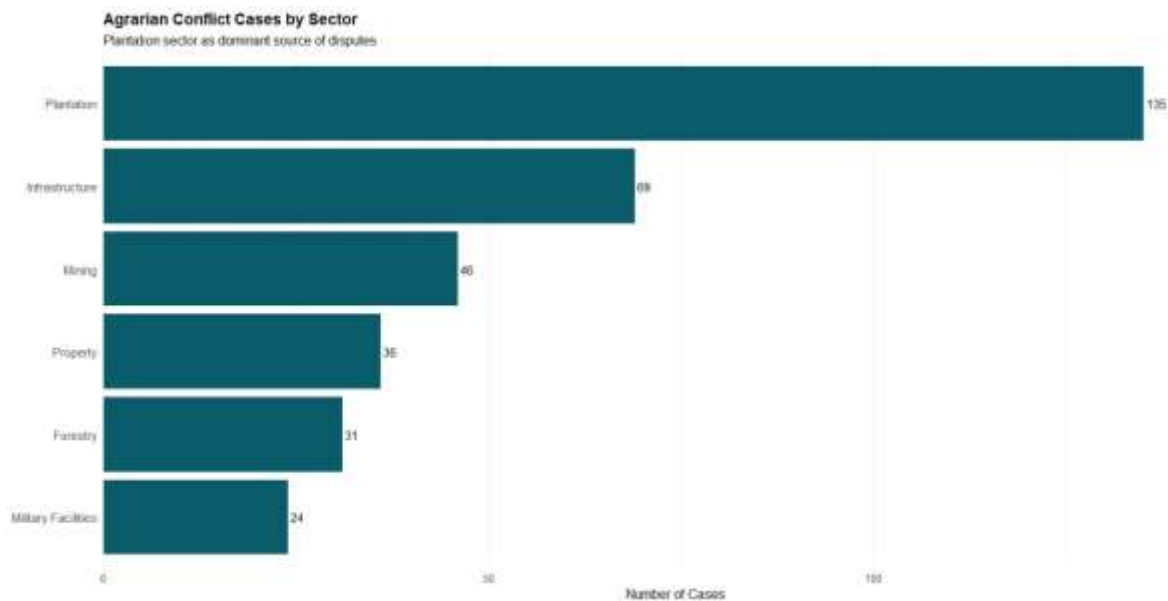


Figure 2. Number of Agrarian Conflict Cases in Indonesia by Sector (2025)

Source: katadata

This visualization demonstrates the structural concentration of agrarian conflicts within the plantation sector. The predominance of plantation related disputes indicates that Right of Cultivation based concessions constitute a central site of land contestation. The Kajang case, therefore, is not an anomaly but a localized expression of a broader national pattern. Beyond statistical frequency, the structural function of Right of Cultivation lies in its capacity to normalize territorial abstraction. Once land is converted into concession units measured in hectares, its social history is rendered invisible. Legal documentation substitutes for lived territoriality. This abstraction aligns with Marx's analysis of how capitalist relations obscure the historical processes underpinning accumulation. Land appears as a legally sanctioned productive asset, while the conditions of its reclassification namely the displacement or marginalization of prior communal authority are depoliticized. Furthermore, the state's role in issuing, extending, and enforcing Right of Cultivation permits demonstrates that accumulation is not external to governance but produced through it. The state provides juridical certainty, regulatory continuity, and enforcement capacity. In doing so, it does not merely regulate accumulation; it actively constitutes the legal conditions that make accumulation possible. Law becomes a productive force in its own right.

At the local level, the effects of this regime are visible in the reorganization of spatial authority. Concession boundaries replace customary territorial markers. Administrative maps supersede oral histories of land use. Community activities that once fell within customary negotiation become subject to corporate surveillance and regulatory compliance. This reordering of authority illustrates how accumulation through legality extends beyond economic appropriation to encompass governance transformation. In this sense, the Right of Cultivation functions as a legal mechanism of capital accumulation not because it directly confiscates land through violence, but because it institutionalizes the conversion of communal territory into concessionary property. Dispossession becomes embedded in procedure rather than spectacle. Accumulation proceeds through documentation, classification, and administrative stabilization. The Kajang conflict thus reveals that agrarian dispossession in contemporary Indonesia is structured within the concessionary legal regime itself (Peterson et al., 2025). The Right of Cultivation does not merely authorize cultivation; it reorganizes territory, redefines legitimacy, and stabilizes capital's claim over land. Understanding this mechanism is essential to situating local conflict within the broader architecture of agrarian capitalism.

To deepen the analysis of the Right of Cultivation, it is necessary to move beyond its characterization as a legal instrument and situate it within a theory of the state. Following Nicos Poulantzas, the state should not be understood as a neutral arbiter standing above society, but as a *material condensation of a relationship of forces among classes*. State institutions, legal frameworks, and policy instruments crystallize and stabilize historically specific configurations of class power. From this perspective, agrarian policy and specifically the Right of Cultivation regime cannot be treated as a purely technical regulatory mechanism. Rather, it represents a concrete institutional expression of class relations embedded in the agrarian political economy. In the context of Indonesian agrarian capitalism, the Right of Cultivation regime reflects the condensation of forces linking plantation capital, bureaucratic land administration, and developmental state priorities. The state does not directly appropriate land for capital; instead, it constructs the legal architecture through which capital gains legitimate access to territory. In doing so, it transforms sovereign authority into a mechanism that facilitates accumulation. The legal classification of land as "state land," followed by the issuance of concessionary rights, materializes a specific alignment between state power and capitalist expansion.

Bob Jessop's strategic relational approach further clarifies this dynamic. According to Jessop, state structures are characterized by *strategic selectivity*: they privilege certain strategies, actors, and interests over others. The institutional configuration of the state is not neutral but selectively responsive to particular forms of socio economic strategy. Within concession based land governance, strategies aligned with capital accumulation enjoy structural advantages. Plantation enterprises benefit from regulatory certainty, long term concession rights, and enforceable territorial boundaries. By contrast, Indigenous territorial claims must navigate procedural verification and administrative translation within frameworks designed primarily to stabilize investment. The Right of Cultivation regime thus exemplifies institutional selectivity in action. While customary communities are formally acknowledged within national legal discourse, the state's legal architecture remains structurally more compatible with the imperatives of large scale agrarian capital (Kaneko et al., 2021). This does not imply that the state is a simple instrument of capital; Poulantzas emphasized the concept of *relative autonomy*, whereby the state retains a degree of independence in managing contradictions within capitalism. However, this autonomy operates within limits defined by the need to reproduce capitalist social relations. In

the agrarian sector, this means that while the state may mediate disputes or recognize customary status, it simultaneously preserves the concessionary framework that secures long term accumulation.

Through mapping, land classification, concession issuance, and boundary enforcement, the state reorganizes territorial space in ways that reflect and stabilize class relations. The juridical form of the Right of Cultivation condenses these relations into administratively enforceable rights. Territory is restructured not simply through market exchange, but through sovereign authority exercised in legal form. In this sense, the state is not external to accumulation; it is constitutive of it. This theoretical lens also clarifies why agrarian conflict in Indonesia appears recurrent and systemic rather than episodic. If the state represents a condensation of class forces, then policy reform at the margins cannot easily alter the structural alignment between concessionary legality and capital accumulation. Conflict emerges as an expression of the underlying antagonism between accumulation and social reproduction. Indigenous communities dependent on land for collective life confront a territorial order organized to secure exclusive, long term corporate control.

The Right of Cultivation regime therefore embodies the state's role as a strategic organizer of space in the service of agrarian capitalism. It institutionalizes a hierarchy of territorial authority in which statutory sovereignty overrides customary jurisdiction. This hierarchy is not incidental but embedded in the structural selectivity of state institutions. The Kajang conflict, when viewed through this lens, is not a deviation from normal governance but a moment in which the condensation of class relations within the state becomes visible and contested. Understanding Right of Cultivation as a legal mechanism of capital accumulation thus requires recognizing the state as a site where class relations are materialized in territorial form. Law does not merely regulate economic activity; it structures the spatial and juridical conditions under which accumulation becomes durable and legitimate. In contemporary Indonesia, concessionary land governance reveals how sovereign authority is mobilized to stabilize agrarian capitalism, even as it generates recurring sites of resistance.

Recognition, Resistance, and the Politics of Territorial Sovereignty

The Kajang case illustrates that agrarian conflict under concession based land regimes is best understood as a struggle over territorial sovereignty rather than a mere contest over land access. Territorial sovereignty here refers to the authority to define, govern, and legitimate space who can decide what land *is*, how it can be used, and whose claims count as legally and politically binding. In this sense, the conflict is not simply about hectares or boundaries; it is about the competing institutional orders through which territory is constituted: the state's concessionary regime and the Kajang community's customary governance. The politics of recognition becomes central because it determines whether customary authority is treated as a co equal jurisdiction or as a contingent cultural status subordinate to statutory legality (Mitchell, 2021).

In Indonesia's post authoritarian legal discourse, Indigenous peoples (*masyarakat hukum adat*) are formally recognized, yet recognition operates through conditionality. The state does not recognize customary communities as sovereign territorial polities by default; rather, it recognizes them as administrative subjects whose status must be verified, codified, and continuously aligned with bureaucratic criteria. This proceduralization renders recognition less a guarantee of rights than a gatekeeping mechanism. It shifts the locus of authority from customary governance to the state: the community may *be* Indigenous, but the state retains the power to determine when that indigeneity is legally consequential for territorial control. This conditional recognition produces a structural asymmetry in the burden of proof. Corporate rights under the Right of Cultivation are presumed legitimate once documented, while customary rights must be demonstrated through forms of evidence that often privilege written records, cadastral maps, and administrative certification over oral histories, embodied territorial knowledge, and living customary practice. The result is a hierarchy of intelligibility: certain claims are legible as "law" from the outset, while others must be translated into the epistemic language of the state to become actionable.

From a decolonial standpoint, this is a signature feature of coloniality in governance: the continued elevation of state centric legal epistemologies as the universal standard against which other normative orders must be measured. The state's recognition apparatus does not merely *acknowledge* customary authority; it actively reshapes it. Customary institutions become compelled to adopt external representational forms maps, dossiers, legal definitions often at the cost of their own relational modes of territorial governance. Recognition thus risks becoming a technology of incorporation: it includes Indigenous communities within the state's administrative gaze while leaving the concessionary structure intact. A key implication is that recognition, when

not coupled with redistribution of territorial authority, may function as symbolic inclusion (Weißermel, 2021). The community is recognized as culturally distinct yet remains materially dispossessed, or at least territorially constrained, when concessions overlap with customary space. This produces what can be theorized as “recognition without sovereignty” a condition in which identity is affirmed but jurisdiction is withheld. In the Kajang case, the core issue is not simply whether the community is acknowledged, but whether its territorial governance is granted decisive authority vis à vis concessionary legality.

Legal pluralism is often celebrated as the coexistence of multiple normative orders. Yet the Kajang case demonstrates that pluralism, in practice, is frequently hierarchical. Customary law and state law may coexist discursively, but their interaction is structured by unequal authority. The state retains the capacity to decide when and how customary norms matter, particularly in contexts where land is tied to development agendas and investment frameworks. The encounter between Right of Cultivation based concessions and customary territorial claims exemplifies this hierarchy. The concession regime is backed by statutory authority, bureaucratic infrastructure, and enforcement capacity. Customary governance, even where socially robust, is positioned as supplementary: it may regulate internal community affairs but becomes negotiable when it collides with concessionary space. This hierarchy is not accidental; it is constitutive of the postcolonial land regime. Territorial authority is centralized, and customary orders are recognized to the extent that they do not disrupt the political economy of concession (Davis & Müller, 2025).

In Marxian terms, this hierarchy reflects the state's role in stabilizing the conditions for capital accumulation. Land concessions are not simply economic arrangements; they are legal political projects that require a specific ordering of authority. The state's concessionary sovereignty depends on its ability to define territory as allocable and to render competing claims manageable, negotiable, or deferrable. Customary sovereignty becomes “local” in the narrowest sense recognized as cultural governance but denied as an alternative locus of territorial rule. This produces a structural contradiction: the state proclaims recognition of customary communities while simultaneously maintaining a land regime that structurally undermines customary territorial control. The contradiction surfaces most sharply when the community's living law asserts territorial boundaries and governance practices that do not align with concession maps. At that point, pluralism becomes conflict not because two systems exist, but because one system is empowered to override the other. Within this hierarchical pluralism, resistance emerges not as episodic protest but as a politics of re territorialization. That is, resistance seeks to reassert territorial authority against the abstraction and reclassification imposed by concessionary governance. Importantly, resistance in Kajang should be understood as both material and epistemic.

Materially, resistance aims to protect access, livelihoods, and the integrity of customary space. But analytically, its deeper significance lies in the contest over how territory is constituted. Resistance challenges the state's monopoly over the categories through which land is made legible: “state land,” “concession,” “encroachment,” “permit,” “renewal.” These terms do not merely describe reality; they produce it. To contest them is to contest the political ontology of land governance. This is why practices such as participatory mapping, collective documentation of customary boundaries, and public articulation of adat territorial narratives are not merely technical strategies. They are counter claims that seek to displace concessionary representations with alternative territorial epistemologies. Mapping becomes a political act: it attempts to re inscribe land as lived territory rather than concessionary space. In doing so, resistance disrupts the abstraction central to accumulation through legality. From a Marxian perspective, resistance can also be read through the lens of class antagonism, though not in a reductive sense. The Kajang community is not simply a “class” in the classical industrial sense; yet the conflict expresses an antagonism between capital's need to secure land for accumulation and the community's need to secure land for social reproduction. The struggle is therefore about the organization of production and reproduction. Land is the key means through which the community sustains life; for capital, land is the means through which value is extracted. The contradiction is structural, and resistance is a rational response to the threat posed to the material basis of reproduction.

A decolonial reading adds that resistance is also a defense of sovereignty against the coloniality of governance. It resists the reduction of Indigenous territoriality to an object of administrative management. By insisting that customary authority is not merely cultural but jurisdictional, resistance challenges the state's claim to exclusive sovereignty over territory (Ghaddar, 2021; Riyanto, 2025). The Kajang conflict foregrounds a central dilemma in postcolonial governance: the coexistence of competing jurisdictions within a single national legal order. The state's concessionary sovereignty assumes that territory is ultimately governed through statutory instruments

permits, titles, concessions issued by centralized authority. Customary sovereignty assumes that territory is governed through relational obligations, ancestral legitimacy, and living normative orders. These are not simply different rules; they are different foundations of legitimacy.

The politics of territorial sovereignty emerges precisely at the point where these foundations collide. When Right of Cultivation overlap with customary territory, the conflict is not only between company and community but between sovereignty claims: who has the final authority to decide? The state's recognition framework often seeks to manage this collision by offering procedural solutions consultations, compensation, mediation without confronting the underlying issue of jurisdiction. Yet such measures leave sovereignty asymmetry intact: the concession remains the default legal reality, and customary claims must negotiate within it. This reveals the limits of recognition when it is decoupled from sovereign authority. Recognition can become a mode of governance that stabilizes the status quo: it acknowledges Indigenous identity while absorbing Indigenous claims into the administrative machinery of the state. The result is a domestication of sovereignty customary governance is tolerated as long as it does not restructure territorial allocation (Montenegro de Wit, 2022). Here, the Kajang case invites a broader analytical conclusion: in concession based land regimes, recognition tends to be compatible with dispossession unless it is paired with a fundamental redistribution of territorial decision making power. In other words, recognition without jurisdiction is insufficient. Territorial sovereignty is not a symbolic attribute; it is an institutional capacity to govern land and to veto territorial transformations that threaten the community's reproduction.

The preceding analysis suggests that framing the Kajang conflict as an administrative dispute over boundaries, documents, or procedural irregularities obscures its structural stakes. The conflict is a contestation over the architecture of land governance. Right of Cultivation based legality functions as an infrastructure for accumulation; recognition frameworks function as gatekeeping mechanisms that regulate the terms under which customary authority may become legally consequential. Resistance emerges as re territorialization, challenging not only outcomes but the categories through which land governance is constituted. Seen in this light, the Kajang case is analytically generative for broader debates on Indigenous studies and decolonising governance. It demonstrates that the question is not simply whether Indigenous communities are recognized, but whether recognition dismantles colonial continuities in territorial administration. It also shows that law is not a neutral terrain on which competing claims meet; it is an active force that produces legibility, allocability, and enforceability in ways that tend to privilege capital. Ultimately, the politics of territorial sovereignty in Kajang underscores a deeper tension in the postcolonial state: whether land governance will be organized around concessionary accumulation or around the co equal authority of Indigenous territorial orders. This tension cannot be resolved through technical fixes alone. It requires confronting the distribution of sovereignty, the epistemic foundations of legality, and the structural relationship between state authority and capital accumulation.

Conclusion

This article has argued that the agrarian conflict in Kajang is not merely an administrative dispute but a structural reorganization of territorial authority under concession based agrarian capitalism. Through a Marxian and decolonial lens, it demonstrates that dispossession operates through legality itself. The Right of Cultivation functions as a juridical mechanism that abstracts customary territory into concessionary space, stabilizing capital accumulation while rendering this transformation administratively neutral. The analysis shows that land in Kajang is embedded in social reproduction and relational governance. Its reclassification as "state land" marks a shift in relations of production, separating communities from the material basis of their autonomy. This process reflects a contemporary modality of primitive accumulation, mediated not by overt coercion but by bureaucratic rationality and legal authority. From a decolonial perspective, concessionary land governance reproduces colonial continuities within the postcolonial state. Recognition of Indigenous communities remains conditional and subordinated to state sovereignty over land allocation. As such, recognition without redistribution of territorial authority fails to address structural inequality. Resistance in Kajang thus represents a struggle over jurisdiction and sovereignty rather than simply access. The conflict exposes the tension between concessionary sovereignty and Indigenous territorial authority an antagonism embedded in the architecture of land governance itself. Decolonizing land governance requires more than procedural reform. It demands a reconfiguration of sovereignty that places Indigenous territorial orders on co equal footing with state law. Without such transformation, concession-based accumulation will continue to define the limits of recognition and perpetuate structural dispossession.

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