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Indigeneity and the State in Indonesia: The Local Turn in the Dialectic of Recognition

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Abstract 21

When the indigenous peoples' movement emerged in the 1990s and grew stronger in the wake of *reformasi*, people formally termed “backward” and “primitive” suddenly emerged as political actors. This article traces the relationship between the state and the idea of the original, sometimes referred to as the autochthonous, sometimes as the indigenous, in Indonesian history and analyses how these relationships are reflected in legislation on land issues, the major concern of recent indigenous movements. In a second step, the article deals with current political strategies of the indigenous movement (AMAN), concluding that the movement is shifting its efforts from the “centre” (national legislation), to the provinces and the margins, a process we term the “local turn” in the indigenous people’s movement in Indonesia. By drawing on the example of Enrekang, South Sulawesi, the contribution shows how *peraturan daerah* (local regulations) provide a basis for recognition within the margins of the Indonesian nation state.

Keywords

Indonesia, indigenous movements, indigenous identity, political strategy, South Sulawesi

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Introduction

The indigenous is always what is conceptualised as the original, and when it comes to indigenous peoples, the idea of the marginal is crucial too. This is especially true in the context of Asia, where most societies are indigenous in the sense that their ancestors were not settlers who came from overseas to replace large parts of the original population, as is the case in North America or Australia (for a discussion on the Asian context, see Kingsbury, 2008). In Indonesia, the authoritarian so-called New Order regime rejected the concept of indigenous peoples as it was argued that all Indonesians (except those of Chinese, Arab, and Indian descent) have ancestors from the archipelago (Li, 2000: 149). However, as the New Order regime aimed to “civilize” people, especially in the outer islands and in the forests, hills, and mountains of the interior of the large islands, it reinforced the dichotomy between the margins and the centre. In post-New Order Indonesia, however, this originally derogatory ascription as marginal, backward, estranged, and alienated became a site of opportunity (Grumbly, 2017: 53–56). Applying the idea of indigeneity from transnational discourses to local contexts in Indonesia, the indigenous movement became a political actor with indigenous as a genuine political identity. As in other countries, the identity of the indigenous is based on their claim to be the owners or the first settler communities of a particular area, but this is developed within a specific Indonesian context of disregard, denial, and recognition.

This article traces the idea of the indigenous, autochthonous, traditional, and original in Indonesian politics and suggests that it has developed through dialectical processes. The idea of the original (*asli*) as distinct groups has been important in colonial society but has also been influential within the process of nation building after the Indonesian Revolution as a reference to common “Indonesian” characteristics. In general, the concept of the autochthonous has a wider connotation than the indigenous, since the concept of the autochthonous in Indonesia refers to the term “pribumi”, which is often used to designate all the peoples of Austronesian and Papuan ancestry in the archipelago, as opposed to those of foreign (most of all Chinese, Arab, and Indian) descent. Indigeneity, in contrast, denotes particular ethnic groups or communities and stresses their marginality from mainstream Indonesian society and the values and notions attributed to mainstream society by indigenous activists. This shift within the concept of the original within the Indonesian context is explored in the article. The article argues that in its current state, the process has led to a discursive formation that highlights the indigenous as particular, as distinct from both other indigenous units and non-indigenous mainstream society. In terms of political engagement, indigeneity as a political force has had different relations with the state as both the state and indigenous communities sought and continued to seek mutual recognition, as reflected in the famous motto of the first congress of the Alliance of the Indigenous People of the Archipelago (*Aliansi Masyarakat Adat Nusantara*, AMAN) in 1999, which said that if the state does not recognise indigenous peoples, indigenous peoples will not recognise the state.

However, the slow progress towards recognition on the national scale has set the precondition for a political struggle in the margins. In the wake of Indonesia’s decentralisation (Lane, 2014; Ziegenhain, 2017), political processes on local levels widened

what can be termed “room to manoeuvre” (Tsing, 1999) for indigenous people. In a case study in the regency of Enrekang, South Sulawesi, the article illuminates the current “local turn” of the indigenous peoples movement in Indonesia. For this article, three months’ fieldwork was conducted in Jakarta and Enrekang between January and March 2019. The authors conducted interviews with AMAN activists in Jakarta and Enrekang as well as with *adat* heads in Enrekang. The activists were asked about the scope of their current work and their opinions on the political processes concerning indigenous recognition. Additionally, participant observation was carried out both in indigenous activist circles (e.g. by joining their discussions and field trips) and in communities already acknowledged as indigenous communities in Enrekang. As the authors have frequently spent time in Enrekang, they have witnessed the process of development of the local regulation on indigenous communities since 2015. Additionally, analysis of legal documents was conducted for this article.

Recognition and Dialectics

Without engaging too much in philosophical debates, we suggest that it is crucial to first develop some arguments on the issue of recognition as a dialectical process here. The issue of recognition and (political) subject formation has a long history in modern philosophy. Most prominently, it appeared in *Phenomenology of Spirit*, in which Hegel (1976) (original 1807) developed the argument that self-consciousness relies on the recognition of other subjects. That is even – and especially – the case in asymmetrical power relations. In the years before the *Phenomenology* appeared, Hegel (1969) (original 1805–1806) argued in the *Realphilosophie* that recognition derives from struggle, but for Hegel, the aim is not primarily to gain goods. Rather, struggles over property are struggles that remind the other that he/she is facing another subject with moral standing as well as a subject who has been neglected in the act of first acquisition (see also Iser, 2019; Honneth, 1992: 44–45). Recognition is a process of antagonistic entities which eventually reach a new quality, one of subject formation and mutual recognition. Marxist philosophers then put an emphasis on the material side of these processes. Access to resources and relations of property and production are the driving forces of struggles of recognition, and thus, the issue of subjectivity is regarded as a mere phenomenon of the superstructure in orthodox Marxism. Hegel’s issue of subjectivity is, in Marxist approaches, made materialistic. Some Marxist philosophers, however, argued that the relation between materialist processes (in this case, recognition as a struggle for resources) and recognition as an issue of subject formation (here recognition as a struggle for a particular identity) are mutually intertwined and that the latter even have, according to Althusser, a relative autonomy. The economic base is a determinant only in the “last instance” (see on this issue Althusser’s [2005: 87–116] account on over-determination of the superstructure).

This is a useful argument for our study, since it highlights, on the one hand, the importance of struggles over resources such as land, but it also considers non-material aspects such as history (and the people’s perception of it), ideology, and discourses. It does not sideline these immaterial issues as mere effects of the economy but highlights

particular cultural and historical developments. In terms of recognition, it allows us to take a dialectical account which investigates the relation between two subjects but stresses that the subjects are not autonomous and emerge not before but within its struggles. They rather rely on each other and subjects such as the state. However, these subjects undergo steady changes and internal negotiations. Subjects may emerge and perceive themselves as closed entities but are rather arenas of contestation. The state's outside, such as indigenous people, can enter the arena of the state and engage with it as both inside and outside actors: two subjects appear as antithetical, but at the same time, they rely on each other, and to a certain degree they can even become a part of each other. As we argue in the following, the state relies on the very idea of indigeneity, the autochthons, that is, the "original Indonesian", originally conceptualised as *pribumi*, but now also a crucial concept for indigenous peoples. On the other hand, this latter, particular indigeneity (conceptualised as *masyarakat adat*), also relies on the state, not only in the sense that they need the state as their constitutive outside but also in the sense that they work within the state, facilitate state institutions, and portray themselves as ardent nationalists. In every opposition, there is also an aspect of sameness and recognition.

Marginality in Indonesia: Politics, Law, and the Imagination of the Indigenous

The island of Java is often viewed as the centre of Indonesia, whereas the "outer islands" of the archipelagic country emerge as places where state power is less present. Taking into account the archipelagic features of Indonesia, the sea is and has been not only a space dividing the country but no less importantly a space through which civilisation – and power – has travelled. Therefore, the uplands and areas far from the shore are often just as much at the margins as the outer islands (Li, 2000: 153). This marginality is not only a spatial one but also derives from regimes of imagination which have legitimised and reinforced social and economic practices. As Tania Murray Li (1999: 9) writes, "a discourse about difference, cast as savagery, facilitated the enslavement and exploitation of upland people in the pre-colonial period. In the late colonial period, the label 'traditional' was deployed to explain (and justify) the underdeveloped state of Indonesia's upland regions".

The discourse on difference, however, has a long history in Indonesia. Not only does it apply to autochthonous groups in the lowlands and uplands but it was also a major constituent of the colonial distinction between Europeans and the original population, labelled *inlanders*. That term already implied their original, autochthonous nature, invoking the concept of indigeneity to some degree. Making a distinction between the original (but inferior) and the alien (but superior) had a tremendous political impact on colonial society. The law applied to *inlanders* was customary law (*adat* law) codified by Dutch scholars. As Fitzpatrick (2007: 133) stresses, the autochthonous systems thus became "a potential source of state law, but apparently only when their rules were reduced to writing, and in any event, they could be overwritten by inconsistent regulations issued by Dutch legislative bodies". In terms of production ownership structure, this distinction became crucial especially in the late colonial period when in 1870 the

colonial government passed the *agrarische wet*, a law concerning agricultural property. At least, in theory, the law recognised *adat* land ownership, in particular, if the land was in hereditary, individual use. However, in practice, the distinction between free and non-free state land was applied to *adat* land (Burns, 2004: 32–37; Harsono, 2003: 45). *Adat* land not in permanent use was declared free state land and thus communities received only “recognition money” rather than actual compensation if the land was granted to another party. What was regarded as non-free land was *adat* land un³⁶ permanent use, for instance, rice fields (*sawah*). That land had no clear legal status, but in practice, the colonial state did not grant land rights without compensation. To an even larger extent than in many other colonies, the Netherlands Indies made very few attempts to integrate customary land rights into the formal legal order (Fitzpatrick, 2007: 133–134). This system was based on a distinction between Europeans with individual land property and the autochthonous population. This distinction was also made in order to maintain the indigenous population’s cultural distinctness, to save them from full integration into the market, a step which also implied a partial absorption into the state (Li, 2010: 398–391; Pichler, 2014: 125).

Colonial society has been analysed as a “plural society” (Furnival, 1967: 446–459), that is, as a society in which people of different religions, ethnicities, customs, and languages lived under a single political unit, the colonial state, but often did not mingle outside the marketplace. There were, of course, exceptions, such as the *peranakan* (Chinese-*pribumi* descendants), but overall, ethnic distinction played an important role in large parts of late colonial society. Such a society creates and maintains ethnic identity as an important marker of difference. On the other hand, it was the colonial state that set the preconditions for the idea of “Indonesia as a new indigenous identity” (Elson, 2008: 8–13). When a nationalist movement emerged in the late colonial period, the movement was in need of an identity of unity within the frame of the colony once imposed by alien powers. The nationalist movement referred to a populist version of Indonesian indigeneity, indigeneity that on the one hand sought to transcend the particular identities of the plural society with their particular languages, religions, and customs. It was populist, insofar, as it relied on widely shared and commonly acknowledged patterns and values (such as *gotong royong*, mutual help) as basic “Indonesian” features for the new state (Bourchier, 1998: 204). On the other hand, the movement had to consider the traditional elements that it borrowed from the *adat* of several groups in the archipelago and thus was declared to be an expression of genuine Indonesian identity. Such references did not only apply to the prominent idea of *musyawarah-mufakat* (deliberation and consensus) in the national ideology of *Pancasila*, an idea termed “customary practices” or “traditional decision-making” (for instance, Kawamura, 2011). In political and cultural terms, a partial recognition of indigenous communities was al⁵ applied in the 1945 constitution: the constitution mentions “self-governing regions” (*zelfbesturende landschappen*) and “village communities” (*volksgemeenschappen*) as socioadministrative units with their own indigenous social system. These communities, the constitution says, are to be respected by the state (Bamba, 2008: 259; Colchester et al., 2007: 46). How³⁸er, that was limited to villages on Sumatra, Java, and Bali and there was no general recognition of *adat* communities and their land ownership. The state maintained its power of control

over natural resources and land on behalf of national interests and development (Colchester et al., 2007: 46; Pichler, 2014: 126). This ambiguity reflects the need for an indigenous foundation of the state, on the one hand, and the need for unity on the other, that is, a national unity indigenously grounded, but potentially at odds with particular indigenities. As Bourchier (1998: 206) has pointed out, the new state borrowed its idea of Indonesian-ness from discourses of indigeneity in the sense of autochthony and defined its political features in populist terms: guided democracy (*demokrasi terpimpin*) and *gotong royong*, for instance, were portrayed as originally Indonesian in opposition to liberal and individualist Western stances. *Adat* as the Indonesian other of Western imperialism and individualism also emerges in the agricultural law of 1960. The law was the first to mention indigenous communities explicitly (with the exception of the 1945 constitution) and stated that customary law should be applied to land as long as it does not contradict national interests and the interests of the state (AUUPA 5/1960 article 5, see also Bamba, 2008: 259). Again, on the one hand, a dichotomy between *adat* as the particular and the nation as the whole emerged here, but on the other hand, the reference to *adat* emphasised a genuine Indonesian approach.

The populist indigeneity of unity, which emphasised *adat* in order to stress its anti-Western, anti-imperialist notions, was then challenged by reactionary ideas of national unity. These ideas also relied on the idea of genuine traditional Indonesian values. As much as these conservative discourses on indigeneity stress Indonesian-ness, they borrowed heavily from anti-liberal, reactionary Catholic and German romanticist political currents in Europe and fascist Japanese ideas. It was mainly the old elite that had previously collaborated with the colonial regime in the bureaucracy that supported these reactionary thoughts (Bourcher, 1998: 205–207). As an antithesis to populist indigenous discourses of national unity, they came into power only by stressing the indigenous character of their own traditionalist version of Indonesia. Unlike populist indigeneity, conservative indigeneity as the foundation of the state stressed hierarchies and portrayed the family principle (*kekeluargaan*) as a pillar of traditional Indonesian society. *Adat* as a particular indigeneity thus was not only neglected but even considered a threat to the unity of the nation (Safitri and Bosko, 2002: 5). Cultural diversity was domesticated in a vision of one culture for every province, recognised as “summits of the cultural identity of the archipelago” (*puncak-puncak Kebudayaan Nusantara*), this can be seen portrayed in a nutshell in Taman Mini Indonesia Indah (Miniature Park of Beautiful Indonesia) in East Jakarta where the diversity of the country appears as a diversity of the province’s culture and mostly in terms of material culture (houses, dresses, traditional weapons) and dances (Errington, 1998: 194).

Consequently, the forest and land laws of the so-called New Order, in which reactionary ideas of national unity and conservative indigenism mingled, ignored *adat* land rights completely. The forestry law of 1967 (UUPK 5/1967) referred to *adat* land not in permanent use as state forests and thereby continued the colonial legacy. Thus, the state could rent the land to companies and enterprises without needing to consider the local property claims of indigenous populations (Pichler, 2014: 127). As Fitzpatrick (2007: 138) stresses, the notion of the state’s right to control, as expressed in the 1967 law and its successor, the 1999 forest law, “provides the greatest source of dispossession in

modern Indonesia". According to Fitzpatrick, 65 per cent of the total land territory of Indonesia became state-owned forest land. This was legitimised by the state, which claimed to be implementing the Indonesian constitution (UD 1945), in particular, paragraph 33, article 3 which reads that land, water, and natural resources are controlled by the state for the greatest possible benefit to the people's prosperity (*Bumi, air, dan kekayaan alam yang terkandung di dalamnya dikuasai oleh negara dan dipergunakan untuk sebesar-besar kemakmuran rakyat*). Since the independence of Indonesia, the term "controlled" (*dikuasai*) in the Constitution has been used to confirm the state's authority.

Today, the notion of the original and autochthonous emerges in two distinct discourses. One is the reactionary *pribumi* discourse, referring to all Indonesians with ancestors from the Indonesian territory and excluding others. Most of all, this discourse uses Indonesians of Chinese descent as their constitutive outside. This discourse was, for instance, deployed by conservative Muslim groups against the governor of Jakarta, a Christian of Chinese descent who was accused of blasphemy (Duile, 2017). This discourse suggests that the majority is indigenous but threatened by a minority (Chinese Indonesians), and foreign forces and culture. The latter is often perceived as dangerous to what appears in this discourse as traditional Islamic values. The other discourse on indigeneity is applied by indigenous activists and does not suggest that the majority is indigenous. Even though the majority is autochthonous, only the autochthonous populations that live in traditional communities (applying customary law and social institutions as well as rituals) are termed indigenous. The indigenous here is a minority. What these discourses have in common, though, is the notion of marginality (whether this marginality is actual or imagined) and the concept of the original (*asli*). In the following, the article deals with the indigenous as the particular as it emerged within the idea of indigenous people.

Indigeneity as the Particular: The Establishment and the Early Years of AMAN

Many parts of Indonesia's margins were subject to rapid development during the late New Order period. Not surprisingly, people experiencing dispossession organised resistance and sought a way to articulate their anger politically. As resistance based on economic identities, such as peasants, had the dangerous reputation of being leftist in Indonesia, some drew on indigeneity and made claims to their rights as the original inhabitants of a certain territory. While the term *masyarakat adat* as particular indigeneity was already applied during the 1990s by local indigenous organisations, it gained a wider audience on the national scale during the first AMAN congress in Jakarta in 1999. The founding congress was organised by the Indigenous People's Alliance of West Kalimantan (*Aliansi Masyarakat Adat Kalimantan Barat*), the Participatory Mapping Network (*Jaringan Kerja Pemetaan Partisipatif*), and the Network of Indigenous People's Rights Advocates (*Jaringan pembela Hak-Hak Masyarakat Adat*). At that congress, some 200 people announced the establishment of AMAN (*Aliansi Masyarakat Aman Nusantara*), the Alliance of Indigenous People's of the Archipelago. Their declaration included the famous, provocative statement that if the state will not

acknowledge indigenous peoples, they will not acknowledge the state (Henley and Davidson, 2007: 1). In that sentence (*Kalau negara tidak mengakui kami, maka kami pun tidak mengakui negara*), the dialectical relationship between the state and the indigene in its particular variant – as an ensemble of distinct people of distinct culture and custom – was outlined in a nutshell. The notion of *mengakui* is somewhere between “acknowledgement”, “recognition”, and “to admit”. It refers to a mutual relationship in which the two parts, the indigenous people and the state (*negara* can also mean “nation”), appear as two distinct and seemingly independent entities. However, the sentence is formulated negatively: they did not say that they would acknowledge the state if the state acknowledged them. *Masyarakat adat* emerges here through the possibility of the negation of the state: it becomes a subject with the ability to deny recognition if the state does not recognise them. That also means that the state here appeared as a condition of the existence of the newly emerging political identity of *masyarakat adat*. The state/nation and *kami* (“we”, i.e. *masyarakat adat* as a particular indigeneity) are both constitutive to each other and their respective negations.

As Acciaioli (2007: 304) has argued, a crucial issue in terms of the emerging indigenous people’s movement has been – and still is – the issue of sovereignty. In a fact sheet issued at AMAN’s founding conference, they identify national or state sovereignty (*kedaulatan negara*) as a threat for indigenous people’s sovereignty (*kedaulatan masyarakat adat*), especially in terms of rights over their territories and their right to defend and develop their particular cultures. However, Acciaioli also points to the more complex relation between the state/nation and indigenous diversity: *negara majemuk* (state of diversity) was the activist’s goal rather than abolishing the state. By referring to the national motto *Bhinneka Tunggal Ika* (often translated as “Unity in Diversity”), they explicitly draw on a crucial feature of the Indonesian nation in the founding congress in 1999 (Acciaioli, 2007: 305). Li (2000: 156) wrote that most radical activists sought to “roll back the state’s territorial, social, and political control over the countryside”. However, even they did not reject the state entirely; they rather demanded sovereignty within the state.

In 1999, AMAN also issued a working definition of “*masyarakat adat*”, which is still an important source today for identifying indigenous peoples in Indonesia: *adat* communities are communities which live on the basis of their ancestral origin (*asal-usul*) on a defined *adat* territory (*wilayah adat*), exercise sovereignty over the land and natural resources (*tanah dan kekayaan alam*), have a socio-cultural life which is regulated by *adat* law (*hukum adat*) and *adat* institutions (*lembaga adat*). Based on this view of indigeneity, AMAN expanded in post-Suharto Indonesia. Since 1999, AMAN has held five national congresses. In March 2018, it had 2366 indigenous communities (*komunitas*) as members (AMAN, 2019). What becomes clear from this definition is that AMAN changed the discourse on indigeneity in Indonesia from a unifying, national identity (which had, as we argued above, both populist and conservative expressions in Indonesian history) to a discourse on the plurality and the particular and distinct identities of indigenous peoples. That happened in accordance with transnational discourses on indigenous people which became increasingly popular in the 1990s and provided a new source of political identities. In the context of Africa and Asia,

where the vast majority are usually indigenous in the sense that their ancestors were not migrants from overseas (i.e. indigeneity as the autochthon), these discourses stressed the difference between a mainstream society and a marginal, that is, “indigenous” society. Indigeneity here was inevitably linked to the marginal and “original”, contrasted with the centre, the urban, and developed. AMAN referred heavily to these transnational discourses in which different definitions of indigenous peoples occurred, but they often stress marginality such as historical experiences of exploitation and vulnerability, a weak political position in the respective country or cultural–geographical marginality (cf. Cornassel, 2008).

It was, in this respect, the Indonesian state itself that set the cornerstone for the emergence of indigenous people as a political force. The New Order, with its emphasis on national development, identified communities termed *masyarakat terasing* (alienated communities), *masyarakat terpencil* (isolated communities), or *masyarakat terbelakang* (backward communities) by the Ministry of Social Affairs and Indonesian society (Li, 2000: 154). As Erni (2008: 377) stressed, “these terms usually represent negative connotations and were used to emphasise the backwardness of indigenous peoples that had led to discrimination, marginalisation, and exclusion of indigenous people”. However, at that time, people experiencing this marginalisation did not identify as such – marginalisation by the state was rather a preliminary condition for their later identification as indigenous, as distinct from mainstream society, as *masyarakat adat*.

Not surprisingly, the origins of AMAN, as Moniaga (2007: 281–283) points out, can be traced back to Indonesia’s margins. Cases of dispossession, for instance, in North Sumatra and Kalimantan, together with environmental degradation drew responses from the environmental NGO WALHI (*Wahana Lingkungan Hidup Indonesia*). In 1993, they facilitated an informal workshop in Tanah Toraja (South Sulawesi) where the Indigenous Peoples’ Rights Advocacy network was established. They chose the term *masyarakat adat* as a translation of the internationally prominent term “indigenous peoples” and because it seemed to be politically acceptable even in the authoritarian New Order (Moniaga, 2007: 282). When, in 1999, a more liberal political framework was established with the onset of the Reform Era, indigenous people organised under the banner of *masyarakat adat* soon engaged with the state as they saw their chance to bring change through lobbying and critically working together with state institutions. In 2001, AMAN became an officially registered organisation. AMAN established an office in Bogor near Jakarta, in an area where many environmental NGOs had their national offices. Later they also established a second office in Tebet, Jakarta, which now became AMAN’s central office. In that respect, the indigenous movement came from the margins to the centre, aiming to engage in politics. In practice, AMAN does not usually recognise ethnic groups, but rather communities (*komunitas*). These communities can be small villages or can consist of several larger villages, and usually, it depends on traditional concepts of what is a *komunitas*. It is, however, usually marginal ethnic groups that become members of AMAN, while the organisation does not accept sultanates (*kesultanan*) or kingdoms (*kerajaan*) as they are not considered marginal, even though they have their *adat* law and *adat* institutions. Dayak communities in Kalimantan often fulfil the requirements of AMAN whereas Malay communities are often not accepted. In practice,

however, there is often a continuum between marginalised, small social units, and kingdoms, and it is not always easy to determine on which side of the spectrum the communities that want to become AMAN members stand.

Land: A Material Dimension of Indigeneity

Ever since AMAN was established one of their foremost concerns has been land issues. As Pichler (2014: 130–134) argues, the claims and interests of particular indigenous communities have often been neglected and rejected in the name of national interest. What “national interest” actually means, however, is abstract and subject to constant negotiation. Referring to Poulantzas (1978), Pichler (2014: 51–60) suggests analysing the state in Indonesia as a social relation rather than as a mere instrument of the ruling class. The state is a condition for the organisation of specific modes of production and property relations. It is, however, a ³³contested territory, an arena which only appears on occasions to be a consistent subject. In the case of indigenous people in Indonesia that becomes clear in terms of their strategy: on the one hand, indigenous peoples appear as the opposite of the state, that is, as the autonomous margins. On the other hand, indigenous people engage with the state and become a part of it. That is not only the case in abstract terms when indigenous activists portray themselves as ardent nationalists (Acciaioli, 2007: 304). This entanglement is also reflected in AMAN’s political struggle, which takes place within the contested site of the state itself. The indigenous people’s movement does not only address claims of cultural autonomy but also material claims on resources, most of all land rights. At the second national congress, AMAN rejected the state’s right to natural resources as mentioned in the 1945 constitution (paragraph 33, article 3) and the 1960 basic agrarian law (Acciaioli, 2007: 308). However, AMAN acknowledged the state insofar as the organisation approached the official way of dealing with that issue. Most prominently, in 2013, the Constitutional Court ruled in favour of AMAN after the organisation issued a lawsuit. The Court decided that *adat* forest is not state forest and thus that the state has to respect customary land ownership, including that of land not in permanent use (*adat* forest). In the legal proceedings, AMAN especially referred to paragraph 33, article 3 in the constitution, which reads that the state has the mandate to use natural resources for ⁴⁰ greatest benefit of the people. AMAN also supported the claim of the 1999 forest law which stated in article 3 that “Forest management shall be aimed ³² providing maximum prosperity for the people based on justice and sustainability” (Constitutional Court of the Republic of Indonesia, 2013: 3). AMAN explicitly made use of laws and made its arguments within the frame of state law. The Constitutional Court thus ruled that crucial paragraphs of the 1999 forestry law do not have binding legal force or are not in line with the 1945 constitution (Constitutional Court of the Republic of Indonesia, 2013: 172–175).

However, in the following years, progress was slow for indigenous peoples’ in Indonesia. The first land titles for indigenous communities were not granted until December 2016, and in ³¹ first step, only nine communities received *adat* land titles. AMAN claimed to have mapped more than 8.2 million ha of customary land in Indonesia (Mongabay, 2017). However, at this stage, only 5127 ha were recognised (HuMa, 2019).

In 2017, nine more indigenous communities were granted their customary land rights. In 2018, 5952 ha were given to 16 indigenous communities. According to the NGO HuMa (2019), 14,465.35 ha are currently (June 2019) in the hands of indigenous communities. When AMAN supported Joko Widodo (Jokowi) as a presidential candidate in the 2014 election; however, he promised that his administration would grant 12.7 million ha by 2019. The government's annual targets for allocating land were lowered soon after Jokowi got into office, and reality has fallen far short of Jokowi's original promise (Gokkon, 2017; Stariastani, 2017).

However, on the national scale, the indigenous peoples' movement has also had some limited success in pushing legislation in favour of their agenda. Since the founding of the national movement, one main critique had been the state's approach of taking Javanese culture as the main component of national culture, and its influence in politics. In particular, the Indonesian administration system of the *desa* (village), established by the Village Law/No.5/1979, was often criticised in the author's interviews with indigenous activists. In Indonesia, administrative villages (*desa dinas* or simply *desa*) and customary villages (*desa adat*) have been two distinct systems since the colonial era (Hauser-Schäublin, 2013: 137, for detailed research on this issue in Bali see Warren [1993]). Indigenous activists often complained about the weak acknowledgement of *desa adat*, referring especially to the *Desa Administrative Law 1979 No. 5* which standardised villages at the expense of *adat* institutions (Li, 2000: 155, footnote). In paragraph 6 of Law 2014 No. 6 on villages, however, *desa adat* are mentioned as equal to *desa*. This is also the case in Law 2014 No. 23, paragraph 1/43 about local governments (*pemerintahan daerah*). Villages are defined as social law units (*kesatuan masyarakat hukum*) which carry out governmental needs and those of the community based, among other things, on rights of origin (*hak asal usul*) and/or traditional rights (*hak tradisional*) which are recognised and respected (*diakui dan dihormati*) within the governmental system of the unitary state of Indonesia. This has strengthened the position of traditional villages.

According to AMAN activists, until recently their most important task was working on the *UU masyarakat adat* (the national law on customary societies), which should deal with the recognition of *adat* communities on a national scale. This was also stressed by Rukka Sombolinggi in her speech during the twentieth anniversary of AMAN in Jakarta in August 2019. However, she emphasised that AMAN activists engaged in local politics as a means to realise AMAN's aspirations (Febriani, 2019).

The *UU masyarakat adat* is meant to be the follow-up to the abovementioned Constitutional Court Decision. AMAN activists said that the law should serve as an umbrella law for other laws – such as Law 2014 No. 23 and local regulations (*peraturan daerah*) – that is, as a law which deals with *masyarakat adat* or *masyarakat hukum adat* by clearly defining them and their rights. However, on the eve of the 2019 presidential election, all the activists the authors talked to were disaffected by national politics. They were still talking to representatives of both the Jokowi and Prabowo camps but put little hope in politics on the national scale. Whereas AMAN supported Jokowi in 2014, it refrained from supporting either candidate in 2019. As they stressed, AMAN activists have talked with Prabowo representatives, but in these talks, it turned out that Prabowo representatives had very little knowledge or interest in the issue of indigenous people. In a

televised debate between the two candidates, Jokowi said that his government would put further efforts into giving back state land. Prabowo, however, who was accused in the debate of holding large land plots, said that the state should retain its control over land. Eventually, some indigenous activists voted for Jokowi as the lesser of two evil, while others did not cast a vote at all.

8 **The Local Turn of the Indigenous People's Movement: The Example of Enrekang**

Despite their disappointment with politics, the activists did not reject politics in general but rather focused on local elections (in the provinces and regencies, which were held simultaneously with the presidential election). In many provinces and regencies, people with close ties to AMAN ran as candidates. In Makassar, for instance, the AMAN branch of South Sulawesi together with environmental organisations held a meeting with a candidate and declared their support. His election campaign stickers were displayed in AMAN offices in South Sulawesi and activists recommended his election on social media. The local focus is no coincidence. We suggest speaking of a "local turn" in the indigenous people's movement in Indonesia. The political framework of decentralisation provides many possibilities for recognition on a local level, most of all in *kabupaten* (regencies). AMAN keeps in touch with politics on the national scale, but their strategy seems rather to push processes on local levels in order to accomplish their aims there. Recognition on the national scale can thus be obtained later. This strategy, in which activists return their emphasis to the margins from which the movement originally emerged, is not always successful, as they have to deal with different local conditions and different forms of resistance. However, in regencies in which they have established good networks with politicians, influential authorities, and other activists (from environmental organisations, for instance), indigenous movements can make progress much faster than on the national scale. It is a feature of national laws in the Indonesian legal system that they cannot be implemented directly but require "implementing regulations" at various levels (provinces, regencies and even down to the village level) in order to actually be realised. These are the local regulations "*peraturan daerah*" (*perda*) indigenous activists are now concerned with, especially on the regency level.

In the following, we illuminate that process with the example of Enrekang, a regency in the centre of South Sulawesi province. Enrekang is located between the Bugis-dominated lowlands and the mountainous Tanah Toraja. While the regency is between lowland and highland societies, a large part of it is mountainous terrain. The area is also known as *bumi Massenrempulu* (land of *Massenrempulu*), where *Massenrempulu* means "at the edges of the mountains" in the Enrekang language. Enrekang regency is home to several ethnic groups which are all significantly smaller than the neighbouring Bugis and Toraja. The ethnic groups in Enrekang (Duri, Enrekang, and Maiwa) have distinct languages which are, however, mutually intelligible to some degree. Duri, spoken in the north of the regency, is to a large extent intelligible for speakers of the Toraja language. Additionally, the languages share some similarities with Bugis. All of these ethnic

groups are Muslims, but in Duri villages along the border with Toraja mixed Muslim–Christian families are not uncommon.

Enrekang is a good example of a marginal area in Indonesia. Its upland character meant that it historically served as a place of resistance against the Dutch (village names such as Benteng Alla Utara, literally the “North Alla Fortress”, derive from it), and it was also one of the last areas occupied by the Darul Islam movement, which fought against the Indonesian state until the early 1960s (Pelras, 1993: 153). Kahar Muzakkar, the leader of the rebellion, is still acknowledged by some people in that area, and indeed a large part of the population aligned with the rebellion. Kahar Muzakkar’s rebellion was independent in the beginning but became aligned with *Darul Islam* later, further strengthening the idea of a “pure” Islam in the region (on this rebellion, see Harvey, 1974).

Whereas the Bugis, Makassarese, and Toraja represent the hegemonic ethnic groups in South Sulawesi, all the ethnic groups in Enrekang are much smaller and therefore less represented on the provincial scale. In that sense, they are “indigenous” even on the provincial scale. In 2019, six communities had been recognised as indigenous communities and two had already successfully applied for *tanah adat*. Indigenous activists proudly called their regency a “trendsetter” on the issue of the acknowledgement of indigenous communities. Based on data from the local AMAN office, Enrekang has around 40 indigenous communities. A few of them have already achieved official recognition by the local government as indigenous communities (*Marena*, *Orong*, *Patongloan*, *Tangsa*, and *Pana* in Duri and *Baringin* in Maiwa). Among them, the villages of the *Marena* and *Orong*, two Duri communities in the north of the regency, regained their land in a ceremony with President Jokowi at the state palace in Jakarta. The *adat* head of *Marena* village proudly showed us the certificate, maps, and photographs of this event. Other indigenous communities had applied for recognition and/or the acknowledgement of their communal land rights.

The Making of Indigenous Communities in Enrekang

Enrekang was one of the first regencies to issue a local regulation (*peraturan daerah*) on the acknowledgement of indigenous communities. Regulation 2016 No. 1 clearly describes the process and criteria for identifying indigenous communities in the regency, which are referred to in the document as *masyarakat hukum adat*, applying the term originally used by the Dutch to denote traditional communities, which introduced the artificial concept of bounded, distinct, and organised groups (Li, 2000: 159). Nevertheless, according to the people involved in the process of making the local regulation, there is no difference between *masyarakat adat* and *masyarakat hukum adat*. They chose the latter term because they found it more accurate for a legal document. The process of legislation was, however, not always smooth. Indigenous activists in Enrekang had started to organise under the banner of AMAN a few years earlier. While the idea of particular indigeneity had been known in neighbouring Toraja since the late New Order, it took several more years for communities in Enrekang to identify as indigenous. As national laws cannot be directly implemented but require “implementing regulations”,

perda 2016 No. 1 refers to several national laws at the outset. In these laws, the term *masyarakat hukum adat* is also used, and this is probably the main reason why that term is applied instead of simply *masyarakat adat*.

Pak P., recently the AMAN head for the regency, joined AMAN in 2012 and made use of his political network. He is also the secretary of the National Mandate Party (*Partai Amanat Nasional*, PAN) in the regency. That allows him not only to push legislation on the recognition of indigenous communities but also ensures that AMAN maintains strong ties to other local politicians. However, the idea of recognising indigenous communities has drawn some criticism from religious authorities. As in many parts of South Sulawesi province, modernist Islam (as represented by the Muhammadiyah) is the dominant religious current in Enrekang and quite strong in the town of Enrekang, too. Islamic authorities feared that recognition of indigenous communities would strengthen traditional beliefs and inevitably weaken “proper” Islam. For indigenous activists, this claim was hard to understand, since they all saw themselves as pious Muslims, always stressing this in our conversations. Some practised animist rituals which they did not consider to be in contradiction with Islam, but some activists did not carry out animist rituals at all, these being viewed as a characteristic rather in the neighbouring Toraja communities. However, some informants highlighted that the dichotomy between traditional beliefs and orthodox Islam has a long tradition in the regency. For instance, one of the main objectives of the *Darul Islam* movement in the early 1960s was to wipe out any animist beliefs by cutting down trees associated with the presence of spirits. Through deliberation between legislators, academicians, and indigenous communities, the threat of a supposed return of animism could be eradicated after a few months. Crucial here were Pak P. and another PAN politician, as PAN represents the modernist branch of Islam politically. Local politics became the juncture between indigenous claims and Islamic interests, and finally, the regulation was passed in early 2016.

The regulation mentions characteristics that have to be fulfilled by communities in order to gain recognition as *masyarakat hukum adat*. AMAN representatives in Enrekang told us that there would otherwise be a risk that other communities would apply and gain access to land resources to which they do not actually have traditional ties. Therefore, the regulation states in chapter 1, paragraph 5 that *masyarakat hukum adat* are Indonesian citizens (*Warga Negara Indonesia*) that have special characteristics (*memiliki karakteristik khas*) – probably in cultural terms – live in harmony according to customary law (*harmonis sesuai adatnya*), hold ties to their origin (*ikatan pada asal-usul leluhur*), have strong relations to the land and environment (*hubungan yang kuat dengan tanah dan lingkungan hidup*), and have a system¹⁸ of norms for their economic, social, political, cultural, and legal matters (*sistem nilai yang menentukan pranata ekonomi, sosial, politik, budaya, hukum*). In this definition of *masyarakat hukum adat*, there is, at first sight, no dichotomy between the state and *masyarakat hukum adat* since indigenous people here are first of all described as Indonesian citizens (*Warga Negara Indonesia*). However, the definition also derives from transnational discourses on indigenous peoples with the idea of indigenous people maintaining an intimate, harmonious relationship among²⁷ each other and a long, strong relation to their land. What is also interesting here is that, despite the fact that the Indonesian citizenship of the people is mentioned at the very

beginning, the *peraturan daerah* acknowledges a certain degree of autonomy in economic, social, political, and legal issues. The fact that these communities have their specific social, economic, political, and legal systems is even a necessary condition for their existence, which the state recognises and protects; paragraph 7 is about recognition (*pengakuan*) and paragraph 8 about protection (*perlindungan*) of *masyarakat hukum adat*.

The relation with the nation (*bangsa*) is also mentioned in chapter 1, paragraph 9, where *hukum adat* is defined. The paragraph states that *hukum adat* contributes to the cultural values of the Indonesian nation (*bersumber pada nilai budaya bangsa*). Other important terms are also defined in that chapter. *Wilayah adat* is, in paragraph 10, said to be both a geographical and a social unit (*kesatuan geografis dan sosial*). In paragraph 11, it is declared that the rights of *masyarakat hukum adat* derive from their tradition and also include rights to land, territory, and natural resources (*hak atas tanah, wilayah, dan sumber daya alam*). As we can see here, the definition of *masyarakat hukum adat* (and related terms) borrows heavily from the definition by AMAN mentioned above. Through the regulation, AMAN's concepts enter the state and became a part of it.

The regulation also determines the process of identification and recognition. This process is in the hands of the regency's government, namely, the *bupati*. The *bupati* inaugurates a committee (*panitia*) which investigates whether the community in question still is recognisable as a distinct community (*masih dalam bentuk penguyuban*), whether it has a clear *adat* territory (*wilayah hukum adat yang jelas*), political *adat* structures (*kelembagaan dalam perangkat penguasa adat*), and whether people still obey customary law (*hukum yang masih ditaati*). In the cases we have investigated, the committee consisted of representatives of the regency's government, AMAN activists, and academicians. Despite the fact that indigenous activists sometimes stress that *adat* is something dynamic (many activists in Jakarta used to stress that issue, see also Li, 2000: 157), the thrust of the *peraturan daerah* here is rather to approach indigeneity as something that remains in its original state.

On 14 February 2018, the first six *adat* communities were officially recognised in Enrekang (Chandra, 2018). AMAN activists in Jakarta are well aware of the case of Enrekang and mentioned it as a good example of how indigenous people can achieve success on a local level, especially since they do not expect rapid progress on the national scale. The recognition of indigenous communities in the regencies, they hope, might later accelerate the progress on the national scale in order to pass the *UU masyarakat adat*. Since the Jokowi administration has given no indication that the *UU masyarakat adat* will come into force at least in the medium term, engagement at the grassroots level in the regencies has become more crucial. During the time of our fieldwork, AMAN conducted a five-day workshop in Enrekang. Indigenous peoples from Enrekang and Toraja participated in the workshop on establishing indigenous people economies, especially in the coffee industry. A few months ago, AMAN activists started to establish an indigenous enterprise (*Badan Usaha milik Masyarakat Adat, Bumma*) in Enrekang to which the acknowledged communities can sell their coffee beans. The beans must be produced in accordance with "traditional knowledge". These standards were, however, not clearly defined at the time of research, but all informants agreed that traditional

knowledge implies no use of artificial fertilisers, herbicides, or pesticides that they want to produce organic products based on what they referred to as traditional knowledge. Indigenous enterprise thus facilitates the image of sustainable, ecological people. However, it is the state that provides the legal frame for the indigenous enterprises under Law 2014 No. 22 which regulates village affairs. As part of the village community activities, the enterprise is regulated through this law. Since the communities have their own land recognised by the state (Marena has 676.32 ha and Orong has 1378.35 ha), both communities have land to be utilised as coffee plantations or for other agricultural activities.

AMAN activists were optimistic for the future and expected the recognition of other communities such as Pana, Uru, Kaluppini, Pasang, Tangsa, and Labuku soon. This is, however, an issue to be decided by the government in Jakarta. The regency's government can recognise the communities and is, as AMAN activists told us, quite cooperative. This is probably also the case because politicians saw an opportunity to gain indigenous votes in the election. During our stay in the village of Kallupini in March 2019, for instance, a politician travelled to the *adat* community seeking recognition, saying that they will support the community's aims, while after discussion village heads and the politician held Islamic evening prayer together.

Enrekang is not the only regency in South Sulawesi that has a *perda masyarakat hukum adat* as a tool to acknowledge indigenous communities. By 2015, the regency of Bulukumba had already adopted a regulation on indigenous communities. This regulation, however, exclusively acknowledged only the Kajang community. In 2018, Luwu regency and, in 2019, North Toraja and Sinjai regency adopted *perda* on the recognition of indigenous communities after years of lobbying by local indigenous activists. Currently, indigenous activists struggle in other regencies in South Sulawesi for more local regulations. In other provinces, regulations have also been passed, for instance, in West Kalimantan where there is a *perda* in the regency of Bengkayang. Therefore, we assume that the local turn of indigenous people's engagement represents a general trend.

Conclusion

As we have argued, the identity of the state of Indonesia²⁴ relies heavily on the notions of the indigenous, autochthonous, and original (*asli*), which was counterpositioned against the colonial, Western, and imperialist powers, and later, in the so-called New Order era, became a main ideology of the hierarchised and depoliticised society. Notions of the indigene were common among the founding fathers, but the indigeneity of particular groups was seldom mentioned since the Dutch had relied on them in their indirect rule. Also, in the hierarchical counter-version of Indonesian indigeneity of the Suharto regime, particular identities became subject to strong state control. As a means of resistance against land acquisition, the concept of indigeneity as particular identities found its way back to the archipelago in the 1990s where it was finally conceptualised as *masyarakat adat* by activists and some local populations. They referred to a concept originally introduced by the Dutch as a means to establish their indirect rule over named, defined, and centralised groups – which they often engineered through the concept of

masyarakat hukum adat (Li, 2000: 158–159). In recent discourses on *masyarakat adat*, however, indigenous people emerge as the original inhabitants and as less hierarchical communities. Indeed, the state as their constitutive outside stands for unjust and hierarchical power relations. On the other hand, it is true that many *adat* communities are based on social hierarchies. However, the AMAN activists that the authors talked to promoted the image of rather egalitarian communities and also tried to challenge hierarchical relations within the communities (AMAN activists in Jakarta are much more aware of the problem than local activists, and it is most of all the activists in Jakarta who promote the dichotomy of egalitarian *adat* communities and the state).

To put it in a nutshell, the idea of indigeneity (i.e. the concept of the original) went through several stages of dialectical processes. The first thesis, the colonial state, found its antithesis in the idea of inlanders as passive objects of the plural society. The synthesis was a state with *inlanders* as the new rulers, that is, independent Indonesia with a strong notion of Indonesian-ness as egalitarian indigeneity. This egalitarian Indonesian-ness put an emphasis on unity, just as its antithesis of reactionary unity, which led to the synthesis of the New Order, a hierarchical Indonesian identity with the strong conservative indigenous ideology of the Suharto era. Here, the state set the cornerstone for its antithesis, that is, the margin²² and underdeveloped, labelled *masyarakat terpencil* or *masyarakat terasing*. When conflicts over land and natural resources accelerated in the late Suharto era, the concept of the original as particular indigeneity re-emerged and put itself in opposition to the state. Particular indigeneity became a new antithesis to the developmental state of the New Order. The very idea of groups alienated from mainstream society fit into the tribal slot and stressed the notion of marginality, especially in upland and forest communities in Indonesia, putting them in opposition to national laws and centralised politics (Li, 2000: 154–155). In order to establish a nation-wide network of indigenous communities, the activists had been in need of a constitutive outside of their indigenous identity, that is, an entity other-than-the-indigenous. The state occupied this role in the early phase of AMAN. However, the state was never merely the other, it was from the very beginning also the condition of the formation of indigeneity as a political identity. As the famous claim in AMAN's first congress in 1999 suggests, there was a relationship of mutual recognition from the very beginning. AMAN demanded recognition, but since the indigenous activists relied on the state and state institutions, they also acknowledged the state.

This process reached its peak when Jokowi was elected as president in 2014. AMAN openly supported Jokowi, and some laws concerning *masyarakat adat* were issued. It declined, however, on a national scale in the following years when it became clear that Jokowi's promises were not going to be fulfilled, especially with regard to land distribution to indigenous communities. The indigenous movement now seems to focus on state institutions on a local scale and pushes recognition in the regencies. Enrekang as an example demonstrates how indigenous people facilitated state institutions, gained recognition and eventually land rights. As a preliminary condition, the state set the frame with the decision of the Constitutional Court in 2013 and the (in practice quite limited) political will to grant land rights. State intuitions in the provinces and decencies, however, are much easier to influence than their counterpart on the national scale. The movement can rely more effectively on personal relations to politicians and other influential people. In

Enrekang, rural communities did not adopt the identity of *masyarakat adat* as a position at a moment of crisis (cf. Li, 2000) but rather positioned themselves in the tribal slot as a position of a new emerging opportunity. In the regency, all ethnic groups can participate in the movement and can gain recognition. Therefore, there is no rivalry between particular ethnic groups, but all can pursue the same aim of getting access to resources and maintaining their traditions. In return, the government of the regency now holds strong ties to *adat* communities which strengthen the regency's positions outside the town of Enrekang. Religion and Indonesian nationalism, in the current state, do not oppose indigenous identity in the regency; they rather provide umbrella identities under which particular indigenities can emerge. The local turn of the indigenous movement has not entirely reconciled the state and indigeneity but demonstrates how they rely on each other and also how particular indigeneity becomes a part of the unitary state of Indonesia.

2

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