


Conflict between the State and Indigenous Communities: A Study of the Construction of a Naval Military Base in the Aru Islands Regency 1991-2021

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Article Info:

Abstract

Keywords:

Conflict
State and Indigenous
Communities,
Military Base
Aru Islands Regency.

The purpose of this study is to analyze and describe the conflict between the state and indigenous communities in the case of the construction of a naval military base in Marfenfen Village, Aru Islands Regency, Maluku Province from 1991 to 2021. This study uses a qualitative method with data collection through literature studies. The analytical techniques used are data reduction, data presentation, and drawing conclusions. The results show that the Marafenfen conflict reflects structural tensions between the state and indigenous communities in the struggle for living space. The customary land dispute with the Indonesian National Armed Forces (TNI) demonstrates weak legal protection, manipulative bureaucratic practices, and judicial bias that emphasizes formal legality over substantive justice. When state law fails, indigenous communities actualize resistance through mass action and *sasi*, asserting their position as a political force based on local wisdom that is able to delay the state's agenda from 1991 to 2021.

Article History:

Received on October 2025
Revised on October 2025
Accepted on October 2025

INTRODUCTION

Research on indigenous communities has become quite popular, conducted by researchers in several countries, including Australia, Canada, Japan, the United States, New Zealand, Colombia, and Finland. In Indonesia, research on indigenous communities is quite popular, conducted by researchers from various disciplines, such as Law, Government, and Public Administration. However, most of the research conducted examines indigenous communities from the perspective of their existence and legal aspects. Meanwhile, research examining conflicts between indigenous communities and the state remains relatively minimal.

Indigenous communities are defined as a legal entity, a ruling entity and an environmental entity based on shared rights to land and water for all its citizens (Haba, 2010). Indigenous legal communities have received international attention, both institutionally and legally. According to Eddie Riyadi, the issue of the existence of indigenous legal communities and their rights in the international community is inseparable from the long struggle at the local and national levels in each country. Eddie Riyadi also emphasized that each country's

response to indigenous legal communities varies and is influenced by new worldviews and philosophical perspectives (Sulastriyono, 2014).

Based on the results of the First Congress of Indigenous Peoples of the Archipelago in 1999, it was stated that indigenous peoples are communities that live based on their ancestral heritage in a customary territory, which has sovereignty over land and natural resources, as well as a socio-cultural life regulated by customary law and customary institutions that manage the continuity of community life. Simply put, indigenous peoples are bound by customary law, descent and their place of residence. The ILO categorizes indigenous peoples as;

- 1) Indigenous tribes whose socio-cultural and economic conditions differ from those of other groups in a country, and whose status is partly or wholly regulated by their own customs or traditions or by their own special laws or regulations.
- 2) Tribes that consider themselves or are considered by others to be indigenous because they are descendants of the original inhabitants who inhabited the land since ancient times before the arrival of colonial nations, or before the existence of administrative boundaries as they are now, and who maintain or try to maintain regardless of their legal status some or all of their social, economic, cultural and political characteristics and institutions. In this sense, indigenous peoples are also known as having a language, culture, religion, land and territory that is separate from other groups of people, and lived long before the formation of modern nation states (Fakhri et al., 2021).

Some characteristics that distinguish indigenous communities from other community groups are: (1) They inhabit land belonging to their ancestors, either in whole or in part; (2) They have the same lineage, originating from the original inhabitants of the area; (3) They have a unique culture, which includes religion, tribal systems, clothing, dances, ways of life, daily living equipment, including for earning a living; (4) They have their own language; and (5) They usually live separately from other community groups and reject or are wary of new things that come from outside their community (Keraf, 2010).

The existence of indigenous communities or local wisdom has been constitutionally recognized in the 1945 Constitution in Article 18b Paragraph 2, regional autonomy adopted by the State is even expressly stated in Law No. 23 of 2014 concerning regional government. Contained in Article 1 number 43 which emphasizes that government affairs, interests, local communities are based on community initiatives, traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia (Hidayat & Yamin, 2021). The government's efforts to increase investment require extensive land availability. Land is needed, among other things, to build infrastructure to support investment, such as roads, ports, airports, bridges, and so on (Cahyaningrum, 2022). The vast demand for land for development often leads to conflicts involving indigenous communities and their customary rights. The struggle for recognition of indigenous peoples' rights in Indonesia has been ongoing for quite some time (Nurhidayah, 2017).

Janis B. Alcron wrote in his research that "Forest-dwelling peoples' organizations continue to express concern about destruction of their forests. The International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests issued The Forest Peoples Charter in February 1992 (available from the World Rainforest Movement in the U.K and Cultural Survival in the U.S.A.). The Charter sets out a conservation policy based on recognition of indigenous peoples' rights to conserve their forests and to regulate development activities currently imposed upon them without their consent. It is the first such statement from a global network of forest-dwelling peoples' organizations" (Alves et al., 2022).

Conflicts involving the government and communities occur almost everywhere in Indonesia. Several cases in Indonesia directly involve communities and the government, such

as the Basipae indigenous community in East Nusa Tenggara (NTT), the Pubabu indigenous community in East Nusa Tenggara (NTT), the Kinipan indigenous community in Central Kalimantan, and the indigenous community in Aru Islands Regency. These cases essentially began with attempts by the state to acquire customary land, either directly for development purposes or indirectly to legitimize the interests of capital owners.

The selection of Marfenfen Village as the focus of this research is based on the dynamics of the conflict between indigenous communities and the government that has been ongoing from 1991 to 2021. This long time period reflects changes in regional and central government policies regarding customary land management, as well as the emergence of various economic interests, particularly in the context of investment and development expansion in the Aru region. During this time, the Marfenfen Village community experienced several important phases from government land claims for development projects, indigenous community resistance to these policies, to ongoing negotiations and advocacy. Therefore, the time period 1991–2021 was chosen to examine how the dynamics of power relations between the state and indigenous communities were formed, changed, and impacted social and environmental sustainability in Marfenfen Village. Several cases involving the state and indigenous communities, from NTT, Kalimantan, and Maluku, all ended with the state subjugating the indigenous communities. However, the case in Aru Islands Regency, involving indigenous communities, the Indonesian Navy, local governments, and the central government, remains unresolved. Based on these considerations, this research will focus on the question on how has the land dispute between the indigenous community of Marfenfen Village and the government evolved from 1992 to 2021, and what the impact from its prolonged unresolved status?

METHODS

This study uses a qualitative approach to analyze the phenomenon of conflict involving indigenous communities and the state in the construction of a naval military base in Aru Islands Regency, Maluku Province, from 1991 to 2021. This research approach was chosen because it was deemed relevant to the research problem. This aligns with Creswell's argument that qualitative research is a means of exploring and understanding the meanings individuals or groups assign to social problems (Creswell, 2018). The selection of this method is based on the problem that occurs, which will be more appropriately described using a descriptive method.

The data collection techniques used in this study were observation and literature review, utilizing various relevant and accurate sources related to the conflict involving indigenous communities and the state in the construction of a naval military base in the Aru Islands Regency. Data collection techniques are essentially the methods used by researchers to gather the data needed to solve the research problem (Asbar FR & Witarsa R, 2020). Furthermore, the data analysis techniques used in this research are data reduction, data presentation and drawing conclusions. As expressed by King, Kohen and Verba (King et al., 1995) the data analysis process is conducted concurrently with data collection, meaning that researchers, while collecting data, also analyze the data obtained in the field. The entire data collection and analysis process aims to address the conflict between the state and indigenous communities in Aru Islands Regency and its impacts.

RESULT AND DISCUSSION

Conflict Flow

The conflict in Marfenfen Village involved indigenous communities, the Indonesian National Armed Forces (TNI), the Navy (AL), and the Aru Islands Regency Government.

The conflict began in 1991, when the Marafenfen indigenous community's land was taken over for the construction of a Naval Military Base. This threatened the community, whose livelihoods largely depend on nature, and led to protests.

The Indigenous Peoples' Alliance of the Archipelago (AMAN) recorded at least 40 cases of conflict and criminalization among indigenous communities throughout 2020, including plantations (10), mining (5), dams and hydroelectric power plants (6), government (5), Forest Management Units (KPH) (6), Industrial Plantation Forests (HTI) (3), the TNI (1), and environmental pollution in indigenous territories (4).² Of these sources of conflict, the TNI became a state institution involved in agrarian conflicts with indigenous communities and society in general. A similar situation occurred between the Marafenfen indigenous community in the Aru Islands and the Indonesian Navy, which has persisted for a long time.

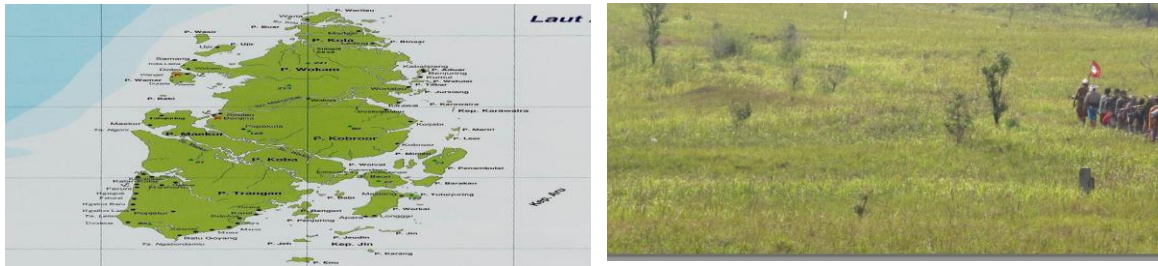
For almost 30 years, the Marafenfen indigenous people of the Aru Islands have been patiently waiting for clarity on the good faith of the State regarding the seizure of their customary land by the Indonesian Navy for the construction of military facilities in 1992. After waiting for so long, the Marafenfen indigenous people finally received official clarification from the Indonesian Navy through the intermediary of the National Human Rights Commission (KomnasHAM) representative of Maluku Province in 2017. During this time, the Marafenfen indigenous people have been deprived of their basic rights to living space (agrarian resources) while demonstrating their attitude as good citizens. This attitude as good citizens was then realized through legal channels by suing the Indonesian Navy in a civil lawsuit (unlawful act) over the land of the indigenous people controlled by the Indonesian Navy based on the right of use certificate (SHP No.25.02.03.105.4.0001, February 13, 1993 covering an area of 689 ha) since 1991 covering an area of 689 ha. In fact, the land controlled by the Indonesian Navy has long been customary/customary land which has long been the living space of the Marafenfen indigenous community (Aliansi Masyarakat Adat Nusantara, 2021).

The conflict between indigenous peoples and the Indonesian Navy and the Regional Government of the Aru Islands Regency in Marafenfen Village, which has been going on since 1991, is quite interesting and has attracted the attention of many parties, including Forest Watch Indonesia (FWI). In a national seminar held at the Jakarta Library on July 5, 2023, the Executive Director of Forest Watch Indonesia stated that "The presence of the Indonesian Navy in the Aru Islands Regency has resulted in prolonged violence in the form of intimidation, the seizure of living space, and restrictions on community access to their agrarian resources, such as communal hunting grounds and forest areas. Manipulation occurs in seeking community consent to release land, sometimes accompanied by intimidatory methods and other security approaches. Based on this manipulative evidence of community land ownership, claims to community land are made. This, he said, can be seen in the most prominent case, the conflict between indigenous communities and the Indonesian Navy that has occurred since the 1990s.

The agrarian conflict involving the Marafenfen indigenous community, the Indonesian Navy, and the local government demonstrates the dynamics of unequal power relations between the state and local communities. This case can be explained through the perspective of Coser's (1956) conflict theory, which emphasizes that conflict arises from the struggle for resources deemed vital to a group's survival. In the context of indigenous communities, land is not simply an asset. The Marafenfen conflict is not only an economic issue, but also a living space that contains identity, values, and spirituality, as emphasized by Keraf (2010), who stated that indigenous peoples have a historical and moral connection to their environment. Furthermore, the theory of state intervention (Evans, 1995) highlights how the state, through its military apparatus, often intervenes, ignoring the rights of local

communities for the sake of strategic development. The Marafenfen conflict can also be understood through the framework of political ecology (Bryant & Bailey, 1997), which observes that environmental and resource conflicts often stem from the practices of exclusion, domination, and criminalization of indigenous peoples by state and corporate actors. Thus, the long-running conflict between the Marafenfen indigenous people and the Indonesian Navy is not only a land dispute, but also reflects the tension between local wisdom, indigenous peoples' human rights, and the state's interest in controlling strategic living space.

Figure 1. Community Land Used as an Indonesian Navy Base



Source: mongabai.com (2021)

The takeover of 689 hectares of indigenous land has impacted the lives of the indigenous people of Marfenfen Village, who have traditionally relied on natural resources for their livelihood through hunting. Hunting by the indigenous people of Marfenfen Village is primarily based on customary land ownership, or *petuanan*, based on family/clan ties. The customary land of the people of Marfenfen Village, one of the villages in the Aru Islands Regency, is typically used for various purposes to support individual and group livelihoods. One such use is as a place to find food, including forest animals, locally known as “Tordauk.”

On the other hand, the community feels threatened by the massive poaching of deer and other animals by Indonesian Navy personnel. This has effectively disrupted their food sources and livelihoods. Game populations in the community's traditional hunting grounds are dwindling, depleted by differences in technology and hunting methods. Communities that hunt using running and arrows must compete with Indonesian Navy personnel who hunt with trucks and firearms. The culmination of the land dispute between indigenous communities and the Indonesian Navy and the Regional Government occurred in 2021, when the Indonesian Navy's land acquisition in Marfenfen Village, Aru Islands Regency, was brought under legal jurisdiction by both parties. The judicial action taken by the Marafenfen indigenous community represents a demonstration of their obedience as Indonesian citizens, bearing the unique identity of an indigenous community, as recognized by the 1945 Constitution of the Republic of Indonesia, PMK 35, and other national and international legal instruments. Although normatively recognized, in reality, it only amounts to dead letter law, as is the case in the context of the Marfenfen indigenous community. In fact, the judicial path taken by the community is highly risky, given the Indonesian judiciary's very low bias in such cases. The following descriptions of the trial facts will demonstrate the various legal and human rights violations that have plagued the indigenous community for years by the Aru Navy (Aliansi Masyarakat Adat Nusantara, 2021).

Based on the facts of the trial, it was shown that the Indonesian Navy's attempt to seize land belonging to indigenous peoples by manipulating several terms and regulations also involved the Maluku Provincial Government and the Aru Islands Regency Government. The trial facts stated that the issuance of the Maluku Governor's Decree, the Decree of the

Head of the Maluku Provincial Land Agency Regional Office, and the issuance of the Right to Use Certificate Number 1 for Marafenfen Village should have been based on the Minister of Home Affairs Regulation No. 6 of 1972 concerning the Delegation of Authority to Grant Land Rights (HAT). This regulation states that the Governor is not authorized to grant land rights over 2,000 M² (two thousand square meters) and the term is no more than 10 years. The authority to grant HAT over such an area should have been within the domain of the Minister of Home Affairs at that time. However, the Governor's Decree and the Right to Use Certificate covering an area of 689 Ha, which became the basis for the Indonesian Navy's land ownership rights, did not in fact adhere to these regulations in determining the Decree (Aliansi Masyarakat Adat Nusantara, 2021).

After their customary land was manipulatively acquired through falsified deliberation documents regarding the release and compensation of land rights (administratively flawed), on November 17, 2021, the Marafenfen indigenous people's constitutional struggle, filed in the Dobo District Court, Aru Islands (Maluku), was defeated by the law. The justice that was supposed to be for the indigenous people was destroyed by the legal arguments of the Panel of Judges, who only pursued formal truth (legal certainty). The judges failed to explore the truth that lives within the Marafenfen indigenous people. Justice should be explored as deeply as possible through the socio-cultural significance of the indigenous people. However, the panel of judges preferred to explore formal truth, namely truth derived solely from formal documents that serve as the primary means of judging the case.

The conflict between the Marafenfen indigenous people and the Indonesian Navy and the Aru Islands Regional Government reflects the classic facet of agrarian conflict in Indonesia: a clash between state interests, represented through development and national security, and the rights of indigenous peoples to their customary land. The fact that 689 hectares of customary land was acquired through procedurally flawed administrative mechanisms demonstrates the weak legal protection of indigenous communities and the abuse of bureaucratic authority. This situation is further exacerbated by the criminalization, intimidation, and exclusionary practices experienced by indigenous communities in defending their living space.

The Marafenfen indigenous community's efforts to pursue legal action demonstrates adherence to the constitution, even though the trial results revealed a structural bias in the judicial system that prioritizes formal legality over substantive justice. From a conflict theory perspective, this case highlights the unequal power relations between the state and indigenous communities; while from a political ecology perspective, it reveals how the struggle for ecological space not only undermines traditional livelihood systems but also undermines local wisdom that maintains ecosystem balance. Therefore, the Marafenfen conflict is not simply a legal issue of land ownership, but also a serious test for the state's ability to uphold the constitution, respect indigenous peoples' rights, and build an agrarian justice system that prioritizes environmental sustainability and humanity.

Impact of Conflict

The protracted conflict experienced by the Marafenfen indigenous community with the Indonesian Navy and the local government did not end in the judicial realm, but escalated into more open forms of social resistance. The defeat in the Dobo District Court became a turning point, prompting the indigenous community to express its dissatisfaction through mass demonstrations and customary sanctions in the form of sasi (bans) against various public facilities. This phenomenon demonstrates that when formal state legal instruments fail to fulfill a sense of substantive justice, indigenous communities actualize their political power and local wisdom to assert their position and identity. Thus, the collective expression that emerged following the court ruling can be read not only as an outpouring of

disappointment but also as a political and social strategy by indigenous communities to defend their customary rights and renegotiate their power relations with the state.

After being declared the loser of their lawsuit by the Dobo District Court judge, the dissatisfied and unaccepting indigenous community of Marfenfen Village expressed their dissatisfaction through mass demonstrations and vandalism of the Dobo City High Court.

Figure 2. Demonstration and Vandalism of the District Court Office



Source: tvonenews.com (2021)

Research results show that the impact of the *sasi* (segmentation) imposed by the indigenous community has resulted in the complete shutdown of several public facilities, such as the airport, harbor, Regent's Office, and the Aru Islands Regency Regional People's Representative Council (DPRD) office. *Sasi* is a customary law that has been in effect and used by the people of Aru Islands Regency since long before Indonesia's independence. Therefore, the community's level of compliance with *sasi* is higher than with state laws/regulations enacted by the government. Since at least Wednesday, November 17, 2021, all activities at the airport, harbor, Regent's Office, DPRD Office, and District Court have been completely paralyzed due to the *sasi* imposed by the indigenous community.

In political science, this situation can be viewed from the perspective of political power, where indigenous communities act as a single force seeking to influence established integrity. This aligns with the views of Prof. Miriam Budiardjo stated that "What is meant by political forces can be understood as individual or institutional. In the individual sense, political forces are none other than political actors or individuals who play a role in political life. Institutionally, political forces can take the form of institutions or organizations or other institutionalized forms that aim to influence the political decision-making process in the political system" (Budiardjo, 1993).

Unlike the cases experienced by the Basipae and Pubabu indigenous communities in East Nusa Tenggara (NTT), and the Kinipan indigenous community in Central Kalimantan, the Marfenfen indigenous community has been able to balance the state, including the Provincial Government, the Indonesian Navy, and the Aru Islands Regency Government, since 1991. The impact of the indigenous community's strength in defending their customary land/*petuanan* (rights) has resulted in the Navy base not being realized since 1991. Despite facing the central, provincial, and district governments, as well as the Indonesian Navy, the Marfenfen indigenous community has demonstrated its strength in safeguarding its rights to the land it sought to acquire.

The resistance of the Marafenfen indigenous community following the defeat of their lawsuit in the Dobo District Court can be understood through the perspective of contentious politics developed by Sidney Tarrow. According to Tarrow (2011), collective community action often arises when there is perceived structural injustice and formal state channels are deemed incapable of resolving conflicts fairly. In the Marafenfen context, the failure of the state's legal system triggered mass mobilization and the use of *sasi* (laws) as a customary instrument to pressure the state. This aligns with Escobar's (2018) perspective, which emphasizes that indigenous communities use local wisdom as a "politics of life" to defend their living space and collective identity. Furthermore, this movement can be categorized as an agrarian movement, where customary law serves as social and political capital to resist state domination. According to Hall, Hirsch, and Li (2011), contemporary agrarian conflicts are not only about land disputes but also about recognizing the identity and rights of indigenous communities to their living space. Therefore, expressions of resistance through mass action and *sasi* are not merely expressions of emotional frustration, but political strategies based on local wisdom to renegotiate the power relations between indigenous communities and the state.

Beyond symbolic resistance, the use of *sasi* and collective mobilization in Marafenfen also had tangible political implications. The actions drew national and regional attention, compelling local authorities to reopen dialogues about land ownership and the recognition of customary territories. In several instances, these movements delayed the expansion of the naval base and influenced the district government to reassess land use permits. Thus, *sasi* functioned not only as a form of cultural expression but also as an effective political strategy that subtly reshaped the balance of power between the indigenous community and the state. This supports Hall, Hirsch, and Li's (2011) argument that contemporary agrarian struggles are not solely about land, but also about asserting the political agency and identity of indigenous peoples within the framework of state power.

From this overall description, it can be concluded that the ongoing conflict between the Marafenfen indigenous community and the Indonesian Navy and local government is not simply a land dispute, but rather a reflection of the power struggle between the state and indigenous communities in determining authority over living space. The inability of formal legal instruments to provide justice has instead given rise to a space for resistance, expressed through mass action and *sasi*, a customary law that enjoys strong legitimacy at the local level. This phenomenon demonstrates that indigenous communities are not passive actors, but rather a political force capable of balancing and even delaying the state's agenda from 1991 to the present.

Drawing on the theory of contentious politics (Tarrow, 2011) and the concept of "politics of life" (Escobar, 2018), the Marafenfen community's struggle can be understood as a collective strategy based on local wisdom to defend customary rights while renegotiating power relations. Therefore, this case demonstrates that the ongoing agrarian conflict in Indonesia is not solely about land issues, but also concerns identity recognition, substantive justice, and the distribution of power between the state and indigenous communities (Hall, Hirsch, & Li, 2011).

In practical terms, the resistance of the Marafenfen community has had several concrete policy implications at both local and national levels. Locally, their persistent advocacy and use of customary instruments such as *sasi* encouraged the district government to initiate consultations on land boundary mapping and to consider integrating customary territories into the regional spatial planning framework (RTRW). At the national level, the case contributed to broader discussions on indigenous land rights, particularly within the context of the ongoing deliberations surrounding the Indigenous Peoples Bill (RUU Masyarakat Adat) and agrarian reform initiatives under the Ministry of Agrarian Affairs.

These developments illustrate how local resistance, when sustained and organized, can influence policy orientations and push the state to acknowledge indigenous claims more substantively, even though the process remains gradual and contested.

CONCLUSION

Based on the research and analysis above, it can be concluded that the agrarian conflict in Marafenfen Village, Aru Islands Regency, demonstrates the complex nature of the power relations between the state, through its military apparatus, and the indigenous people defending their living space. Since 1991, the Indonesian Navy's acquisition of 689 hectares of land for the construction of a military base has fueled ongoing tensions. With the loss of access to land, the Marafenfen community lost agrarian resources, traditional hunting grounds, and the ecosystem that supports their daily lives. For nearly three decades, the Marafenfen indigenous community waited for the state to resolve this dispute. Official clarification was only received in 2017 through the Maluku National Human Rights Commission (Komnas HAM). However, the legal process they have been pursuing since 2021 ended in defeat at the Dobo District Court.

The judge's decision, based solely on formal legal certainty through administrative documents, without considering the socio-cultural values inherent in customary land, further emphasizes the structural bias of the Indonesian legal system. The trial evidence revealed practices of administrative manipulation and abuse of bureaucratic authority involving both local and provincial governments. Following the loss of their lawsuit, the Marafenfen indigenous community expressed their dissatisfaction through mass demonstrations and *sasi* (prohibition of land rights) against public facilities. This phenomenon confirms that indigenous communities are not passive actors, but rather a political force capable of delaying the state's agenda since 1991. From the perspective of contentious politics (Tarrow, 2011), mass mobilization arises when formal state channels fail to deliver substantive justice. Meanwhile, the use of *sasi* as a customary instrument demonstrates how local laws hold greater legitimacy than state regulations in the eyes of the public.

Therefore, the Marafenfen conflict must be understood not simply as an agrarian dispute, but also as a serious test for the state's commitment to upholding the constitution, respecting indigenous peoples' rights, and establishing inclusive agrarian justice. This case demonstrates that agrarian issues in Indonesia are closely linked to identity recognition, power distribution, and substantive justice. As long as the state continues to view customary land solely as an object of development without recognizing its social, cultural, and spiritual significance, such conflicts will continue to recur. Thus, resolving the Marafenfen case requires an approach that is not only legal-formal, but also political, cultural and ecological in order to achieve harmony between the interests of the state and the rights of indigenous peoples.

Acknowledgement

The author would like to express sincere gratitude for the support provided during this research, and appreciation is also extended to all individuals and institutions who contributed valuable insights and assistance throughout the study.

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