

### EXPLORING INTERSECTIONALITY: THE LEGAL CHALLENGES FACED BY INDIGENOUS WOMEN IN PALM OIL LAND CONFLICTS

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#### Abstract

This study explores the dual challenges faced by indigenous women in palm oil land conflicts through an intersectionality framework to understand their unique oppression. In Indonesia, the palm oil industry's expansion has exacerbated gender-based, ethnic, economic, and ecological injustices faced by these women. Indigenous women are often excluded from decision-making processes regarding land disputes and development projects, leading to the loss of vital resources that sustain their livelihoods. This research demonstrates that these women bear an additional burden of domestic responsibilities, which are largely unrecognised, while also being marginalised in the socio-political and legal spheres. Through an intersectional lens, this study unveils the complex interactions of gender, ethnicity, and class, which create distinct forms of oppression, complicating the struggle of indigenous women to protect their land and culture. These conflicts are not simply issues of agriculture; they represent a broader fight for recognition, autonomy, and the protection of ecosystems. In conclusion, the legal and policy frameworks often fail to adequately address the rights of indigenous women, highlighting the need for inclusive policies that ensure their participation in decision-making processes. It argues for the recognition of their ecological knowledge and cultural heritage in addressing and resolving land conflicts.

**Keywords:** Indigenous Women; Palm Oil Land Conflict; Intersectionality; Agrarian Capitalism; Indigenous Peoples' Rights.

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#### 1. Introduction

International legal standards, most notably the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), emphasize the principle of gender equality, particularly in property ownership and housing, mandating that women enjoy the equal legal capacity to manage, acquire, and dispose of property. These principles extend to displaced and conflict-affected populations, ensuring women's equal rights to land, inheritance, and housing. The Pinheiro Principles further reinforce this commitment by promoting a gender-sensitive approach to restitution, urging the recognition of joint ownership rights for both male and female household heads and the encouragement of women's active participation in restitution processes. Efforts to advance gender equality in land and property rights aligns with the Sustainable Development Goals, which call on states to reform laws to grant women equal access to economic

resources, land, and inheritance<sup>1</sup>. However, as Vandana Shiva<sup>2</sup> argues, the shift from subsistence-based agriculture to commercial farming systems has disrupted traditional, community-based relationships, replacing them with dependencies on external institutions, such as banks and suppliers. This transformation has intensified competition over increasingly scarce resources, exacerbating land conflicts and undermining cultural norms, with women disproportionately affected, particularly concerning to land and property rights.

In the realm of land conflicts, structured opposition to land evictions has intensified inequalities, both within nations and across borders, underscoring the issue's highly contentious and complex nature<sup>3</sup>. The most significant burden is frequently borne by those at the forefront of development, globalisation, and vulnerable ecosystems—women, indigenous communities, and marginalised groups—as articulated by Shiva<sup>4</sup> in her book entitled *Water Wars: Privatisation, Pollution and Profit*. These conflicts frequently act as a way for nations to strengthen their identities, express their territorial aspirations, as well as convey their concerns and apprehensions about their borders. This is evident in the today conflicts, such as those between India and Pakistan regarding the disputed area of Kashmir, or between Israel and Palestine<sup>5</sup>. Shiva<sup>6</sup> argues that personal liberty is intricately linked to the right to own and cultivate land, forests, and rivers, emphasising the crucial importance of land ownership in ensuring autonomy.

In the context of territorial and environmental disputes, the worldwide appetite for vegetable oils increase, with oil crops taking up around 37% of the planet's agricultural land. By 2050, the demand for vegetable oils is projected to rise by 14%, which could pose a risk to biodiversity if natural habitats are removed to accommodate oil crops<sup>7</sup>. Despite the important role of vegetable in a nutritional balance, their production has significant environmental and social impacts. Since 2007, Indonesia has established as the world's leading palm oil supplier, accounting for around 58% of global production in 2020. More than 66% of Indonesia's palm oil production was exported. Over the past two decades, it has been the nation's foremost agricultural export, valued at USD 22.97 billion in 2020 and contributing around 16% of Indonesia's agricultural GDP. From 2000 to 2016, the palm oil sector helped approximately 2.6 million rural Indonesians escape poverty, either by providing farming and employment opportunities or by enabling indirect benefits from local infrastructure development<sup>8</sup>. However, the increasing demand for palm oil exerts considerable pressure on Indonesia to expand its palm oil industry, thereby fuelling both domestic and international disputes over land rights and resource governance.

Unfortunately, the increasing demand for vegetable oil has driven land expansion rather than productivity improvement, often in an unregulated manner. Approximately 57% of Indonesia's deforestation is attributed to oil palm plantations, an additional 20% linked to the pulp and paper sector. Recurrent forest fires – such as those in 2015 than burned 1.7 million hectares – have caused severe disruptions to health, education, transportation, the economy, and the

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<sup>1</sup> Barbara McCallin, *Protecting and Strengthening the Land Tenure of Vulnerable Groups* (Washington, D.C.: World Bank Group, 2018), <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/907481533140738062>.

<sup>2</sup> Vandana Shiva, *Staying Alive: Women, Ecology, and Survival in India*, vol. 84 (Kali for Women New Delhi, 1988).

<sup>3</sup> Julie Mullaney, *Postcolonial Literatures in Context*, Texts and Contexts (Bloomsbury Publishing, 2010).

<sup>4</sup> Vandana Shiva, *Water Wars: Privatization, Pollution and Profit* (Pluto Press, 2002).

<sup>5</sup> Mullaney, *Postcolonial Literatures in Context*; Shiva, *Water Wars: Privatization, Pollution and Profit*.

<sup>6</sup> Shiva, *Water Wars: Privatization, Pollution and Profit*.

<sup>7</sup> Erik Meijaard et al., *Exploring the Future of Vegetable Oils: Oil Crop Implications: Fats, Forests, Forecasts, and Futures*, nos. 978-2-8317-2271-9; 978-2-8317-2272-6 (Gland, Switzerland: IUCN ; SNSB, 2024), <https://doi.org/10.2305/KFJA1910>.

<sup>8</sup> Ryan B. Edwards, "Export Agriculture and Rural Poverty: Evidence from Indonesian Palm Oil," Hanover, NH: Dartmouth College, March 25, 2019, [https://static1.squarespace.com/static/57d5edcf197aea51693538dc/t/5c98e6b4a4222ff822715558/1553524407756/eard\\_v9\\_1903\\_JIE-merged.pdf](https://static1.squarespace.com/static/57d5edcf197aea51693538dc/t/5c98e6b4a4222ff822715558/1553524407756/eard_v9_1903_JIE-merged.pdf); Meijaard et al., *Exploring the Future of Vegetable Oils: Oil Crop Implications: Fats, Forests, Forecasts, and Futures*.

environment<sup>9</sup>. Although the expansion has slowed, the shift toward B35, B40, and even B50 biodiesel raises concerns of renewed land expansion<sup>10</sup>. Such expansion inevitably fuels land conflicts, especially over customary lands and forests. This condition reflects broader patterns of land-use governance failure, where development policies systematically marginalise local and indigenous communities through unequal power relations and weak participatory mechanisms.<sup>11</sup>

The Indigenous Peoples Alliance of the Archipelago (AMAN) has recorded 687 agrarian conflicts over the past 10 years across 11.07 million hectares of indigenous lands, resulting in the criminalisation of more than 925 Indigenous Peoples, 60 of whom experienced violence at the hands of state authorities, and one person lost their life. This issue has become an urgent challenge for the new government<sup>12</sup>. Indigenous communities find themselves in an unequal struggle. As a result, every effort to demand recognition or resolve conflicts often falters due to the overwhelming power. The fight to protect Indigenous territories will become even more difficult<sup>13</sup>. The conflicts stemmed from the palm oil plantation licensing process, initially governed by the Forestry and Plantation Law. However, this was altered through an investment scheme under Law No. 6 of 2023, which incorporates Government Regulation No. 2 of 2022 regarding Job Creation into law.

This alteration has simplified land-clearing permits, placing investors under the pretext of fostering economic growth and streamlining investment. However, such an approach undermines environmental protection, as land conversion should be viewed as a process balancing development with ecological protection. In practice, plantation business permits are often issued without community participation, resulting indigenous people's passive subjects within administrative processes<sup>14</sup>. Although customary forests are still treated as state property, Constitutional Court Decision No. 35/PUU-X/2012 clarified that they are distinct from state forests and should serve as the foundation for protecting indigenous peoples<sup>15</sup>.

<sup>9</sup> Abdusyahid Naufal Fathullah et al., "Tata Kelola Kebijakan Di Indonesia Terhadap Isu Ekspansi Kelapa Sawit," *Jurnal Paradigma: Jurnal Multidisipliner Mahasiswa Pascasarjana Indonesia* 5, no. 2 (2025): 176–93, <https://doi.org/10.22146/jpmmp.v5i2.101666>; Herpita Wahyuni and Suranto Suranto, "Dampak Deforestasi Hutan Skala Besar Terhadap Pemanasan Global Di Indonesia," *JIIP: Jurnal Ilmiah Ilmu Pemerintahan* 6, no. 1 (2021): 148–62, <https://doi.org/10.14710/jiip.v6i1.10083>.

<sup>10</sup> Susy Harjanti, Harjanto Prabowo, and Rano Kartono Rahim, "Unlocking Circular Economy and Green Innovation Pathways for Sustainable Biofuel: A Global Bibliometric Analysis with Insights from Indonesia's B40 Transition," *Frontiers in Sustainability* 6 (2025): 1668947, <https://doi.org/10.3389/frsus.2025.1668947>; Soni S. Wirawan et al., "Biodiesel Implementation in Indonesia: Experiences and Future Perspectives," *Renewable and Sustainable Energy Reviews* 189 (January 2024): 113911, <https://doi.org/10.1016/j.rser.2023.113911>.

<sup>11</sup> Sonhaji et al., "Animal Rights in Indonesian Environmental Law: Case Studies in Disaster Prone Areas," *International Journal of Sustainable Development and Planning* 17, no. 1 (February 2022): 299–305, <https://doi.org/10.18280/ijsdp.170130>.

<sup>12</sup> Aliansi Masyarakat Adat Nusantara (AMAN), *Catatan Akhir Tahun 2024 Aliansi Masyarakat Adat Nusantara "Transisi Kekuasaan & Masa Depan Masyarakat Adat"* (Aliansi Masyarakat Adat Nusantara (AMAN), 2024), <https://www.aman.or.id/publication-documentation/304>.

<sup>13</sup> Niken Sitoningrum, Richaldo Hariandja, and Teguh Suprayitno, "Sulitnya Masyarakat Adat Dapatkan Pengakuan Dan Perlindungan," *Mangobay*, January 7, 2025, <https://mongabay.co.id/2025/01/07/sulitnya-masyarakat-adat-dapatkan-pengakuan-dan-perlindungan/>.

<sup>14</sup> Anne M. Larson, *Forests for People: Community Rights and Forest Tenure Reform* (Earthscan, 2010); Nicholas Menzies, *Our Forest, Your Ecosystem, Their Timber: Communities, Conservation, and the State in Community-Based Forest Management* (Columbia University Press, 2007), <https://doi.org/10.7312/menz13692-008>; K.F. Wiersum, "Indigenous Exploitation and Management of Tropical Forest Resources: An Evolutionary Continuum in Forest-People Interactions," *Agriculture, Ecosystems & Environment* 63, no. 1 (May 1997): 1–16, [https://doi.org/10.1016/S0167-8809\(96\)01124-3](https://doi.org/10.1016/S0167-8809(96)01124-3).

<sup>15</sup> Yance Arizona and Miriam Cohen, "The Recognition of Customary Land Rights at the Constitutional Court of Indonesia: A Critical Assessment of the Jurisprudence," in *Courts and Diversity: Twenty Years of the Constitutional Court of Indonesia* (Brill, 2024), 12:173; Yance Arizona and Umi Illiyina, "The Constitutional Court and Forest Tenure Conflicts in Indonesia," *Constitutional Review* 10, no. 1 (2024): 103–35, <https://doi.org/10.31078/consrev1014>; Herman Hidayat et al., "Forests, Law and Customary Rights in Indonesia: Implications of a Decision of the Indonesian Constitutional Court in 2012," *Asia*

This contradictory condition underscores the inconsistency in acknowledging customary forests. Although indigenous existence is recognised, the measures remain weak, particularly following the implementation of a new legal framework of the Job Creation Law. Consequently, customary land and forests are still vulnerable to legal seizure by the state, threatening the survival of indigenous communities. Within this conflict, indigenous women are disproportionately affected, facing both diminished access to vital resources and increased gender-based violence. They bear a dual burden – maintaining household responsibilities while also engaging in their customary rights. This double burden stems not only from entrenched patriarchy, but also from an agrarian capitalist structure that perpetuate their exclusion<sup>16</sup>.

Although the dispute over the forest has been “settled”—whether through mediation, criminalisation, or compromises that ultimately harm indigenous peoples—the situation and their involvement are often overlooked, particularly in the formulation and implementation of conflict resolution strategies. The resolutions have failed to incorporate women's ecological knowledge, which is essential for sustaining effective forest management practices. The living conditions of women and their communities have resulted in a loss of food sovereignty, creating a socio-ecological scar that continues to affect future generations. States are obligated to adopt effective measures, including special measures where necessary, to ensure the sustained improvement of the economic and social well-being of indigenous peoples. In doing so, particular attention must be given to the rights and specific needs of indigenous elders, women, youth, children, and persons with disabilities. As outlined in the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007, indigenous peoples have the right, without discrimination, to improvements in their economic and social conditions, including in areas such as education, employment, vocational training, housing, sanitation, health, and social security. In this context, states are called upon to implement effective measures that foster ongoing improvements, with a focus on addressing the needs of vulnerable groups within indigenous communities. The Declaration further underscores the necessity of paying particular attention to the rights and needs of indigenous elders, women, youth, children, and persons with disabilities in all actions. In collaboration with indigenous peoples, states must ensure that indigenous women and children are fully protected and guaranteed against all forms of violence and discrimination, protecting their safety and well-being across all aspects of life.

Conversely, the law – intended to protect the citizens' right – often reinforces exclusion, treating indigenous women as a passive legal subject rather than as active participants in governance<sup>17</sup>. Although a legal framework for Indigenous Peoples exists, the specific challenges faced by indigenous women remain largely overlooked. The Job Creation Law, with its strong

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*Pacific Viewpoint* 59, no. 3 (December 2018): 293–308, <https://doi.org/10.1111/apv.12207>; Noer Fauzi Rachman and Mia Siscawati, “Forestry Law, Masyarakat Adat and Struggles for Inclusive Citizenship in Indonesia,” in *Routledge Handbook of Asian Law* (Routledge, 2016), 238–63.

<sup>16</sup> Fathima Ahmed, “Conceptualizing Subsistence as a Response to Capitalist Violence Against African Indigenous Women,” *Agenda* 32, no. 4 (October 2018): 22–31, <https://doi.org/10.1080/10130950.2018.1544734>; Rauna Kuokkanen, “Globalization as Racialized, Sexualized Violence: The Case of Indigenous Women,” *International Feminist Journal of Politics* 10, no. 2 (June 2008): 216–33, <https://doi.org/10.1080/14616740801957554>; Shahra Razavi, “Engendering the Political Economy of Agrarian Change,” *The Journal of Peasant Studies* 36, no. 1 (January 2009): 197–226, <https://doi.org/10.1080/03066150902820412>.

<sup>17</sup> Ciaran O'Faircheallaigh, “Women's Absence, Women's Power: Indigenous Women and Negotiations with Mining Companies in Australia and Canada,” *Ethnic and Racial Studies* 36, no. 11 (November 2013): 1789–807, <https://doi.org/10.1080/01419870.2012.655752>; Laura Parisi and Jeff Corntassel, “In Pursuit of Self-Determination: Indigenous Women's Challenges to Traditional Diplomatic Spaces,” *Canadian Foreign Policy Journal* 13, no. 3 (January 2007): 81–98, <https://doi.org/10.1080/11926422.2007.9673444>; Deborah Bird Rose, “Land Rights and Deep Colonising: The Erasure of Women,” *Aboriginal Law Bulletin* (Sydney, NSW, Australia) 3, no. 85 (October 1996): 6–13, [ielapa.970404001](https://search.informit.org/doi/10.3316/ielapa.970404001), <https://search.informit.org/doi/10.3316/ielapa.970404001>.

emphasis on investment, further undermines protections for vulnerable groups, with indigenous women facing a greater burden than their male counterparts<sup>18</sup>.

The legal framework that undermines protection for vulnerable groups is intensified by stakeholders, such as the state, corporations, and law enforcement agencies, who frequently engage in the oppression of indigenous peoples<sup>19</sup>. Intimidation and criminalisation serve as tools to suppress resistance, particularly when its methods are not overt, like the implementation of symbolic violence<sup>20</sup>. These serve to mute the voices and diminish the agency of indigenous women, specifically within the public sphere<sup>21</sup>. In pursuit of this goal, stakeholders engage not only with the material regime but also with the symbolic regime, placing indigenous women in a progressively precarious situation.

Indigenous women often face neglect due to legal, economic, and political frameworks constructed by masculine and capitalistic paradigms<sup>22</sup>. The state's development narrative often disregards their vital roles as environmental stewards and food managers, reflecting power structure that positions indigenous women as subordinate and render them invisible, resulting in power dynamics.

Intersectionality offers an essential perspective on the circumstances faced by indigenous women<sup>23</sup>, demonstrating that their oppression arises from the intertwined effects of gender, ethnicity, or class in isolation. This convergence links the body, land, and law in ways that impose various burdens<sup>24</sup>. Utilising intersectionality enables a deeper analysis of agrarian conflicts and offers a more equitable theoretical foundation for addressing the dual challenges faced by indigenous women.

Agrarian conflicts and the marginalisation of indigenous women extend beyond simple legal matters or inadequate regulations, representing a humanitarian challenge that pertains to dignity,

<sup>18</sup> Sapto Budoyo and Marzellina Hardiyanti, "Urgency of Strengthening Women Participation in The Building of Gender Justice Based Village," *LAW REFORM*; Vol 17, No 2 (2021)DOI - 10.14710/Lr.V17i2.41751, September 30, 2021, <https://ejournal.undip.ac.id/index.php/lawreform/article/view/41751>.

<sup>19</sup> Ciaran O'Faircheallaigh and Saleem Ali, *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility* (Routledge, 2017); Benjamin J. Richardson, "Protecting Indigenous Peoples through Socially Responsible Investment," *Indigenous Law Journal* 6, no. 1 (2007): 205–34, [https://digitalcommons.osgoode.yorku.ca/all\\_papers/169/](https://digitalcommons.osgoode.yorku.ca/all_papers/169/).

<sup>20</sup> Pierre Bourdieu, "Symbolic Violence," in *Beyond French Feminisms: Debates on Women, Politics, and Culture in France, 1981–2001*, ed. Roger Célestin, Eliane DalMolin, and Isabelle de Courtivron (New York: Palgrave Macmillan US, 2003), 23–26, [https://doi.org/10.1007/978-1-37-09514-5\\_3](https://doi.org/10.1007/978-1-37-09514-5_3).

<sup>21</sup> Yasmin Jiwani, *Discourses of Denial: Mediations of Race, Gender, and Violence* (UBC Press, 2011); Pedro E. Rodríguez et al., "Violence and Invisibility: A Collective Case Study on Suicide Among Emberá Indigenous Youth in the Colombian Pacific," *Frontiers in Education* 10 (2025): 1603754, <https://doi.org/10.3389/feduc.2025.1603754>.

<sup>22</sup> Joyce Green, *Making Space for Indigenous Feminism* (Fernwood Publishing, 2020); Rauna Kuokkanen, "From Indigenous Economies to Market-Based Self-Governance: A Feminist Political Economy Analysis," *Canadian Journal of Political Science* 44, no. 2 (2011): 275–97, Cambridge Core, <https://doi.org/10.1017/S0008423911000126>; Sarah A. Radcliffe, *Dilemmas of Difference: Indigenous Women and the Limits of Postcolonial Development Policy* (Duke University Press, 2015).

<sup>23</sup> Roe Bubar, "Indigenous Women and Sexual Assault: Implications for Intersectionality," in *Social Issues in Contemporary Native America* (Routledge, 2016), 169–86; Aleff dos Santos Santana, Adriana Rodrigues Silva, and et al., "Voices of Ancestry: Intersectional Paths Taken by Indigenous Women in Organizational Management," *Contextus - Revista Contemporânea De Economia E Gestão* 22, no. spe. (2024): e85252, <https://doi.org/10.19094/contextus.2024.85252>; Liesbeth van der Hoogte and Koos Kingma, "Promoting Cultural Diversity and the Rights of Women: The Dilemmas of 'Intersectionality' for Development Organisations," *Gender & Development* 12, no. 1 (May 2004): 47–55, <https://doi.org/10.1080/13552070410001726516>.

<sup>24</sup> Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 1241–99, JSTOR, <https://doi.org/10.2307/1229039>; Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *The University of Chicago Legal Forum* 140 (1989): 139–68, <https://philpapers.org/rec/CREDITI>; Kimberlé Crenshaw, *On Intersectionality: Essential Writings* (New Press, 2023).

the sustainability of life, and justice across generations. Feminism illustrates the way of women's bodies serve as a focal point of exploitation land and ecology. Meanwhile, intersectionality uncovers the interconnectedness of gender, ethnicity, class, and power dynamics in generating injustice. Therefore, analysing the dual challenges faced by indigenous women in palm oil land conflicts should be situated within a larger initiative to restore humanity, transcending mere formal legality in favour of substantive justice that acknowledges them as complete subjects.

## 2. Discussion

### 2.1. Gender, Land, and Power: Indigenous Women under Indonesia's Agrarian Capitalism

In her book entitled *Staying Alive: Women, Ecology and Survival in India*, Shiva<sup>25</sup> emphasises that the devastation of forests, water, and land poses a significant threat to human life systems. This devastation, occurred under the guise of 'development' and 'advancement,' reveals the flaw in a notion of progress that endangers human and ecological survival. The violence inflicted on nature – an inherent feature of the dominant development model – is closely connected to the violence experienced by women whose livelihoods rely on natural resources. Both forms of violence stem from the same worldview underpinning this model. In Indonesia, such violence is manifested through agrarian conflicts rooted in colonialism, which commodified land and transformed it into a means for capital accumulation<sup>26</sup>. The *Agrarische Wet 1870*<sup>27</sup> marked a major shift, enabling private corporations to manage plantations and replacing communal land management with a system of individual ownership sanctioned by the state. Indonesia's independence could not transform this concept; rather, the colonial legacy persisted within a developmental framework oriented toward agrarian capital growth. However, Article 3 of the Basic Agrarian Law recognises the customary land rights of indigenous communities, acknowledging them "as long as they still exist" and ensuring their implementation aligns with national interests and higher legal norms<sup>28</sup>.

The plantation sector, particularly palm oil, was later promoted as a symbol of modernisation and economic progress<sup>29</sup>. However, this narrative concealed a form of internal colonialism, with

<sup>25</sup> Shiva, *Staying Alive: Women, Ecology, and Survival in India*, vol. 84.

<sup>26</sup> Muchtar Habibi, *Capitalism and Agrarian Change: Class, Production and Reproduction in Indonesia* (Routledge, 2022); Nancy Lee Peluso, "The Plantation and the Mine: Agrarian Transformation and the Remaking of Land and Smallholders in Indonesia," in *Land and Development in Indonesia: Searching for the People's Sovereignty*, vol. 35 (ISEAS-Yusof Ishak Institute, 2016); Vu Tuong, "Indonesia's Agrarian Movement: Anti-Capitalism at a Crossroads," in *Agrarian Angst and Rural Resistance in Contemporary Southeast Asia* (Routledge, 2009), 200–225; Ben White and Marcus Taylor, "Labour and Land in Indonesia: An Introduction," *Journal of Agrarian Change* 25, no. 4 (October 2025): e70034, <https://doi.org/10.1111/joac.70034>.

<sup>27</sup> The *Agrarische Wet 1870*, formulated by Minister of Colonies van der Putte, guaranteed the protection of the people's land rights and ensured that land ownership was secure. This law also marked the end of the forced cultivation system, as it allowed for large private plantations under the *Erfpacht* (land lease) system for 75 years. The main goal of the *Agrarische Wet* was to safeguard land rights for the indigenous people of Indonesia. Meanwhile, the objective of the *Agrarische Besluit* was to protect indigenous people's land rights and provide opportunities for them to acquire new land rights (Agrarische Eigendom). see Torang Situmorang, Evalina Elisabeth Hasugian, and Rosma Mediana Pasaribu, "Pembangunan Hukum: Penerapan Ganti Kerugian Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum," *GOVERNANCE: Jurnal Ilmiah Kajian Politik Lokal Dan Pembangunan* 10, no. 1 (September 2023): 24–34, <https://governance.lkispol.or.id/index.php/description/article/view/99>.

<sup>28</sup> Marius Suprianto Sakmaf et al., "Communal Rights vs Regional Development: Pursuing Justice for Comunal Customary Land," *Jurnal Pembangunan Hukum Indonesia* 7, no. 2 (2025): 325–42, <https://doi.org/10.14710/jphi.v7i2.%2525p>; Sukirno Sukirno and Muhammad Fahad Malik, "Shifting Legal Landscapes: The Evolution and Future of Customary Land Rights Recognition in Indonesia," *Masalah-Masalah Hukum* 54, no. 3 (2025): 353–71, <https://doi.org/10.14710/mmh.54.3.2025.353-371>.

<sup>29</sup> Badrul Azhar et al., "The Global Palm Oil Sector Must Change to Save Biodiversity and Improve Food Security in the Tropics," *Journal of Environmental Management* 203 (December 2017): 457–66, <https://doi.org/10.1016/j.jenvman.2017.08.021>; Valeria Giacomin, "The Emergence of an Export

the state facilitating private capital and legitimising resources extraction and the destruction of Indigenous lands. Since the 1980s, the annual expansion rate of Indonesian palm oil plantations has continued to increase, with Asian palm oil expansion dominating global growth<sup>30</sup>. Its development began in the 1970s and showed rapid growth, especially during the 1980s. Beginning with just 294,000 hectares in 1980, the cultivated area reached 7.32 million hectares by 2009 – nearly half with 47.81%, controlled by Large Private Estates, followed by 43.76% of smallholder plantations, and 8.43% of State-Owned Large Estates. This vast expansion cemented Indonesia's position as the world's largest producer of palm oil. In 2009, Indonesia's palm oil production reached 20.6 million tons, followed by Malaysia with 17.57 million tons. By 2014, according to data from the Ministry of Agriculture and Index Mundi, Indonesia's total palm oil production reached 31.5 million tons, with 21.5 million tons exported abroad<sup>31</sup>. Most of Indonesia's palm oil production is destined for export. The active role of the state is essential in enabling business owners to operate freely through licensing mechanisms and the allocation of forest areas. State forests, according to Law No. 41 of 1999 on Forestry, refer to forests situated on land that does not have any land rights<sup>32,33</sup>. This formulation may appear neutral; however, in practice, it has become a tool that readily legitimises the state's unilateral claims over the majority of forest areas, including customary forests.

Customary forests are typically not created through formal legal decrees<sup>34</sup>. Under the seemingly impartial reasoning outlined above, customary areas lacking formal legal recognition are automatically deemed state property. In these circumstances, the state is at liberty to issue concession permits to palm oil companies, disregarding the fate and claims of indigenous peoples who have relied on these forests for generations. This stance is reflected in Law No. 18 of 2004

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<sup>30</sup> Qiang Zhao et al., "The Expansion and Remaining Suitable Areas of Global Oil Palm Plantations," *Global Sustainability* 7 (2024): e9, Cambridge Core, <https://doi.org/10.1017/sus.2024.8>.

<sup>31</sup> Muhammad Risal, "Multinational Corporations (MNC) Perkebunan Kelapa Sawit Di Kalimantan Timur: Dampak Aspek Lingkungan, Sosial Budaya, Dan Ekonomi," *Jurnal Hubungan Internasional Interdependence* 3, no. 1 (2018): 1–14, <https://doi.org/10.30872/v3i1.1332>.

<sup>32</sup> Rini Astuti and Andrew McGregor, "Indigenous Land Claims or Green Grabs? Inclusions and Exclusions Within Forest Carbon Politics in Indonesia," *The Journal of Peasant Studies* 44, no. 2 (March 2017): 445–66, <https://doi.org/10.1080/03066150.2016.1197908>; Rodd Myers et al., "Claiming the Forest: Inclusions and Exclusions Under Indonesia's 'New' Forest Policies on Customary Forests," *Land Use Policy* 66 (July 2017): 205–13, <https://doi.org/10.1016/j.landusepol.2017.04.039>; D A A Sari et al., "Indigenous People's Forest Management to Support REDD Program and Indonesia One Map Policy," *IOP Conference Series: Earth and Environmental Science* 200, no. 1 (November 2018): 012048, <https://doi.org/10.1088/1755-1315/200/1/012048>.

<sup>33</sup> According to Francisco Norman Jean Tangkere, the legal status of forest areas, as stipulated in Constitutional Court Decision No. 45/PUU-IX/2011, reinforces the authority of local governments to designate and determine forest areas. Furthermore, Constitutional Court Decision No. 35/PUU/2012, issued on 16 May 2013, confirmed that customary forests are no longer part of state forests, and that forest control by the state must respect the rights of indigenous communities. Based on this, future legal frameworks related to forest resource management must adhere to the principles of human rights for indigenous communities, recognising their inherent and natural ownership of the forest. The principles established by the Constitutional Court in Decisions No. 45 and No. 35 regarding the legal status of forest areas should be urgently implemented to ensure legal protection and certainty for forest management in line with national objectives outlined in the constitution. see Fransisco Norman Jean Tangkere, "Kajian Yuridis Terhadap Status Hukum Kawasan Hutan Berdasarkan Keputusan Mahkamah Konstitusi," *Lex Administratum* 4, no. 2 (2016): 60–68, <https://ejournal.unsrat.ac.id/v2/index.php/administratum/article/view/11296>.

<sup>34</sup> Yance Arizona, Muki Trenggono Wicaksono, and Jacqueline Vel, "The Role of Indigeneity NGOs in the Legal Recognition of Adat Communities and Customary Forests in Indonesia," *The Asia Pacific Journal of Anthropology* 20, no. 5 (October 2019): 487–506, <https://doi.org/10.1080/14442213.2019.1670241>; Hidayat et al., "Forests, Law and Customary Rights in Indonesia: Implications of a Decision of the Indonesian Constitutional Court in 2012"; Emmanuel Marfo et al., "From Discourse to Policy: The Practical Interface of Statutory and Customary Land and Forest Rights," in *Forests for People* (Routledge, 2012), 69–89.

on Plantations, later amended by Law No. 39 of 2014. Article 9, paragraph 2 stipulates that “every plantation business operator using land for plantation business must have land rights in accordance with the provisions of the law.” Although intended to ensure legal certainty for business actors, this provision has effectively legitimised corporate land acquisition in customary land areas. This absence of a precise mechanism governing the acquisition has enabled widespread violation of indigenous peoples’ right, including the rights of indigenous women<sup>35</sup>.

The capitalist tone is further emphasised by Law No. 6 of 2023, which ratifies Government Regulation No. 6 of 2022, replacing Law No. 2 of 2022 on Job Creation, thereby revising provisions in the Plantation Law and Forestry Law. Under this legal framework, the licensing process has been simplified through a risk-based business licensing, reducing verification stages and limiting public involvement. Such streamlining weakens environmental protection measures, including undermines through protection of indigenous peoples’ rights. For instance, Articles 110A and 110B of the Job Creation Law eliminate criminal penalties for corporations that breach environmental permits, provided “willingness to make improvements.” Thereby strengthening corporate influence and eroding the bargaining position of affected by corporate expansion.

Article 110A states that individuals engaged in business activities within forest areas, with valid permits, but incomplete forestry requirements must comply by November 02, 2023 or face administrative sanctions, including fines or permit cancellation. Article 110B specifies that violations occurring in forest areas lacking a business permit before November 02, 2020 will be subject to administrative sanctions, including temporary suspension of business activities, administrative fines, or government enforcement actions. However, those who violate regulations in forest areas of up to five hectares and have resided near the forest for at least five years are exempt from sanction and may have their cases addressed through forest area restructuring. Further details on these administrative sanctions will be outlined in a Government Regulation.

In agrarian law and plantation policy, a masculine bias is evident in the use of terms such as “head of the family,” “farmer,” or “landowner.” Although seemingly neutral, these terms subtly marginalise women – particularly indigenous women – by obscuring their important roles in food land management and ecological harmony. Consequently, indigenous women are rendered progressively invisible within the state agrarian policy. The role of indigenous women in managing food land and maintaining ecosystem sustainability is indeed crucial<sup>36</sup>. Nevertheless, the development of state programs in agrarian reform frequently overlooks indigenous women as valid legal entities. Despite the Constitutional Court Decision No. 35/PUU-X/2012, which

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<sup>35</sup> The Regulation of the Minister for Agrarian Affairs and Spatial Planning at the National Land Agency of the Republic of Indonesia, Number 14 of 2024, governs the implementation of land administration and the registration of customary land rights of indigenous peoples. It permits industry to acquire land within indigenous areas through management rights and establishes a three-stage procedure for administering and registering customary land, namely inventory and identification involving a research process, measurement and mapping including the installation of boundary markers, and recording together with the issuance of a copy of the Land Register based on the inventory and identification results. Once the administrative process for communal land is complete, registration may proceed through an application submitted by the indigenous peoples’ unit, which can provide legal certainty through management rights, followed by a land examination, an application to the Minister, and the issuance and registration of the Decree. Applications by groups of indigenous peoples may also be granted property rights after a legal review, public announcement, ratification of the Decree, and the issuance of certificates. see Ivana Novrinda Rambe et al., “The Urgency of Customary Land Registration (Analysis of Minister of Agraria Regulation No.14 of 2024),” *Proceedings of the 1st International Conference on Social Environment Diversity (ICOSEND 2024)*, February 28, 2025, 514–22, [https://doi.org/10.2991/978-2-38476-366-5\\_48](https://doi.org/10.2991/978-2-38476-366-5_48).

<sup>36</sup> Harriet V. Kuhnlein, “Gender Roles, Food System Biodiversity, and Food Security in Indigenous Peoples’ Communities,” *Maternal & Child Nutrition* 13, no. S3 (December 2017): e12529, <https://doi.org/10.1111/mcn.12529>; Stefanie Lemke and Treena Delormier, “Indigenous Peoples’ Food Systems, Nutrition, and Gender: Conceptual and Methodological Considerations,” *Maternal & Child Nutrition* 13, no. S3 (December 2017): e12499, <https://doi.org/10.1111/mcn.12499>.

differentiates between customary forests and state forests, derivative policies to protect indigenous women remain largely absent, and even fewer that specifically address their rights<sup>37</sup>.

This phenomenon reflects broader societal norms that characterise women in unequal dynamics with men. As Simone de Beauvoir argues in *The Second Sex*<sup>38</sup>, women are frequently regarded as “The Other,” defined not as autonomous subjects but in relation to men. This perspective contributes a patriarchal order that side-lines women socially, economically, and politically, framing them as auxiliaries rather than “helpers” of their own destinies.

Such gendered hierarchies are reinforced in agrarian and plantation management, deepening systemic inequality. The masculine categories application in agrarian and plantation policies, which subtly marginalise women, highlights the inequities present within this social framework. Indigenous women, despite possessing valuable knowledge and experience in sustainable food and land management, are frequently excluded from policy recognition and resource access. Additionally, the 1978 report *Women and the Class Struggle*, by Amrita Chhachhi and Rohini Hensman, highlights the intersection analysis of gender and class oppression under capitalism. Women’s subordination is perpetuated both within the family and through labour exploitation, where they face dual burdens of gender-based and class-based oppression. This intersectional lens reveals how capitalist and patriarchal systems jointly reinforce the marginalization of Indigenous and working-class women<sup>39</sup>.

This analysis is crucial as it uncovers how women are shaped not just by a single factor, such as gender, but also by a multitude of other influences, including social class, ethnicity, and socio-economic status. For instance, women from working-class backgrounds or indigenous women frequently encounter distinct challenges in contrast to their middle- or upper-class counterparts. Proletariat women, engaged in the informal sector or within households, frequently endure more severe oppression, manifested through labour exploitation and social discrimination.

The feminist movement arising in this context seeks not only to attain gender equality, but also to eradicate the wider oppression rooted in capitalist and patriarchal systems. Proletarian feminism, rooted in diverse women’s movements, emphasises the need to eradicate exploitation in both professional settings and domestic environments. It aims to ensure women’s equal participation in public sphere while also transforming the structural foundation of inequality.

The invisibility of indigenous women represents not just a result of administrative oversight, but also an embodiment of patriarchal systems entrenched within legal and economic frameworks. The collaboration between the state and the private sector creates a development narrative that emphasises men as the rightful representatives of the “people,” while women are confined to welfare or empowerment programs framed as charity. The National Commission on Violence Against Women reports that in over half of agrarian conflict cases, women are excluded from negotiation process, even though they suffer the greatest consequences of these conflicts<sup>40</sup>.

This ostensibly impartial legal framework enables systemic violence specifically targeting indigenous women. Overland conflict involving palm oil plantations in Kalimantan, Papua, and Sumatra have resulted in the loss of community access to vital resources,<sup>41</sup> such as food and

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<sup>37</sup> Arizona, Wicaksono, and Vel, “The Role of Indigeneity NGOs in the Legal Recognition of Adat Communities and Customary Forests in Indonesia”; Myers et al., “Claiming the Forest: Inclusions and Exclusions Under Indonesia’s ‘New’ Forest Policies on Customary Forests.”

<sup>38</sup> Simone de Beauvoir, *The Second Sex* (London: Jonathan Cape, 1956).

<sup>39</sup> Historical Materialism, *Women and the Class Struggle* (1978), November 14, 2020, <https://www.historicalmaterialism.org/women-and-the-class-struggle-1978/>.

<sup>40</sup> Komnas Perempuan, *Kekerasan Berulang Terhadap Perempuan Adat Dalam Penyelesaian Konflik Hutan Pubabu-Besipae, NTT*, October 16, 2020, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-kekerasan-berulang-terhadap-perempuan-adat-dalam-penyelesaian-konflik-hutan-pubabu-besipae-ntt-16-oktober-2020>; Komnas Perempuan, *Percepat Pembaruan Agraria Berkeadilan Gender*, September 24, 2021, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-peringatan-hari-agraria-jakarta-24-september-2021>.

<sup>41</sup> Herdis Herdiansyah and Randi Mamola, “Palm Oil Conflict and Social Transformation: Exploring the Intersection of Farmer Autonomy and Conflict Resolution,” *Trees, Forests and People* 21 (September

water, as well as to sacred cultural spaces. Women resisting land grabs encounter intimidation or criminalisation for allegedly obstructing economic development through investment. Data from The Indonesian Forum for the Environment/FoE Indonesia (WALHI) underscores the undemocratic management of livelihoods, characterised by disproportionate control over land: 60% of Indonesia's land is allocated to corporations via various permits, encompassing People's Managed Regions, Indigenous lands, vital ecosystems, and other significant zones that sustain the life ecosystem. Such land distribution excludes local communities – particularly indigenous women, women farmers, and fisherwomen—from participating in managing their lands and territories. The situation highlights the inability of state authorities to uphold, honour, and protect Human Rights, particularly for women, in a healthy environment, economic opportunities, and a high quality of life. Moreover, women who become aware of class issues and advocate for their rights often encounter escalating violence—whether verbal, physical, or sexual—along with intimidation and criminalisation. Such cases of harassment and repression against Women Human Rights Defenders (PPHAM) and environmental activists continue to rise, revealing the deep entrenchment of gendered and systemic violence within Indonesia's development framework<sup>42</sup>.

The loss of land affects indigenous communities not only economically, but also socially and psychologically<sup>43</sup>. The depletion of natural resources that have historically sustained their livelihoods imposes a dual challenge on indigenous women<sup>44</sup>, who must secure alternative income while ensuring their families stability. In this context, the term "double burden" is no longer suitable for describing their reality, as indigenous women face economic exclusion, legal marginalisation, and social subordination.

Women working on palm oil plantations earn less than men and continue to shoulder unpaid domestic responsibilities, which are undervalued and viewed as inherent. This marginalisation, rooted in agrarian capitalism<sup>45</sup> that restricts resource distribution and control over life, is an issue

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2025): 100934, <https://doi.org/10.1016/j.tfp.2025.100934>; Kuhnlein, "Gender Roles, Food System Biodiversity, and Food Security in Indigenous Peoples' Communities."

<sup>42</sup> Wahana Lingkungan Hidup Indonesia (WALHI), *Temu Perempuan Pembela HAM 2024*, 2024, <https://www.walhi.or.id/temu-perempuan-pembela-ham-2024>.

<sup>43</sup> Lorenza Arango Vásquez, "Indigenous Peoples, Commons and the Challenge of Sustaining Life Amid Capitalist Land Grabs," *The Journal of Peasant Studies* 52, no. 6 (September 2025): 1107–34, <https://doi.org/10.1080/03066150.2024.2431517>.

<sup>44</sup> Purabi Bose, "Equitable Land-Use Policy? Indigenous Peoples' Resistance to Mining-Induced Deforestation," *Land Use Policy* 129 (June 2023): 106648, <https://doi.org/10.1016/j.landusepol.2023.106648>; Nikodemus Niko et al., "Indigenous Women, Forest, and the Battle for Livelihood Rights of Dayak Benawan in Indonesia," *Multidisciplinary Reviews* 7, no. 8 (April 2024): e2024160, <https://doi.org/10.31893/multirev.2024160>.

<sup>45</sup> Agrarian capitalism refers to a system where private ownership of agricultural land is used to produce goods for sale in a market. Key features of this system include the use of wage labour, connection to national and international markets, and profit-driven production. Agrarian capitalists, often absentee landowners living in urban areas, control the land and have a strong influence on rural power structures. In this system, property rights—such as control over land, labour, and capital goods—determine the type of farming enterprise. Large-scale farming primarily benefits wealthy landowners and agrarian elites, while small farmers and traditional farming are largely neglected. Market-driven policies have given economic advantages to these elites, who support the regime in exchange for these benefits. These policies promote land concentration and rural livelihood diversification. As legal barriers are removed, agrarian elites can expand their land holdings, while those with rights to collective land can now sell or rent it, allowing them to access greater economic opportunities. see E. Spencer Wellhofer, "Agrarian Capitalism, Property Rights, and Rural Class Behavior," *Comparative Political Studies* 22, no. 4 (January 1990): 355–96, <https://doi.org/10.1177/0010414090022004001>; David Balgley, "Agrarian Capitalism and the Privatization of Collective Land in Morocco," *Journal of Undergraduate Research* 8 (2017): 51–58, <https://static1.squarespace.com/static/57e07645e6f2e1f209bad8f9/t/594187dbbeafbaa520b12c9/1497466845434/J632-Printer-vii.pdf>; Daniel W. Bromley, "The Role of Land Reform in Economic Development: Policies and Politics: Discussion," *American Journal of Agricultural Economics* 63, no. 2 (May 1981): 399–400, <https://doi.org/10.2307/1239592>.

intrinsically linked to the legal system. In Foucault's<sup>46</sup> biopolitical framework, law and development policies work together to regulate life through "power," encompassing land and its resources, as well as bodies and labour, which are deeply interconnected. Within this system, indigenous women are simultaneously regulated and excluded.

For Bourdieu's<sup>47</sup> framework, this subordination constitutes symbolic violence, as indigenous women internalise their oppression as a natural social condition, reinforced by the language of the law. Furthermore, when the law emphasises "investment certainty," "resource capitalisation," and "economic development," the collective wisdom of indigenous women will be side-lined, encompassing ecological, spiritual, and communal insights. A series of regulations, such as the Forestry Law, Plantation Law, and Job Creation Law, demonstrates a consistent rationale: the law serves primarily as a tool of power rather than protection, legitimising rights violations and perpetuating structural inequality. Women's empowerment initiatives often serve only as aesthetic purposes, failing to address the root causes of structural inequality stemming from agrarian power dynamics.

The circumstances faced by indigenous women thus demand a transformative understanding of agrarian justice. As long as laws are created and enforced within the confines of patriarchy and capitalism, justice will ultimately be dictated by the state, corporations, and select elites, leaving indigenous women as the "other": alienated, marginalised, silenced, and erased.

## 2.2. From Double to Multiple Burdens: Indigenous Women and the Intersection of Patriarchy, Colonialism, and Capitalism

In feminist studies, the double burden arises from women's dual responsibilities in patriarchal societies – unpaid domestic work and paid public tasks<sup>48</sup>. However, for indigenous women within capitalist-driven agricultural expansion, this term is no longer sufficient<sup>49</sup>. They today carry the weight of economic, ecological, social, cultural, and political responsibilities shaped by the intersecting forces of patriarchy, modern colonialism, and capitalism – positioning them as both victims and overlooked agents of resistance<sup>50</sup>.

<sup>46</sup> Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979* (Palgrave Macmillan, 2010).

<sup>47</sup> Bourdieu, "Symbolic Violence."

<sup>48</sup> Roderic Beaujot and Jianye Liu, "Models of Time Use in Paid and Unpaid Work," *Journal of Family Issues* 26, no. 7 (October 2005): 924–46, <https://doi.org/10.1177/0192513X04273583>; Ani Purwanti et al., "Coastal Women's Double Burden in Mangrove Management in Indonesia: A Socio-Legal Perspective," *Cadernos de Dereito Actual* 27 (May 2025): 136–59, <https://www.cadernosdedereitoactual.es/index.php/cadernos/article/view/1338>; Nitya Rao, "Global Agendas, Local Norms: Mobilizing around Unpaid Care and Domestic Work in Asia," *Development and Change* 49, no. 3 (May 2018): 735–58, <https://doi.org/10.1111/dech.12390>.

<sup>49</sup> Gender issues are deeply rooted in societal norms that often differentiate roles based on biological and physical characteristics. This has led to a discriminatory culture that limits women's roles and restricts their human rights, especially in terms of making personal choices. The unequal distribution of power and the division of labor within the family has traditionally confined women to domestic responsibilities. However, in reality, there is no clear-cut division of labour when it comes to fulfilling the family's economic needs, as women often find themselves balancing both household chores and work outside the home. This results in what is known as the "double burden" or "multiple burden," where women not only take on the role of housewives but also contribute significantly to the family's economic survival. As a result, women's roles have shifted from being merely complementary to becoming central to both the household management and the family's economic advancement. In times of economic downturn, the gender disparity in responsibilities becomes even more evident, demonstrating that women's contributions are indispensable to the family's well-being. see Nana Noviana Nadarsyah, "Double Burden and Gender Disparity: Women Diamond Miners Contribute to the Family Economy," in *Contemporary Global Perspectives on Gender Economics* (Hershey, PA: IGI Global, 2023), 154–61, <https://www.igi-global.com/dictionary/double-burden-and-gender-disparity/117518>.

<sup>50</sup> Ahmed, "Conceptualizing Subsistence as a Response to Capitalist Violence Against African Indigenous Women"; Kuokkanen, "Globalization as Racialized, Sexualized Violence: The Case of Indigenous Women."

Within national development, women are frequently confined to domestic roles or symbolically portrayed as bearers of cultural allegiance, while simultaneously exploited as inexpensive labour within the economic framework. Indigenous women experience this contradiction most acutely: as central to ecological balance, they carry social and domestic duties while facing intersecting legal, economic, and cultural frameworks. In palm oil land conflicts, they also face further gender-based injustices that are closely linked to ethnic, economic, and ecological discrimination<sup>51</sup>.

In indigenous communities, women are assigned roles that encompass reproductive, economic, and cultural functions, all interwoven within the social structure. Yet, when customary lands are appropriated for palm oil plantations, this structure collapses. Once sovereign over food and water resources, indigenous women are forced into plantations labour under exploitative conditions – low wages, absence of social protection, and exposure to hazardous chemicals without proper safety equipment. As noted by Rizal Assalam, Coordinator of Transnational Palm Oil Labour Solidarity, women plantation workers often earn an average of only IDR 130.000 per day, despite the significant health and safety risks they face on a daily basis<sup>52</sup>. Furthermore, Human Rights Watch<sup>53</sup> report indicates that female workers frequently operate without formal contracts, thereby lacking a formal protection framework. Indigenous women in these circumstances face not only significant economic consequences, but also forfeit their symbolic role within their communities as life guardians, as a result of their food and water sovereignty erosion.

Indigenous women, especially in the context of resolving palm oil land conflicts on their ancestral territories, are often excluded from negotiation and decision-making processes<sup>54</sup>. Such exclusion exacerbates their post-conflict vulnerability. Public consultations held by the government or companies typically involve only men identified as traditional leaders, reflecting the entrenched patriarchy that underlies both customary and formal law. Although this approach is formally presented as fulfilling the principle of representation; however, in practice, it serves merely as a tool to enable the seizure of customary land. Consequently, indigenous women's voices are silenced by both internal patriarchy and by a national legal system that acknowledges only formal representatives.

Drawing on Kimberlé Crenshaw's<sup>55</sup> concept of intersectionality, the oppression faced by indigenous women cannot be understood through a singular lens of causality or gender perspective. This is illustrated by the experiences of Black women in America, whose oppression is defined by the interplay of gender and race, resulting in a distinct character to their experiences. In a similar vein, indigenous women entangled in palm oil land disputes face oppression not only due to their gender, but also from the formal national legal system that side-lines indigenous

<sup>51</sup> Nikodemus Niko et al., "Indigenous Women's Connection to Forest: Colonialism, Lack of Land Ownership and Livelihood Deprivations of Dayak Benawan in Indonesia," *Feminist Encounters: A Journal of Critical Studies in Culture and Politics* 8, no. 1 (2024): 22, <https://doi.org/10.20897/femenc/14233>; Umi Oktyari Retnaningsih et al., "The Persistence of Patriarchy in the Palm Oil Sector: Evidence from the Riau Province of Indonesia," *Cogent Social Sciences* 8, no. 1 (December 2022): 2112825, <https://doi.org/10.1080/23311886.2022.2112825>.

<sup>52</sup> Harsono, *Buruh Perempuan Di Kebun Sawit Rawan Terpapar Kimia Berbahaya*, December 28, 2024, <https://www.sawitku.id/health/81414231996/buruh-perempuan-di-kebun-sawit-rawan-terpapar-kimia-berbahaya>.

<sup>53</sup> Human Rights Watch, "No Room to Bargain": Unfair and Abusive Labor Practices in Pakistan, January 23, 2019, <https://www.hrw.org/report/2019/01/23/no-room-bargain/unfair-and-abusive-labor-practices-pakistan>; Human Rights Watch, *When We Lost the Forest, We Lost Everything: Oil Palm Plantations and Rights Violations in Indonesia*, September 23, 2019, <https://www.hrw.org/report/2019/09/23/when-we-lost-forest-we-lost-everything/oil-palm-plantations-and-rights-violations>.

<sup>54</sup> Human Rights Watch, *When We Lost the Forest, We Lost Everything: Oil Palm Plantations and Rights Violations in Indonesia*; Julia and Ben White, "Gendered Experiences of Dispossession: Oil Palm Expansion in a Dayak Hibun Community in West Kalimantan," *The Journal of Peasant Studies* 39, nos. 3–4 (July 2012): 995–1016, <https://doi.org/10.1080/03066150.2012.676544>.

<sup>55</sup> Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color."

communities. Consequently, their struggles cannot be fully grasped through the simplistic lens of “women” versus “men” or “people” versus “state” alone.

This notion of legal neutrality places a disproportionate burden on indigenous women, highlighting how the interplay between legal frameworks and public policy influences the distinct experiences of diverse groups of women. Numerous Indigenous women work on palm oil plantations in the morning, manage domestic responsibilities and family fields in the afternoon, and engage in communal or traditional activities in the evening—yet their economic and social contributions remain unrecognised. Their labour is absent from gross domestic product calculations, despite being essential to community welfare. This condition reflects both statistical invisibility and epistemic invisibility, wherein Indigenous women’s knowledge and experiences are excluded from legitimate forms of recognition.

The concept of legal neutrality places a disproportionate burden on indigenous women, further restricting their social and economic space. Their daily lives are marked by multiple responsibilities: working on corporate palm oil plantations in the morning, caring for children, managing household and fields in the afternoon, and engaging in social or traditional activities in the evening. Despite their substantial contributions, indigenous women are rarely acknowledged as economic or social contributors. Their work is not documented as a vital component of gross domestic product, even though their daily activities play a crucial role in the lives of communities and societies. This concept, known as statistical invisibility, falls under the broader category of epistemic invisibility, in which women’s knowledge, experiences, and contributions – particularly those of indigenous women – are excluded from dominant systems of value and legitimacy.

Land conflicts further intensify gendered inequalities within indigenous households<sup>56</sup>. Compensation or reparations for land disputes are generally awarded to the head of the family, leaving women marginalised despite their direct losses. Inadequate compensation, loss of livelihood, and unfair land acquisition procedures are key factors driving land disputes, which often lead to dissatisfaction within affected communities, complicating the resolution process<sup>57</sup>. A variety of methods are utilised to address land conflicts, including indigenous conflict-resolution strategies, contemporary litigation, and hybrid models that integrate both approaches. The success of these methods is primarily influenced by how well the affected parties accept and are satisfied with them<sup>58</sup>. In these circumstances, women frequently find themselves sidelined from decision-making regarding compensation, even though they are directly affected by the depletion of natural resources on their ancestral lands<sup>59</sup>. Additionally, research frequently reports an escalation of domestic violence after land disputes, driven by economic pressure or changes in gender dynamics. This highlights that the challenges faced by indigenous communities extend beyond the physical realm, encompassing economic, psychological, and social aspects.

<sup>56</sup> Antonio A. R. Ioris, “Indigenous Peoples, Land-Based Disputes and Strategies of Socio-Spatial Resistance at Agricultural Frontiers,” *Ethnopolitics* 21, no. 3 (May 2022): 278–98, <https://doi.org/10.1080/17449057.2020.1770463>; Faustin Tirwirukwa Kalabamu, “Land Tenure Reforms and Persistence of Land Conflicts in Sub-Saharan Africa – The Case of Botswana,” *Land Use Policy* 81 (February 2019): 337–45, <https://doi.org/10.1016/j.landusepol.2018.11.002>; Alan Tidwell and Barry Scott Zellen, *Land, Indigenous Peoples and Conflict* (Routledge Abingdon-on-Thames, UK, 2016).

<sup>57</sup> Nibret Sefiw, Arragaw Alemayehu, and Belaynesh Kebede, “Conflict in Land Acquisition for Cooperative Housing Development in Woldia, Ethiopia,” *Land Use Policy* 154 (July 2025): 107575, <https://doi.org/10.1016/j.landusepol.2025.107575>; Mark Y.L. Wang, Yanan Song, and Chen Li, “Land Acquisition Induced Conflicts in Suburban China: A Procedural Perspective,” *Geographical Research* 57, no. 3 (August 2019): 275–85, <https://doi.org/10.1111/1745-5871.12343>.

<sup>58</sup> Antarin Prasanthi Sigit and Daryono, “In Search of a Just and Equitable Agricultural Land Dispute Settlement Through Hybrid Land Dispute Settlement In Indonesia,” *Brawijaya Law Journal* 10, no. 2 (2023): 242–59, <https://doi.org/10.21776/ub.blj.2023.010.02.06>.

<sup>59</sup> Tesfanesh Ababu et al., “Evaluation of Women’s Participation and Empowerment in Community Land Rehabilitation Programs: Lesson Drawn from Wera District, Southern Ethiopia,” *Journal of Forest Science* 69, no. 4 (2023): 158–71, <https://doi.org/10.17221/165/2022-JFS>; Specioza Twinamasiko and Caroline Faria, “Land Is Men’: Oil, Secondary Wives, and the Extractive Intimacies of Dispossession by Compensation in Albertine Graben, Uganda,” *Gender, Place & Culture* 32, no. 6 (June 2025): 871–93, <https://doi.org/10.1080/0966369X.2025.2455724>.

Within indigenous worldviews, women maintain a profound spiritual connection with the land and forests. In various indigenous belief systems, the land is viewed as the body of the mother, a source of life that requires care rather than ownership. Hence, palm oil land not only deprive women of material access to resources but also undermine the fundamental role of women as stewards of the earth. Based on a phenomenological perspective, the body and its surroundings exhibit a reciprocal relationship: the body receives stimuli from the environment while also imparting meaning, and it affects the environment through its actions. Consequently, the loss of land leads to the loss of indigenous women's embodied experience, stripping them the opportunity to feel, comprehend, and validate their identity.

In these situations, it is crucial to acknowledge that the various challenges faced by indigenous women – especially in palm oil land disputes – arise not only from external influences but are also influenced by the ongoing negotiation of their identities, spatial boundaries, and the forces seeking to undermine their autonomy. Indigenous women must navigate a legal system that does not support customary rights, alongside a patriarchal customary framework and a rationale that commodifies every facet of their lives. These intersecting layers of oppression prompt the development of new survival strategies, including participation in the informal economy, the rise of communal solidarity, and the exploration of new spiritual alternatives. Such strategies bring a fresh perspective to the sustainability of indigenous women's lives, which are perpetually shaped by a burden that evolves as an obligation to adjust to shifts in the power structure.

When agrarian capitalism serves indigenous communities from their communal lands, patriarchal structure simultaneously alienates them from their own identities. They share a collective weight of responsibilities without corresponding rights, engaging in the public sphere for economic survival while remaining bound to domestic and cultural responsibilities. This dynamic reveal that indigenous women do not merely face a double burden, but endure multiple burdens stemming from the intersection of various forms of oppression, such as gender, race, class, ecology, and law<sup>60</sup>. All of these elements interact to create a complex structure that reinforces the subordination of indigenous women. The experience of subordination among indigenous women simultaneously highlights the constraints of the contemporary legal framework that emphasises individuality and ownership. Individuals are viewed as rational, neutral, and autonomous entities, whereas indigenous women exist within a deeply intertwined web of social and ecological connections. In this legal system, the perspectives of indigenous women, reflecting their unique experiences, serve as an important critique of a system regarding diversity.

### **2.3. Biopolitics and Symbolic Violence: The Role of Law in the Oppression of Indigenous Women in Indonesia's Agrarian System**

Law is not merely a theoretical concept but a tangible framework that functions through the authority of those empowered to establish, interpret, and utilise it for their own purposes. For some, the laws serve as a "shield of protection," whereas those in authority regard these same laws as "tools of repression." Its authority ultimately rests on the potential for violence, positioning law as both a means of preventing violence and assistance. The dual nature of law extends beyond its content, which may be oppressive, protective, or enabling based on the circumstances<sup>61</sup>.

In managing natural resources and agrarian regulations in Indonesia, the legal framework must be viewed as more than just instruments for attaining social order and justice, but as a form

<sup>60</sup> Kumari Vibhuti Nayak (Lohariya), "Indigenous Women's Evaluation of Anti-Indigenous Violence: An Intersectional Analysis," *AlterNative: An International Journal of Indigenous Peoples* 21, no. 1 (March 2025): 42–53, <https://doi.org/10.1177/11771801241309360>; Paulina García-Del Moral, "Indigenous Women, Multiple Violences, and Legal Activism: Beyond the Dichotomy of Human Rights as 'Law' and as 'Ideas for Social Movements,'" *Sociology Compass* 16, no. 6 (June 2022): e12984, <https://doi.org/10.1111/soc4.12984>.

<sup>61</sup> Aga Natalis, Ani Purwanti, and Teddy Asmara, "Anthropocentrism Vs Ecofeminism: How Should Modern Environmental Law Be Reformed?," *Articles, Sortuz: Oñati Journal of Emergent Socio-Legal Studies* 13, no. 1 (April 2023): 38–68, <https://opo.iisj.net/index.php/sortuz/article/view/1686>.

of power that effectively governs life, in line with Michel Foucault's<sup>62</sup> theory of biopolitics. From this perspective, agrarian law determines who may reside on particular lands, establishes legal ownership, identifies trespassers, and determines who may be removed for developmental purposes. Thus, law transcends not only as an administrative tool, but also regulates bodies, spaces, and social aspects of society.

Since the Dutch colonialism period, agrarian law has served as a tool to exert control over indigenous populations and their habitats. The *Agrarische Wet* 1870 legitimised private access to land under the principle of state ownership – a doctrine later reinforced by the Basic Agrarian Law No. 5 of 1960 during the New Order. Although this law formally abolished colonial legal dualism, nonetheless positioned the state as the ultimate authority regarding land ownership. This fundamental principle was subsequently reflected in several regulations concerning land and forests, including Law No. 41 of 1999 on Forestry and Law No. 39 of 2014 on Plantations, further strengthened by Law No. 11 of 2020 on Job Creation. Collectively, these legal frameworks operate within a development paradigm that prioritises state control and corporate interests, often at the expense of local and customary land tenure systems.

Within this framework, the rights of rural women – particularly regarding land and natural resources – are often overlooked. International human rights law, however, articulates a contrasting normative standard. According to CEDAW Article 5.1, States must take appropriate measures to challenge social and cultural practices that perpetuate gender-based inequality. The CEDAW Committee's General Recommendation No. 34 (2016) explicitly recognises the right of rural women to land, water, seeds, forests, and fisheries as fundamental human rights. It urges states to adopt agricultural policies that are responsive to the needs of rural women, protect natural commons, promote organic farming, and ensure their access to essential agricultural resources, such as seeds, tools, knowledge, and equipment. Furthermore, the recommendation stresses the need to protect rural women's traditional ecological knowledge, including their right to preserve and exchange native seeds. It also advocates for laws that prevent harmful agricultural practices, such as the mandatory purchase of sterile (terminator) seeds. Moreover, it urges that land acquisitions must be conducted with the free, prior, and informed consent of rural women, without resulting in forced eviction or violations of their rights, and should be aligned with international standards and provide adequate compensation to rural women<sup>63</sup>.

Despite these international commitments, the enforcement of state-defined property rights contradicts the recognition of indigenous peoples' rights, particularly when forest areas are designated for plantation concessions through investment schemes. Indigenous peoples, lacking formal property rights as defined by agrarian law are in a weak position, lacking a solid foundation to advocate for their rights to access resources vital to their livelihoods. Consequently, indigenous peoples are frequently labelled as "illegal settlers" or "forest encroachers". In the context of biopolitical law, this legal perspective cannot be viewed as impartial; rather, it should be understood as a law that influences power in determining who is entitled to inhabit a specific space. In Foucault's terms, this exemplifies governmentality – a mode of governance through which the state manages life through policies and discourse that seem rational and neutral, yet ultimately validate structural violence.

The structural violence mentioned extends beyond physical violence to encompass symbolic violence, as highlighted by Bourdieu. This form of violence functions through diverse symbols, discourse, and social legitimacy. In agrarian law, symbolic violence manifests through the use of ostensibly neutral legal terminology of "property rights," particularly when the state designates customary land as "state land." Such language undermines indigenous knowledge systems and social connections have genuinely sustained the existence of a community or indigenous society, effectively delegitimising their local "law" orders within the national "law" framework. The mere act of labelling something as "legal" or "illegal" thus serves to marginalise the entire histories, cultures, and way of life.

<sup>62</sup> Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*.

<sup>63</sup> José E. Alvarez and Judith Bauder, *Women's Property Rights Under CEDAW* (Oxford University Press, 2024), <https://doi.org/10.1093/oso/9780197751879.001.0001>.

The portrayal of Indigenous peoples as impediments to development similarly reflects symbolic violence. Legal and bureaucratic discourses, such as environmental impact assessments, frequently describe indigenous peoples as lacking rationality, being unmodern, primitive, and requiring ongoing oversight. The authority embodied in this agrarian law is part of the mechanisms of power that may seem innocuous yet effectively contribute to the creation and perpetuation of structural violence through the symbols embedded within the law. Introducing these symbols creates an environment in which social practices may render symbolic violence a permissible “norm”.

While often framed as beneficiaries of empowerment programmes, indigenous women in reality face spatial, economic, and political constraints imposed by a masculine, capitalist development paradigm. Laws and policies presented as protective frequently serve as ideological tools that legitimise inequality and reinforce control over women’s bodies and living environments. Such “empowerment” policies serve how biopolitical regime use law to shape subjects who are compliant, productive, and manageable. This is evident in the creation of new subjects’ categories, such as “plasma farmers” and “company partners,” which effectively transform dispossessed landholders into labourers within the palm oil production chain. Although these programs claim to advance welfare, they reproduce capitalist hierarchies that prioritise corporate interests over community wellbeing.

Symbolic violence persists in public discourse, reinforcing the notion that the law is neutral and rational, while neglecting the power structures that shape it. Licensing procedures are frequently highlighted across contexts, with little attention to the unequal relationship between corporations and communities. Media portrayals of agrarian conflicts further depoliticise these issues, framing them as isolated legal or criminal disputes rather than as a manifestation of systemic structural violence.

The biopolitics of law continues to evolve, as demonstrated by Law No. 6 of 2023, which integrates Government Regulation No. 2 of 2022 on Job Creation. Under the pretext of efficiency and investment facilitation, these reforms consolidate corporate control over land and resources. Indigenous women remain the most impacted group, particularly as the legal system fails to offer exceptional protection for customary rights holders and continues to undermine their position. Moreover, the absence of familiarity with ownership-based concepts leaves many indigenous communities unable to navigate bureaucratic requirements, resulting in their exclusion from legal recognition. Thus, law not only regulates property but also determines who qualifies as a rights-bearing subjects.

From a legal feminism perspective, these developments highlight that law serves as an instrument of patriarchal authority. Indigenous women are overlooked in all dimensions, including the very foundations of legal knowledge. Indigenous women are perceived merely as objects of law and policy, rather than as active subjects whose contributions are essential. In Foucault’s<sup>64</sup> framework, this illustrates that law operates as an “instrument of normalisation” employed to uphold a specific rationality as the legitimate form of rationality. Consequently, indigenous women who refuse to transform forests into plantations are viewed as violating the law, even though their actions reflect a deeply rooted ecological ethic that embodies sustainability.

Yet, as Foucault<sup>65</sup> noted, all forms of power encounter resistance. For indigenous women, opposing agrarian law serves not just to protect their land, but also to redefine the law as a means of life rather than a tool of oppression. Indigenous women challenge the notion of “ease of doing business” that harms the environment, highlighting that life transcends simple economic assessments. The law in this context is inherently correlated to the social environment in which it operates and must consistently consider the individuals who encounter it, the spaces they inhabit, and the communities that uphold sustainability. Through the combined lens of Foucault and Bourdieu, law emerges as both a site and instrument of power, where legitimacy and domination

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<sup>64</sup> Michel Foucault, “Discipline and Punish: The Birth of the Prison,” in *Social Theory Re-Wired* (Routledge, 2023), 291–99.

<sup>65</sup> Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972 - 1977*, ed. Colin Gordon (New York: Pantheon Books, 1981).

converge. The injustices faced by indigenous women, therefore, are not anomalies but inherent outcomes of the existing legal order itself.

#### **2.4. Feminist Resistance and Ecological Justice: Indigenous Women's Struggle against Land Seizure and Symbolic Violence**

The ideas of "masculine" and "feminine" are understood as constructs moulded by societal and cultural factors. Gender-based ideologies portray these categories as intrinsically connected to biology. The prevailing Western construct of masculinity, which shapes gender relations and social progress, has marginalised culturally defined feminine attributes while asserting dominance over them. This ideological framework of masculinity further fosters the notion of women as "the other." In this unequal relationship, femininity is characterised as anything that is not masculine, and as a result, it is vulnerable to control<sup>66</sup>.

Simone de Beauvoir's<sup>67</sup> perspective on women's liberation – centred on the acceptance of masculinity and the rejection of biological limitations – reflects a wider societal conflict. This struggle encompasses not only gender, but also the challenge against the entrenched systems of power that have historically dictated roles through the lens of masculinity. Similarly, when the law, state, and corporations come together to form a formidable network, indigenous women are compelled to resist a system that continues to marginalise them. Based on de Beauvoir's view on women's liberation as well, the resistance of indigenous women goes beyond conventional methods of opposition<sup>68</sup>. It is formed not just by political action but also by a profound existential affirmation—an endeavour to re-establish the essential correlation between their bodies, the land, and their communities, all of which have been unsettled by the impacts of agrarian capitalism.

The resistance embodied by indigenous women acts as a counter-narrative to the prevailing legal and developmental stories that perpetuate systemic injustice. It is articulated through daily practices, rituals, stories, and solidarity across communities, ultimately seeking to create a new understanding of justice that confronts the current power structures.

Layered oppression through the lens of intersectionality becomes a mechanism of interpretation that can clarify the resistance presented by indigenous women. In this case, intersectionality not only provides an analysis of layered oppression, but also of how multiple identities can serve as sources of survival for oppressed groups. Confronted by patriarchal and capitalist structures—exacerbated by legal systems that institutionalise colonial legacies—indigenous women engage in resistance that is multidimensional, interrelated, and grounded in collective experience.

Such resistance is often shaped by spiritual and ecological experiences. Indigenous women, who hold a significant role in fertility rituals and environmental protection, continue to carry out traditions that are actualised in a political context as an affirmation of their spiritual and ecological sovereignty. In this context, women's bodies become a space of resistance through acts of refusal and simultaneous protection of the environment. In addition, this resistance extends into the narrative realm, as indigenous women reclaim and retell local history erased by the narrative of state development. Though often transmitted orally, these stories constitute a powerful epistemological act of restoration – reclaiming communal identities, preserving collective memory, and reasserting autonomy. By rejecting the rigid, legal language in favor of relational language, they resist the symbolic hegemony of the state and corporations.

Just as structural violence is manifested through non-confrontational symbols, indigenous women's resistance also takes the form of subtle, everyday acts of defiance. These small, often invisible gestures carry great political significance, rejecting the capitalist logic that quantifies life solely by productivity. Intersectionality analysis explains how the experiences of indigenous women interact with the resistance as done by several indigenous communities in Central Kalimantan, those who lost their land due to the palm oil plantation project experienced economic injustice as well as the loss of their living space. The collective experiences they have gathered

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<sup>66</sup> Shiva, *Staying Alive: Women, Ecology, and Survival in India*, vol. 84.

<sup>67</sup> Beauvoir, *The Second Sex*.

<sup>68</sup> Shiva, *Staying Alive: Women, Ecology, and Survival in India*, vol. 84.

have given rise to collective resistance, demonstrating that it is not only present in formal spaces but also in domestic, spiritual, and ecological spaces.

Within the framework of feminist philosophy, the resistance of indigenous women represents an effort to reaffirm the ethics of sustainability and the ethical relationship between humans and nature. This resistance rejects the modern separation between subject and object, humans and nature, and life and living. In this case, protecting the land means not only protecting the material aspects of an object, but also other aspects affected by it, including the ethical principles used to reject the economic reduction of existence. Furthermore, the struggle of indigenous women is not merely agrarian, but an ontological one, a struggle to restore the meaning of life.

Examined further, this form of resistance constitutes epistemic resistance. In various advocacy spaces, indigenous women challenge the concept of positive law that rejects experience as a source of truth. Through this resistance, they affirm that bodily experience, feelings, and their relationship with living space are valid forms of knowledge and truth. Their struggle also seeks to democratisation the law by changing who is considered entitled to speak about justice. From Bourdieu's perspective, indigenous women have successfully disrupted the legal habitus – the long-standing social structure that regulated who qualifies as an experts and lay people. Their knowledge arises from birth experiences and direct practice, rather than from formal academic or bureaucratic channels, constituting a form of symbolic resistance to the epistemic domination by the state and corporations. Through their actions, narratives, and rituals, indigenous women reproduce new meanings of justice that are not measured solely by formal ownership but also by ecological sustainability and balance.

The resistance of indigenous women compels a fundamental reconsideration of the concept of justice. Justice must be understood not merely as the distribution of resources, but as the recognition of the diversity of ways of life. This resistance shows that ecological, gender, and social justice are inseparable; justice is always intertwined with the concrete experiences of each subject, so that intersectionality can not only be used as an analytical tool but also encompasses a political ethic that elaborates on the complexity of life within the legal system. Intersectionality, therefore, serves not only as an analytical framework but also as a political ethic that reflects the complexity of life within legal systems. Law, then, should not remain an exclusive domain of the state or corporations but must engage with the living realities it governs. Indigenous women, in this regard, offer a broader vision of law—one that integrates intersectionality, care, power, and life itself<sup>69</sup>.

In conclusion, the resistance of indigenous women is not only a struggle or an act of defiance against the seizure of land by the state and corporations, but also a struggle to reaffirm the most fundamental values of humanity. Their lived experiences articulate a vision of justice grounded in diversity, interconnectedness, and sustainability. In a world dominated by agrarian capitalism and unjust laws, indigenous women's resistance serves as a reminder that life cannot be controlled, traded, or reduced to a commodity. Their resistance thus embodies one of the most radical expression of the philosophy of life.

### 3. Conclusion

This study uncovers the dual challenges faced by indigenous women in the context of palm oil land conflicts, employing an intersectional approach that provides a more nuanced understanding of oppression forms. Within the growing oil palm plantation industry, indigenous women face not only gender-based oppression but also injustices related to their ethnicity, economic status, and ecological concerns. The collaboration between the state and corporations

<sup>69</sup> Joanne Conaghan, "Intersectionality and the Feminist Project in Law," in *Intersectionality and Beyond* (Routledge-Cavendish, 2008), 37–64; Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics"; Crenshaw, *On Intersectionality: Essential Writings*; Iyiola Solanke, "Putting Race and Gender Together: A New Approach To Intersectionality," *The Modern Law Review* 72, no. 5 (September 2009): 723–49, <https://doi.org/10.1111/j.1468-2230.2009.00765.x>.

to advance agrarian investment often overlooks the rights of indigenous peoples, resulting in their marginalisation in the decision-making processes that impact their lives directly.

Indigenous women, whose lives are deeply connected with the land and its ecosystems, encounter significant hardships when their traditional territories are appropriated for the palm oil industry. Beyond losing access to the natural resources, they endure dual challenge of undervalued domestic responsibilities and the fight to uphold their rights to their customary lands and forests. Despite their essential role in sustainable resource management and cultural preservation, indigenous women are frequently marginalised in land conflict negotiations and excluded from decision-making processes.

This study employs an intersectional approach to emphasise that the oppression faced by indigenous women cannot be comprehended through a singular lens of gender, ethnicity, or class. Rather, these dimensions intersect to produce a unique distinct type of oppression that merges structural and symbolic violence, bolstered by the prevailing legal framework. In this context, law serves not only to regulate the distribution of resources but also to legitimise the authority of the state and corporations over indigenous lands.

The resistance of indigenous women against this oppression transcends the mere reclamation of their land; it represents a profound effort to restore their identity as guardians of the ecosystem and preservers of culture. Through direct action, narratives, or rituals they reject oppressive power and an affirmation of their rights as complete subjects in development. In this situation, their struggle embodies a pursuit of social and ecological justice, grounded in the recognition of their intergenerational ecological knowledge and lived experience.

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