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The Threat of Green Grabbing to Indigenous Peoples' Rights in the Implementation of Law Number 32 of 2024

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Abstract

This study aims to examine the threat of green grabbing in the implementation of Law No. 32 of 2024 concerning Natural Resource and Ecosystem Management, with a focus on its impact on land tenure by indigenous peoples and environmental governance.

This study uses normative legal research methods by analyzing legislation, international legal instruments, and related academic literature. A doctrinal approach is applied to assess the alignment between the normative ideals of the law and the practical implications of Law No. 32 of 2024, particularly those related to the recognition of customary land rights and environmental management involving indigenous peoples.

The novelty of this research lies in its critical assessment of the conservation framework as a potential instrument for land grabbing legalized by the state in the era after the enactment of Law Number 32 of 2024. This research highlights the tension between the goals of ecological preservation and the protection of indigenous peoples' rights, which are often neglected in the implementation of conservation policies.

The results of the study show that although Law No. 32 of 2024 contains progressive principles such as community participation and recognition of indigenous peoples, its implementation remains weak. This is reflected in the lack of adequate recognition of customary land rights and the weak application of the Free, Prior, and Informed Consent (FPIC) procedure, which opens up opportunities for the misuse of conservation policies as a pretext for land grabbing.

This study concludes that the effectiveness of Law No. 32 of 2024 depends on the establishment of clear technical regulations, strong protection mechanisms for customary territories, and integrative agrarian reform. To prevent conservation policies from becoming a justification for land grabbing, indigenous communities must be recognized not only as affected parties but as key stakeholders in natural resource management.

Keywords: Green Grabbing; Indigenous Peoples; Conservation; Agrarian Reform; Environmental Law

Abstrak

Penelitian ini bertujuan *untuk mengkaji ancaman green grabbing dalam pelaksanaan Undang-Undang Nomor 32 Tahun 2024 tentang Pengelolaan Sumber Daya Alam dan Ekosistem, dengan fokus pada dampaknya terhadap penguasaan tanah oleh masyarakat adat dan tata kelola lingkungan.*

Penelitian ini menggunakan ***metode penelitian hukum normatif*** *dengan menganalisis peraturan perundang-undangan, instrumen hukum internasional, serta literatur akademik*

terkait. Pendekatan doktrinal diterapkan untuk menilai keselarasan antara idealitas normatif hukum dengan implikasi praktis dari Undang-Undang Nomor 32 Tahun 2024, khususnya yang berkaitan dengan pengakuan hak atas tanah ulayat dan pengelolaan lingkungan yang melibatkan masyarakat adat.

***Kebaruan** penelitian ini terletak pada penilaian kritis terhadap kerangka konservasi sebagai potensi instrumen perampasan tanah yang dilegalkan oleh negara dalam era pasca pemberlakuan Undang-Undang Nomor 32 Tahun 2024. Penelitian ini menyoroti ketegangan antara tujuan pelestarian ekologi dan perlindungan hak-hak masyarakat adat, yang seringkali terabaikan dalam implementasi kebijakan konservasi.*
***Hasil Penelitian** menunjukkan bahwa meskipun Undang-Undang Nomor 32 Tahun 2024 memuat prinsip-prinsip progresif seperti partisipasi masyarakat dan pengakuan terhadap masyarakat adat, implementasinya masih lemah. Hal ini tercermin dari kurangnya pengakuan yang memadai terhadap hak atas tanah ulayat, serta lemahnya penerapan prosedur Persetujuan Atas Dasar Informasi Awal Tanpa Paksaan (Free, Prior, and Informed Consent/FPIC), yang membuka peluang disalahgunakannya kebijakan konservasi sebagai dalih untuk perampasan tanah.*
***Kesimpulan** penelitian ini bahwa efektivitas Undang-Undang Nomor 32 Tahun 2024 bergantung pada pembentukan regulasi teknis yang jelas, mekanisme perlindungan yang kuat terhadap wilayah adat, serta reformasi agraria yang bersifat integratif. Untuk mencegah agar kebijakan konservasi tidak menjadi legitimasi bagi praktik perampasan, komunitas adat harus diakui bukan hanya sebagai pihak yang terdampak, tetapi sebagai pemangku kepentingan utama dalam tata kelola sumber daya alam.*
Kata kunci: Green Grabbing*; Masyarakat Adat; Konservasi; Reformasi Agraria; Hukum Lingkungan*

1. INTRODUCTION

Law Number 32/2024, which amends the Law on Conservation of Biological Natural Resources and their Ecosystems, was enacted in response to significant changes in Indonesia's natural resource management, which is under substantial strain due to unregulated exploitation methods.[1] The change to this Law originated from the rising incidence of agricultural disputes, environmental degradation, and the marginalization of indigenous people reliant on traditional natural resource management for their sustenance.

The preceding legislation, specifically Law No. 5 of 1990 regarding the Conservation of Natural Resources and Ecosystems, was considered inadequate in addressing emerging challenges, particularly those associated with global economic pressures, investment expansion in the extractive sector, and the menace of green grabbing practices that have surfaced as a worldwide concern.[2] Article 16 of Law No. 5 of 1990 presents significant issues with the designation of protected zones. This item grants the government extensive power to

[1] Mohamad Hidayat Muhtar dkk., "Addressing the Paradox: Why Environmental Constitutionalism Is More than Just Rights?," *E3S Web of Conferences* 506 (2024): 06004, https://doi.org/10.1051/e3sconf/202450606004.
[2] Dolot Alhasni Bakung dkk., "Criticizing Potential Deviations in the Role of Environmental Impact Analysis after the Enactment of the Job Creation Law," *E3S Web of Conferences* 506 (2024): 06005, https://doi.org/10.1051/e3sconf/202450606005.

designate conservation zones without the need to engage indigenous or local populations living in or around the region.[3] Consequently, several indigenous populations were displaced from their territories without sufficient consultation or appropriate compensation. Furthermore, Article 33 of the Law is seen as problematic due to its ambiguous definition of the process for community involvement in conservation management, hence creating potential avenues for the misuse of power by certain entities.

Green grabbing is the appropriation of land and natural resources under the pretext of conservation, climate change mitigation, or sustainable development, often disregarding the rights of indigenous and local populations. This phenomenon is a significant issue since several initiatives purportedly aimed at conservation or green investment have led to the displacement of populations from their ancestral lands, deprivation of access to natural resources, and systemic destitution.[4] In Indonesia, the phenomenon of green grabbing often arises from inadequate legislative safeguards for indigenous peoples' rights and the presence of regulatory gaps that some entities use to further corporate interests.

Since the implementation of Law No. 5 of 1990, much criticism has arisen due to the Law's perceived inadequacy in addressing the rights of indigenous peoples. The conservation strategy used emphasizes an exclusive preservation model, restricting indigenous peoples' access to lands and forests that have historically been essential to their existence.[5] This approach contradicts the conventional traditions of indigenous peoples who sustainably manage natural resources via local knowledge. Consequently, several instances arise in which indigenous populations lose their land rights due to being deemed violators of conservation zones, despite having preserved the ecosystem's viability for millennia.

Escalating tensions among the government, corporations, and indigenous people about natural resource management prompted the law's revision. The conflict in the Kalimantan and Sumatra areas has been emphasized, where indigenous populations confront forced evictions due to conservation initiatives or renewable energy projects.[6] Conversely, the matter of agricultural reform, a national strategic priority, has fostered the need for more equitable and inclusive laws. The revision to this Law is anticipated to provide a robust legal foundation for the protection of indigenous peoples' rights while promoting environmental sustainability.

The Conservation Amendment Act aims to include three primary pillars: environmental conservation, empowerment of indigenous peoples, and social justice. This methodology pertains to John Rawls' notion of "justice as fairness," which posits that justice should allocate resources equitably while safeguarding the interests of the most vulnerable individuals. The

[3] Rahmat Teguh Santoso Gobel dkk., "Environmental Policy Formulation through the Establishment of Food Reserve Regulations: Opportunities and Challenges," *E3S Web of Conferences* 506 (2024): 05002, https://doi.org/10.1051/e3sconf/202450605002.

[4] Viorizza Suciani Putri dkk., *Kewenangan Izin Pemanfaatan Ruang Pasca Undang-undang Cipta Kerja* (Eureka Media Aksara, 2023), https://repository.penerbiteureka.com/publications/563020/.

[5] Jorawati Simarmata, "Tumpang Tindih Undang-Undang Konservasi Sumber Daya Alam Hayati dan Ekosistemnya," *Jurnal Legislasi Indonesia* 15, no. 3 (2018): 185–96, https://doi.org/10.54629/jli.v15i3.245.

[6] Dani Rusdiana, M. P. A. Tati, dan Sultan Nugraha, "Identifikasi Pelanggaran AMDAL Mega Proyek Wisata Pulau Komodo Nusa Tenggara Timur," *Jurnal Identitas* 1, no. 1 (2021): 42–52, https://doi.org/10.52496/identitas.v1i1.103.

Act references the idea of political ecology, which emphasizes the power dynamics in natural resource management, particularly how conservation strategies can mirror systemic inequities that favor certain elite groups.

John Rawls's theory of justice as fairness is relevant for evaluating whether natural resource governance ensures equitable distribution of benefits and burdens, especially for vulnerable groups such as indigenous peoples. Within the framework of Law No. 32/2024, it emphasizes the need for policy mechanisms that safeguard customary land rights and ensure fair access to environmental resources.

The change to this Law is founded on the notion of human rights, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples. This legislation acknowledges the rights of indigenous peoples to their lands, territories, and resources, including the entitlement to provide free, prior, and informed consent (FPIC) for any project affecting their customary areas. This strategy seeks to empower indigenous peoples in the decision-making process, ensuring they are not subjected to exclusionary policies.

Theoretically, the notion of green grabbing can be examined through the lens of environmental colonialism, which underscores how contemporary conservation practices frequently embody a novel form of colonialism, wherein the management of natural resources is executed under the auspices of global imperatives, such as climate change mitigation or biodiversity preservation.[7] This notion is especially pertinent in Indonesia, where substantial projects often include foreign stakeholders with distinct goals. The Conservation Amendment Law aims to reconcile local and global interests by ensuring that conservation measures safeguard the environment while honoring the sovereignty of indigenous populations.

Environmental colonialism is important for analyzing how modern conservation efforts may reproduce colonial patterns of land control through seemingly legitimate legal instruments. Under Law No. 32/2024, this occurs when conservation areas are designated without meaningful consultation, subordinating indigenous claims in favor of state-defined ecological priorities.

This modification encompasses initiatives to enhance the legal and institutional frameworks governing natural resource management. This legislation promotes the establishment of open and accountable monitoring systems, including community involvement in the assessment and oversight process. This method pertains to the philosophy of "governance," which emphasizes the significance of cooperation among the government, communities, and the business sector in the sustainable management of natural resources.

Nonetheless, the obstacles to executing the Conservation Amendment Law are substantial. A primary problem is securing acknowledgment of customary territories without official legal status. Despite the existence of legislation like the Regulation of the Minister of Agrarian Affairs and Spatial Planning No. 18 of 2019 about the Procedures for Determining Customary Land, the recognition process often encounters obstacles due to bureaucratic

[7] James Fairhead, Leach ,Melissa, dan Ian and Scoones, "Green Grabbing: a new appropriation of nature?," *The Journal of Peasant Studies* 39, no. 2 (1 April 2012): 237–61, https://doi.org/10.1080/03066150.2012.671770.

inefficiencies and conflicts of interest..[8] Moreover, opposition from entities that have profited from the exploitative natural resource management paradigm is a considerable impediment.

The Conservation Amendment Law encounters difficulties with inter-agency collaboration. Natural resource management encompasses many organizations with divergent interests, including the Ministry of Environment and Forestry, the Ministry of Agrarian Affairs and Spatial Planning, and municipal governments. The absence of synergy among these institutions sometimes constitutes the primary reason for inefficient policy execution.

Conversely, the consciousness of indigenous peoples about their rights needs enhancement. Numerous indigenous populations lack comprehensive knowledge of their rights as delineated by laws and regulations, rendering them vulnerable in land disputes. Consequently, legal education for indigenous populations is a crucial priority in facilitating the enforcement of this Law.

The Conservation Amendment Law is anticipated to serve as a legislative tool that safeguards Indonesia's biodiversity while enhancing the role of indigenous peoples in the management of natural resources. This Law, via a more inclusive and social justice-oriented approach, may address several issues that have hindered the realization of sustainable agricultural reform and the protection of indigenous peoples' rights.

The efficacy of this Law relies not only on its content but also on the dedication of all stakeholders to its implementation. The government, indigenous populations, scholars, and civil society groups must collaborate to ensure the ideals of justice, sustainability, and participation are implemented in all facets of natural resource management in Indonesia.

This study aims to critically examine the threat of green grabbing in the enforcement of Law Number 32/2024, which amends the Law on Conservation of Natural Resources and Ecosystems, particularly regarding the protection of indigenous peoples' rights and their connection to agrarian reform in Indonesia. This study aims to elucidate the application of legal norms in the Law within the field, specifically assessing the efficacy of normative provisions concerning the participation of indigenous peoples, the acknowledgment of customary land rights, and the principle of Free, Prior, and Informed Consent (FPIC) in ensuring ecological and social justice. This research tries to discover legislative loopholes and operational deficiencies that may allow land grabs by the state or companies under the guise of conservation. This research aims to provide theoretical and practical insights for developing conservation strategies that support indigenous populations and promote the seamless integration of environmental preservation with agrarian justice.

This research seeks to address the following question: (1) To what degree does Law Number 32/2024 about the Conservation of Natural Resources and Ecosystems safeguard the rights of indigenous peoples against green grabbing techniques under the guise of conservation? What is the effect of enacting conservation measures on the land rights of indigenous peoples in the context of agricultural reform and the acknowledgment of

[8] Fitra Alvian dan Dian Aries Mujiburohman, "Implementasi Reforma Agraria Pada Era Pemerintahan Presiden Joko Widodo," *Tunas Agraria* 5, no. 2 (18 April 2022): 111–26, https://doi.org/10.31292/jta.v5i2.176.

indigenous territories?

2. METHOD

This study constitutes normative legal research or doctrinal legal research, concentrating on written legal norms as the primary subject of analysis,[9] particularly regarding the amendments and enforcement of Law Number 32 of 2024 on the Conservation of Biological Natural Resources and Ecosystems. The study aims to evaluate the correlation between legislative provisions and the preservation of indigenous peoples' rights, alongside its connection to agricultural reform and environmental justice goals in Indonesia. The used methodologies are the legislative approach and the conceptual approach. The main legislative documents used are Law Number 32/2024, Law Number 5 of 1990, Regulation of the Minister of Agrarian Affairs and Spatial Planning/BPN Number 18 of 2019, along with many pertinent sectoral regulations. This study employs secondary legal materials, including scientific literature, journal articles, and official documents, such as the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and other international legal instruments pertinent to indigenous peoples' rights and the principle of *Free, Prior, and Informed Consent (FPIC). The examination use the juridical-doctrinal technique to assess the alignment between positive legal standards and their practical application in the field. The objective is to discern the discrepancy between normative ideals and social reality, particularly in conservation activities that may result in green grabbing via legal validity. This paper evaluates legislative deficiencies and institutional vulnerabilities that facilitate the appropriation of indigenous land under the guise of conservation. It formulates normative and structural solutions to ensure that the conservation framework promotes social and ecological justice.

3. DISCUSSION

3.1. The Threat of Green Grabbing in the Implementation of Law No. 32 of 2024 Affects the Rights of Indigenous Peoples in Sustainable Management of Natural Resources

The legislative reform enacted by Law Number 32/2024, which amends Law Number 5 of 1990 on the Conservation of Biological Natural Resources and Ecosystems, represents a significant advancement in addressing both global and national problems about environmental conservation. Nonetheless, underneath these commendable principles lies a systematic menace known as green grabbing, a practice of land appropriation masquerading as conservation or sustainable development, which ultimately infringes upon the rights of indigenous peoples to the land and natural resources they have stewarded for generations. In a legal setting, green grabbing exacerbates contradictions between ecological preservation and social equity, revealing a kind of new colonialism masquerading as an environmental narrative.

Law Number 32/2024 about Amendments to the Law on Conservation of Biological

[9] Prof Dr Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017).

Natural Resources and Ecosystems establishes a new paradigm in natural resource management by prioritizing biodiversity protection. Nonetheless, in reality, this legal norm revision has failed to adequately provide ecological justice for indigenous populations. Despite its assertion of fostering participation and acknowledging the rights of indigenous peoples, certain provisions in the Law permit interpretations that favor power dynamics and corporate interests. Provisions regarding the designation of conservation areas continue to position the state as the only authority in the spatial delimitation process, without a robust veto option for directly impacted communities. This engenders a power imbalance that facilitates the implementation of investment-driven conservation initiatives in a top-down fashion, devoid of a legitimate Free, Prior, and Informed Consent (FPIC) process.

In the context of political ecology theory, green grabbing is not just an economic occurrence, but also a reflection of the complex power dynamics among the state, companies, and indigenous groups. This link demonstrates how environmental conservation is often used as a hegemonic instrument to exclude disadvantaged people from resource access. Indigenous groups that coexist well with nature are subjected to monitoring and criminalization under the guise of conservation.[10] From the cosmological viewpoint of indigenous peoples, nature is not only a thing for exploitation or conservation, but an integral component of communal identity and spirituality. Consequently, policies that disregard this sacred bond have effectively disrupted the social and ecological equilibrium of indigenous communities.

The political ecology framework is relevant because it reveals how conservation policies in Indonesia often reflect power asymmetries, privileging state and corporate actors over indigenous communities. In the context of Law No. 32/2024, this framework explains how environmental agendas can be driven by dominant interests that marginalize local rights.

When conservation initiatives are implemented without regard for socio-cultural factors, they result in the involuntary disruption of indigenous living systems. Industrial forest planting initiatives designated as green, ecotourism reliant on conservation zones, or blue carbon programs in coastal and marine regions often serve as fresh justifications for the displacement of indigenous inhabitants from their territories. In this sense, green grabbing exemplifies elitist ecology, specifically, conservation that excludes indigenous populations as active participants, relegating them to mere folkloric symbols to justify green development initiatives. The outcome is the emergence of new disparities: the environment may be preserved, although its inhabitants are compromised.

Law Number 32/2024 on Amendments to the Law on Conservation of Natural Resources and Ecosystems demonstrates normative advancement by acknowledging the importance of indigenous legal communities and including the idea of Free, Prior, and Informed Consent (FPIC). Nonetheless, some legal deficiencies might facilitate the emergence of green grabbing activities. A significant loophole exists in Article 9, paragraph (2), which mandates that rights

[10] Sudarmo Sudarmo dkk., "Critical Study of the Implementation of the Right of Self-Determination in Protecting Indonesia's Environmental and Economic Sovereignty," dalam *E3S Web of Conferences*, vol. 611 (EDP Sciences, 2025), 05002, https://www.e3s-conferences.org/articles/e3sconf/abs/2025/11/e3sconf_iseep2025_05002/e3sconf_iseep2025_05002.html.

holders in conservation zones who refuse to engage in conservation operations must forfeit their land rights in exchange for compensation. This clause may serve as a legal instrument for the appropriation of indigenous peoples' land under the guise of conservation, particularly in the absence of a fully and equitably implemented FPIC system.

Furthermore, Article 8, paragraph (2), grants the state the power to designate conservation zones, including customary territories; yet, it lacks accompanying verification protocols or explicit acknowledgment of indigenous peoples' customary land rights. The situation is worsened by the lack of regulatory frameworks that specifically delineate the mechanisms for safeguarding indigenous peoples' rights, the requirements for executing Free, Prior, and Informed Consent (FPIC), and the penalties for infringements of participation rights. The lack of practical government rules results in limited normative recognition in the application of this statute. The likelihood of excluding indigenous peoples remains significant, making the attainment of socially equitable conservation objectives challenging.

In this context, John Rawls' idea of "justice as fairness" is pertinent to emphasize that conservation strategies must not compromise the most vulnerable groups to attain an abstract notion of the common good.[11] Rawls emphasizes the significance of the difference principle, which stipulates that inequality is only justifiable if it yields the most advantage to the least advantaged group.[12] Within the framework of the Conservation Act, this stipulates that every environmental initiative must actively enhance the living circumstances of indigenous populations, rather than only using them as a means of legitimacy.

Conversely, the notion of environmental colonialism offers a critical perspective on the influence of the state and global institutions in determining the conservation framework. In this perspective, developed nations, which have traditionally been the primary contributors to global ecological degradation, are now engaging in developing countries through carbon market-focused conservation initiatives, emission offsets, or REDD+ (Reducing Emissions from Deforestation and Forest Degradation) programs.[13] Rather than rectifying its ecological transgressions, wealthy nations are transferring the responsibility of conservation to indigenous populations in the Global South, particularly Indonesia. Law No. 32 of 2024, which pertains to Amendments to the Law on Conservation of Biological Natural Resources and Ecosystems, may, if not approached with prudence, serve as an instrument for the adoption of the global environmental agenda, thereby undermining local justice.

A further factor warranting concern is the disparity in the public consultation method. Despite the Law governing community engagement, this method is often executed in a

[11] Iza Rumesten Rs dkk., "Protection of Human Rights Against the Environment in the Indonesian Legal System," *Journal of Law and Sustainable Development* 11, no. 10 (23 Oktober 2023): e570–e570, https://doi.org/10.55908/sdgs.v11i10.570.

[12] Suwitno Y. Imran dkk., "Existentialism and Environmental Destruction: Should Polluters Face Criminal Punishment or an Existential Crisis?," *E3S Web of Conferences* 506 (2024): 06001, https://doi.org/10.1051/e3sconf/202450606001.

[13] Oscar Venter dan Lian Pin Koh, "Reducing Emissions from Deforestation and Forest Degradation (REDD+): Game Changer or Just Another Quick Fix?," *Annals of the New York Academy of Sciences* 1249, no. 1 (2012): 137–50, https://doi.org/10.1111/j.1749-6632.2011.06306.x.

perfunctory and expedited manner. Indigenous populations often lack sufficient access to information, are not enabled to articulate their views openly, and do not have the appropriate time to comprehend the implications of the proposed project. This illustrates that Free, Prior, and Informed Consent (FPIC) often serves just as a legal formality devoid of meaningful content, fostering a façade of participation that conceals discriminatory actions.

In Manusela National Park, despite conservation partnership initiatives, the indigenous communities of Negeri Sawai and Masihulan frequently find themselves marginalized from zoning processes and resource access. Free, Prior, and Informed Consent (FPIC) and public consultation mechanisms often serve as mere formalities, leaving their customary rights precarious.[14] In Jambi, the Orang Rimba community has been compelled to forfeit their ancestral lands due to the proliferation of oil palm plantations and coal mining concessions; corporate permits have been issued without transparency or consent, resulting in the criminalization of their populace, the destruction of their settlements, and some residents becoming victims of accidents caused by heavy truck traffic.[15] These two cases illustrate how conservation and green investment, presented as solutions, have instead evolved into instruments of environmental colonialism, capitalizing on fragile regulatory and institutional gaps.

The presence of Law Number 32/2024 should be seen not just as a legislative update in conservation but also as indicative of the trajectory and paradigm of Indonesia's future growth. This legislation is crucial in assessing the state's capacity to harmonize global ecological concerns with local realities characterized by social, cultural, and political diversity. In the absence of careful implementation, which includes enhancing derivative rules, institutionalizing meaningful engagement, and providing genuine support for indigenous peoples as primary stakeholders in conservation, this legislation would only broaden the legal framework for green grabbing activities. The instances in Manusela National Park and the Orang Rimba customary area in Jambi exemplify that conservation, purportedly sustainable, can devolve into a mechanism for eviction, exclusion, and structural impoverishment when social justice and the acknowledgment of communal rights are not prioritized as foundational principles.[16]

The execution of Law 32/2024 must adhere to the principles of ecological justice, as articulated in John Rawls' notion of "justice as fairness," which underscores the need for every policy to prioritize the protection of the most vulnerable populations. The difference principle is intrinsically linked to endeavors for equitable, sustainable development; conservation and environmental initiatives must enhance the well-being of indigenous peoples, rather than relegating them to mere symbols of passive involvement. Furthermore, the state must

[14] Padmini Sudarshana, Madhugiri Nageswara-Rao, dan Jaya Soneji, *Tropical Forests: New Edition* (BoD – Books on Demand, 2018).
[15] Irma Tambunan, "Kehabisan Pangan, Orang Rimba Tewas Dikeroyok "Orang Terang"," Kompas.id, 3 Mei 2025, https://www.kompas.id/artikel/kehabisan-pangan-orang-rimba-tewas-dikeroyok-orang-terang.
[16] Fifik Wiryani, Febriansyah Ramadhan, dan Mokhammad Najih, "Indigenous People's Land Rights in Post-Soeharto Indonesia," 27 Februari 2024, https://doi.org/10.1163/15718115-bja10152.

repudiate the paradigm of environmental colonialism that imposes ecological responsibilities on indigenous populations to achieve global environmental objectives established without their input.

Sustainable development in Indonesia can only be achieved via structural transformation: shifting from elitist, top-down conservation to natural resource governance grounded on rights, authentic participation, and intergenerational equity. Within this context, Law Number 32/2024 must be enacted not only as an administrative duty, but as a moral and constitutional imperative to see indigenous peoples not as subjects of development, but as principal players in safeguarding the planet and the nation's ecological legacy. [17]

3.2. Challenges of Agrarian Reform and Protecting Indigenous Communities from Green Grabbing Practices

Over the last twenty years, Indonesia has encountered simultaneous difficulties in the agricultural and environmental domains. The nation must promptly address the enduring legacy of agricultural inequality originating from the colonial period, while also confronting international pressures to save the environment and mitigate climate change.[18] Agrarian reform serves as a strategic initiative to enhance land ownership distribution and enable people, particularly indigenous populations, to have legal access to territories they have stewarded for centuries.[19] In reality, several policy dilemmas arise, particularly when agricultural reform implementation meets with conservation initiatives, low-carbon development, or national strategic regions asserting global environmental concerns.[20] Amidst this turmoil, the phenomenon of green grabbing poses a growing threat: the appropriation of land under the guise of conservation or sustainable development, which ultimately infringes upon the rights of residents.

This environment enables the implementation of regulatory changes by Law Number 32/2024, which alters the Law on Conservation of Biological Natural Resources and Ecosystems, revising Law No. 5 of 1990. This reform was enacted to rectify many criticisms of the prior conservation policy, which was considered exclusive, centralized, and often coercive towards communities living near protected areas. Law Number 32/2024 aims to shift from a prohibition-centric conservation approach to a more participative, collaborative framework that prioritizes the rights of indigenous peoples. This legislation aims to safeguard biodiversity and ecosystem resilience while promoting community involvement as stakeholders in environmental protection, including recognition of customary territory and the rights of local communities to participate.

A fundamental aspect of Law Number 32/2024 on Amendments to the Law on

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[17] Daud Silalahi, *Hukum Lingkungan : Dalam Sistem Penegakan Hukum Lingkungan Indonesia* (2001: Alumni, 1996).
[18] Gobel dkk., "Environmental Policy Formulation through the Establishment of Food Reserve Regulations."
[19] Fence Wantu dkk., "EKSISTENSI MEDIASI SEBAGAI SALAH SATU BENTUK PENYELESAIAN SENGKETA LINGKUNGAN HIDUP PASCA BERLAKUNYA UNDANG-UNDANG CIPTA KERJA," *Bina Hukum Lingkungan* 7, no. 2 (2023): 267–89.
[20] Zamroni Abdussamad dkk., "Constitutional Balance: Synchronizing Energy and Environmental Policies with Socio-Economic Mandates," *E3S Web of Conferences* 506 (2024): 06006, https://doi.org/10.1051/e3sconf/202450606006.

Conservation of Biological Natural Resources and Ecosystems is the recognition of indigenous peoples as allies in conservation initiatives, rather than as adversaries of protected areas. This is a normative shift from previous regulations. This clause is part of regulations concerning the engagement of indigenous peoples in the administration of conservation areas, including protocols for their participation in the design and implementation of conservation activities. This Law requires that the creation of conservation areas include the involvement of indigenous legal entities, including the recognition of customary territory, before area designation. Law Number 32/2024, concerning Amendments to the Law on Conservation of Biological Natural Resources and Ecosystems, offers a more egalitarian and responsive framework for community land rights.

However, the guarantee of involvement in the Law is inadequate unless accompanied by a framework to protect customary lands from the threat of conservation commercialization. For example, blue carbon projects in coastal areas or carbon trading-based conservation programs may engage with customary territory via governmental collaborations without securing full consent from local communities. This occurred, for example, in the Aru Islands, Maluku, when a mangrove restoration and carbon-focused ecotourism project was suggested for implementation via a foreign investment scheme, without sufficient involvement of the local indigenous community.[21] Indigenous populations dependent on coastal habitats for survival are not only losing access to their livelihoods but also risk losing their ecological and spiritual identity.

The viability of this situation stems from the incorporation of the principle of Free, Prior, and Informed Consent (FPIC) in Law Number 32/2024 concerning Amendments to the Law on Conservation of Biological Natural Resources and Ecosystems; however, its implementation is dependent on technical regulations and the political will of both central and regional governments. In this perspective, green grabbing poses a substantial threat, especially when environmental arguments are used to overlook the existence of indigenous populations. This is shown by the case of Sebangau National Park in Central Kalimantan, where an internationally funded peat bog conservation project has created friction with the local Dayak community.[22] Residents face access restrictions and the threat of penalties for using traditional forest management practices instead of engaging in decision-making procedures.

Furthermore, Articles 12A to 12D of Law Number 32/2024 on Amendments to the Law on Conservation of Biological Natural Resources and Ecosystems provide cooperative management among the government, community, and business sector in conservation initiatives. This alternative, although seeming advantageous, also enables the entry of private capital into protected areas, particularly via environmental services or tourism efforts. The circumstances in the Komodo National Park Area, East Nusa Tenggara, illustrate how a tourism program claiming to prioritize conservation has provoked considerable resistance from the

[21] Estradivar dkk., "MARINE PROTECTED AREA NETWORK DESIGN: CASE STUDY OF MALUKU PROVINCE," *Coastal and Ocean Journal (COJ)* 1, no. 2 (22 November 2017): 135–46, https://doi.org/10.29244/COJ.1.2.135-146.
[22] Sapariah Saturi, "Jalan Panjang Perlindungan Masyarakat Adat Dayak Pitap," *Mongabay.co.id* (blog), 23 Februari 2024, https://mongabay.co.id/2024/02/23/jalan-panjang-perlindungan-masyarakat-adat-dayak-pitap/.

local Komodo population..[23] The establishment of tourism infrastructure may limit residential areas and cause ecological damage that jeopardizes conservation goals.

The Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency No. 18 of 2019 concerning the Determination of Customary Land is technical and remains ineffective until aligned with the provisions of Law Number 32/2024.[24] When customary land lacks official registration and is designated as a protected conservation area, the indigenous people legally forfeit their rights to manage the land. This creates a gray area that companies and profit-driven conservation initiatives may exploit. The subsequent phase involves formulating implementing rules for Law Number 32/2024, which amends the Law on Conservation of Biological Natural Resources and Ecosystems, and necessitates the incorporation of customary area data into conservation planning.

Law enforcement is a vital component. Indigenous individuals who protect their areas from conservation initiatives are often criminalized for purportedly damaging the forest while only upholding their traditional traditions.[25] Law Number 32/2024, which amends the Law on Conservation of Biological Natural Resources and Ecosystems, must include measures to safeguard indigenous peoples against criminality by regulating acceptable customary activities within conservation areas. This safeguard is crucial to prevent coercion from being used as a means to suppress opposition to agricultural injustice.

Law Number 32/2024, amending the Law on Conservation of Biological Natural Resources and Ecosystems, demonstrates normative advancement in addressing the challenges of inclusive conservation; however, it retains the potential for conflict unless accompanied by a robust, equitable, and pro-indigenous community implementation framework. This legislation must be executed with both a commitment to environmental protection and an understanding that agricultural justice and ecological justice are intrinsically linked. In the absence of genuine participation from indigenous peoples as stewards of the environment, agricultural reform will forfeit its intrinsic connection to the populace, and conservation will diminish in its authenticity. Consequently, this Law will only be successful if it is supported by a political commitment to see indigenous peoples as primary subjects rather than mere objects in the green development narrative, which is often influenced by power dynamics.

4. CONCLUSION

The study shows that green grabbing is a serious threat to Indonesia's conservation efforts, especially indigenous peoples' rights. Law Number 32/2024 has expanded indigenous peoples' involvement and rights, yet legal uncertainties and administrative shortcomings allow

[23] tempo.com, "5 Alasan Masyarakat hingga Aktivis Tolak Proyek Wisata Premium TN Komodo | tempo.co," Tempo, 29 Oktober 2020, https://www.tempo.co/ekonomi/5-alasan-masyarakat-hingga-aktivis-tolak-proyek-wisata-premium-tn-komodo--569504.

[24] Alvian dan Mujiburohman, "Implementasi Reforma Agraria Pada Era Pemerintahan Presiden Joko Widodo."

[25] Asnawi Mubarok dkk., "The Relationship Of State Law And Customary Law:: Reinforcement And Protection Of Customary Law In Constitutional Court Judgment," *Jurnal Jurisprudence*, 18 Desember 2023, 188–204, https://doi.org/10.23917/jurisprudence.v13i2.2914.

land acquisition under the pretense of conservation. This study shows that conservation may become an environmental colonialism that harms indigenous communities without a strong guarantee for Free, Prior, and Informed Consent (FPIC). Conservation and sustainable development without ecological and social fairness may worsen structural inequalities. This paper promotes an interdisciplinary approach based on ecological justice and environmental colonialism in environmental and agricultural law. This paper underlines the necessity to link conservation techniques with agrarian reform and offers a crucial analytical framework for power dynamics in natural resource management. This study supports indigenous peoples as main partners in conservation area governance, not passive participants. This project uses case studies and theoretical frameworks like justice as fairness and FPIC to make legal discourse more inclusive and sensitive to vulnerable people. This study is limited by its empirical breadth and reliance on case reports and legal literature. This study has not interviewed affected people or conservation policy implementers, requiring a deeper field perspective. Due to limited access to regulatory data from Law Number 32/2024, which is still being drafted, assessing its implementation effectiveness is difficult. Thus, additional socio-legal and participative research is needed to understand indigenous peoples' views on green grabbing.

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