



Climate Justice or Green Colonialism? The Role of the 2014 Plantation Law in Addressing Indigenous Land Rights and Environmental Exploitation

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Abstract

This paper examines the implications of Indonesia's 2014 Plantation Law (UU No. 39/2014) for climate justice, focusing on its effects on indigenous land rights and the broader issue of environmental exploitation. As Indonesia continues to be a major producer of palm oil and other plantation crops, the expansion of industrial agriculture has led to large-scale deforestation, land grabs, and the displacement of indigenous communities. The 2014 Plantation Law aims to regulate the plantation industry, but its potential to address the twin challenges of environmental degradation and the violation of indigenous land rights remains highly contested. This study analyzes the law's provisions in relation to climate justice, particularly in terms of ensuring that the rights of indigenous peoples and local communities are upheld in the face of expanding industrial plantations. Through a combination of legal analysis, case studies, and interviews with indigenous leaders and environmental activists, the research explores how the law addresses (or fails to address) the environmental and social impacts of plantation-driven deforestation, land conflicts, and loss of biodiversity. Findings suggest that while the law includes provisions aimed at protecting the environment, it often prioritizes economic interests over the rights of vulnerable communities and the preservation of ecosystems. The paper argues that the 2014 Plantation Law risks perpetuating a form of "green colonialism," where climate and environmental concerns are used to justify land dispossession and exploitation, rather than addressing the root causes of environmental harm. The research calls for more inclusive, rights-based frameworks that balance economic development with the protection of indigenous territories and the environment, ensuring that true climate justice is achieved.



[Tulisan ini mengkaji implikasi UU Perkebunan Indonesia tahun 2014 (UU No. 39/2014) terhadap keadilan iklim, dengan fokus pada dampaknya terhadap hak atas tanah masyarakat adat dan isu yang lebih luas tentang eksploitasi lingkungan. Karena Indonesia terus menjadi produsen utama minyak sawit dan tanaman perkebunan lainnya, perluasan pertanian industri telah menyebabkan deforestasi skala besar, perampasan tanah, dan pengusuran masyarakat adat. UU Perkebunan 2014 bertujuan untuk mengatur industri perkebunan, tetapi potensinya untuk mengatasi tantangan ganda degradasi lingkungan dan pelanggaran hak atas tanah masyarakat adat masih sangat diperdebatkan. Studi ini menganalisis ketentuan hukum tersebut dalam kaitannya dengan keadilan iklim, khususnya dalam hal memastikan bahwa hak-hak masyarakat adat dan masyarakat lokal ditegakkan dalam menghadapi perluasan perkebunan industri. Melalui kombinasi analisis hukum, studi kasus, dan wawancara dengan para pemimpin adat dan aktivis lingkungan, penelitian ini mengeksplorasi bagaimana hukum tersebut menangani (atau gagal menangani) dampak lingkungan dan sosial dari deforestasi yang didorong oleh perkebunan, konflik lahan, dan hilangnya keanekaragaman hayati. Temuan menunjukkan bahwa meskipun undang-undang tersebut mencakup ketentuan yang bertujuan untuk melindungi lingkungan, undang-undang tersebut sering kali memprioritaskan kepentingan ekonomi daripada hak-hak masyarakat rentan dan pelestarian ekosistem. Makalah ini berpendapat bahwa Undang-Undang Perkebunan 2014 berisiko melanggengkan bentuk "kolonialisme hijau," di mana kekhawatiran iklim dan lingkungan digunakan untuk membenarkan perampasan dan eksploitasi lahan, alih-alih mengatasi akar penyebab kerusakan lingkungan. Penelitian ini menyerukan kerangka kerja yang lebih inklusif dan berbasis hak yang menyeimbangkan pembangunan ekonomi dengan perlindungan wilayah adat dan lingkungan, memastikan bahwa keadilan iklim yang sejati tercapai.]

Keywords: Climate Justice, Green Colonialism, Plantation Law, Indigenous Rights, Land Grabs

Introduction

A. Background and Context

Indonesia has experienced one of the most rapid expansions of industrial plantation agriculture in the Global South, particularly through the development of oil palm plantations. Since the late twentieth century, palm oil production has become a central component of Indonesia's economic development strategy, contributing significantly to export revenues, rural employment, and national economic growth. Indonesia currently represents one of the world's largest producers and exporters of palm oil, with plantation expansion occurring extensively across Sumatra, Kalimantan, Papua, and other frontier regions

(Austin et al., 2017; Gaveau et al., 2019). However, this economic transformation has generated significant ecological and socio-political consequences, particularly concerning deforestation, biodiversity loss, carbon emissions, and conflicts over land control.

The expansion of industrial plantations has been closely associated with tropical forest conversion. Studies have demonstrated that oil palm development has contributed substantially to forest degradation and greenhouse gas emissions, particularly in areas involving peatland conversion and high-carbon ecosystems (Carlson et al., 2013; Pendrill et al., 2019). The transformation of forests into monoculture plantations has also produced severe biodiversity impacts, threatening ecological systems and reducing habitat availability for numerous endemic species (Koh & Wilcove, 2008; Meijaard et al., 2020). Consequently, plantation-driven development has become a central issue in debates concerning climate change mitigation, sustainable land governance, and environmental responsibility.

Beyond ecological consequences, plantation expansion has generated persistent conflicts regarding land ownership, customary territories, and Indigenous peoples' rights. In many cases, plantation development has occurred within areas historically managed by Indigenous and local communities through customary governance systems. The conversion of customary forests and agricultural landscapes into commercial plantations has frequently resulted in displacement, restricted access to natural resources, and weakening of traditional institutions (Bakker & Moniaga, 2010; McCarthy, Vel, & Afiff, 2012). These conflicts demonstrate that environmental degradation cannot be separated from questions of power, inequality, and historical patterns of land control.

The relationship between plantation expansion and climate change therefore extends beyond ecological impacts. It represents a broader question of justice: who benefits from plantation-based economic development, who bears environmental costs, and whose knowledge and rights are recognized in decision-making processes. This question has become increasingly important within climate justice scholarship, which emphasizes that climate change and environmental degradation disproportionately affect vulnerable communities that have contributed least to global ecological crises (Schlosberg, 2007; Sultana, 2022).

B. Climate Justice and Green Colonialism

Climate justice provides an analytical framework for examining unequal distributions of environmental risks, benefits, and decision-making power. Unlike conventional climate governance approaches that primarily focus on technological solutions and emissions reduction, climate justice emphasizes distributive, procedural, and recognition dimensions of environmental inequality (Schlosberg, 2007; Schlosberg & Collins, 2014). Distributive justice

concerns the unequal allocation of environmental harms and benefits; procedural justice focuses on participation and decision-making processes; while recognitional justice highlights the importance of respecting marginalized identities, cultures, and knowledge systems.

Within this framework, Indigenous land rights have become increasingly recognized as a fundamental component of climate justice. Indigenous territories often contain important ecosystems and biodiversity reserves, while Indigenous governance systems frequently contribute to sustainable resource management (Fa et al., 2020; Whyte, 2017). However, climate and environmental policies may paradoxically reproduce inequality when they prioritize conservation, carbon markets, or green development initiatives without adequately recognizing Indigenous sovereignty and land rights.

This tension has contributed to the emergence of the concept of “green colonialism.” Green colonialism refers to situations where environmental protection, climate mitigation, or sustainability initiatives reproduce colonial patterns of territorial control, resource extraction, and displacement (Fairhead, Leach, & Scoones, 2012; Dunlap & Brock, 2022). Although originally associated with conservation practices and carbon offset schemes, the concept has increasingly been applied to broader environmental governance systems where ecological objectives are pursued through unequal power relations.

In plantation-based economies, green colonialism provides a useful analytical perspective for examining how sustainability narratives may coexist with continued resource extraction. For example, certification schemes, climate-friendly agricultural policies, and biofuel strategies may promote environmental responsibility while failing to address underlying issues of land inequality and Indigenous dispossession (Dauvergne, 2018; Li, 2018). Therefore, evaluating plantation governance requires attention not only to environmental outcomes but also to questions of justice, legitimacy, and social inclusion.

C. Indonesian Legal Context

Indonesia’s plantation sector is primarily regulated through Law No. 39 of 2014 concerning Plantations (*Undang-Undang Nomor 39 Tahun 2014 tentang Perkebunan*). The law was introduced to establish a comprehensive regulatory framework governing plantation development, management, investment, sustainability requirements, and state oversight. It reflects Indonesia’s broader policy objective of balancing economic growth, agricultural productivity, and environmental management.

The Plantation Law recognizes plantations as strategic sectors contributing to national economic development. It establishes government authority over plantation licensing, business regulation, environmental obligations, and social responsibilities of plantation enterprises. The law also includes provisions

concerning environmental protection, sustainable plantation management, and community involvement.

However, critics argue that the regulatory framework remains primarily oriented toward facilitating plantation expansion and investment rather than strengthening Indigenous land rights. Although Indonesian law recognizes the existence of customary communities (*masyarakat hukum adat*), recognition and protection of customary territories often depend on complex administrative procedures and local government recognition mechanisms (Bedner & Arizona, 2019). Consequently, a gap exists between formal legal recognition and practical protection of Indigenous land tenure.

The Plantation Law must therefore be examined within Indonesia's wider land governance framework, which has historically prioritized state control over land resources. Scholars have highlighted that Indonesia's agrarian governance often enables large-scale land acquisition while creating vulnerabilities for local communities whose customary claims are insufficiently recognized (Peluso & Lund, 2011; Hall, Hirsch, & Li, 2011). This context raises important questions regarding whether plantation regulation functions as an instrument of environmental justice or as a mechanism that facilitates unequal access to land and resources.

D. Research Objectives and Questions

This article critically examines whether Indonesia's 2014 Plantation Law contributes to climate justice or reinforces patterns of green colonialism within plantation-based development. The study addresses three main research questions: First, does the 2014 Plantation Law promote climate justice through environmental protection, equitable governance, and recognition of Indigenous rights, or does it reproduce unequal power relations within plantation development? Second, how does the Plantation Law influence the recognition, protection, and enforcement of Indigenous land rights in areas affected by plantation expansion? Third, to what extent does the legal framework address environmental exploitation associated with plantation expansion, including deforestation, biodiversity loss, and climate-related impacts?

By integrating climate justice theory, political ecology, and socio-legal analysis, this study argues that while the Plantation Law contains environmental governance provisions, its dominant orientation remains toward economic development and plantation expansion. Consequently, without stronger recognition of Indigenous sovereignty, participatory governance, and rights-based environmental regulation, plantation governance risks reproducing forms of green colonialism rather than achieving meaningful climate justice.

Saya lanjutkan ke Bab 2. Literature Review dengan gaya penulisan artikel jurnal internasional (Scopus), menggunakan pendekatan teoritis dan empiris yang mendukung argumen utama penelitian.

Literature Review

A. Climate Justice and Land Governance

Climate justice has emerged as a critical framework for understanding the unequal social, political, and ecological consequences of climate change. Unlike conventional approaches that emphasize primarily technical solutions, climate justice scholarship examines how historical inequalities, unequal resource distribution, and power asymmetries shape vulnerability to environmental change (Schlosberg, 2007; Schlosberg & Collins, 2014). This perspective challenges the assumption that climate policies are inherently beneficial by highlighting that mitigation and adaptation strategies may generate new forms of exclusion when implemented without considering social justice dimensions.

Three interconnected dimensions are central to climate justice: distributive justice, procedural justice, and recognitional justice. Distributive justice concerns the unequal allocation of environmental benefits and burdens, particularly the disproportionate exposure of marginalized communities to pollution, ecosystem degradation, and climate risks (Schlosberg, 2007). In the context of plantation development, distributive injustice occurs when economic benefits from agricultural expansion are concentrated among corporations and state actors, while environmental costs—including forest loss, declining ecosystem services, and displacement—are experienced by local and Indigenous communities.

Procedural justice emphasizes meaningful participation in environmental decision-making. Climate and land governance systems frequently exclude affected communities from decisions regarding resource allocation and development planning. This exclusion is particularly evident in large-scale plantation projects, where licensing processes and investment decisions often occur without adequate consultation with communities whose territories are affected (Hall, Hirsch, & Li, 2011; McCarthy, Vel, & Afiff, 2012). Consequently, procedural failures contribute to conflicts over land ownership, legitimacy, and environmental governance.

Recognitional justice highlights the importance of acknowledging diverse identities, knowledge systems, and relationships with nature. Indigenous peoples often possess distinct ecological knowledge and governance practices that contribute to sustainable resource management. However, state-centered land governance systems frequently marginalize Indigenous institutions by privileging formal legal ownership over customary relationships with territory (Whyte, 2017; Sikor & Lund, 2009). In Indonesia, this tension is reflected in the limited legal recognition and enforcement of customary land rights despite constitutional acknowledgment of Indigenous communities.

Land governance is therefore a central component of climate justice because land represents not only an economic asset but also a source of cultural identity, ecological stewardship, and social security. Scholars argue that securing Indigenous and community land rights can contribute significantly to climate

mitigation by protecting forests and strengthening local environmental governance systems (Fa et al., 2020; Blackman & Veit, 2018). Conversely, insecure land tenure creates conditions where vulnerable communities become susceptible to dispossession through state-led development projects and commercial resource extraction.

In Indonesia, plantation expansion illustrates this intersection between climate justice and land governance. The transformation of forests into industrial plantations involves competing claims between economic development objectives, environmental conservation goals, and Indigenous territorial rights. Therefore, assessing plantation regulation requires examining not only environmental outcomes but also how legal frameworks distribute authority, recognition, and decision-making power over land.

B. Green Colonialism and Environmental Governance

The concept of green colonialism has emerged from critical environmental scholarship examining how ecological protection initiatives may reproduce historical patterns of domination and inequality. Although environmental governance is frequently framed as a solution to ecological crises, critical scholars argue that sustainability interventions can sometimes reinforce unequal relationships between powerful actors and marginalized communities (Fairhead, Leach, & Scoones, 2012).

The concept is closely related to the broader idea of “green grabbing,” referring to the appropriation of land and natural resources justified through environmental objectives. Fairhead et al. (2012) demonstrate that conservation initiatives, carbon offset projects, and sustainable resource management programs may result in new forms of territorial control when local communities are excluded from decision-making processes. In such cases, environmental narratives become mechanisms through which land is transferred from local users to states, corporations, or international organizations.

Green colonialism extends this critique by emphasizing the persistence of colonial patterns within contemporary environmental governance. Rather than relying on direct political domination, modern forms of coloniality often operate through institutions, markets, scientific expertise, and development discourses that define legitimate uses of nature (Dunlap & Brock, 2022). Environmental projects may therefore appear progressive while simultaneously reinforcing unequal access to land and resources.

This perspective is particularly relevant in plantation economies where sustainability discourse has become increasingly integrated into global agricultural governance. The expansion of certified sustainable palm oil, carbon-neutral strategies, and market-based environmental solutions illustrates how ecological concerns can coexist with continued plantation expansion. While these initiatives may contribute to improved environmental practices, critics argue that

they often fail to address structural issues such as land inequality, corporate concentration, and Indigenous dispossession (Dauvergne, 2018; Li, 2018).

The application of green colonialism to plantation governance does not imply that all environmental initiatives are inherently exploitative. Rather, it highlights the importance of examining whose interests are prioritized, whose knowledge is recognized, and who participates in defining environmental solutions. A climate justice approach therefore requires moving beyond ecological performance indicators toward questions of power, rights, and historical responsibility.

In Indonesia, plantation governance provides an important case for examining these tensions. The state promotes palm oil as an engine of economic development and increasingly incorporates sustainability narratives into agricultural policy. However, continued conflicts over customary land, forest conversion, and community displacement suggest that environmental governance remains embedded within broader struggles over territorial authority and resource control.

C. Plantation Economies, Deforestation, and Indigenous Rights

Industrial plantation agriculture has become one of the most significant drivers of land-use change in tropical regions. In Indonesia, oil palm expansion has contributed to economic growth while simultaneously producing extensive ecological transformations. Research demonstrates that plantation development has been associated with tropical forest loss, peatland degradation, carbon emissions, and biodiversity decline (Carlson et al., 2013; Austin et al., 2017).

The environmental impacts of plantation expansion are particularly significant because many plantations have historically developed in forested landscapes with high ecological value. Conversion of tropical forests into monoculture plantations reduces habitat complexity and threatens species dependent on forest ecosystems (Koh & Wilcove, 2008; Meijaard et al., 2020). Furthermore, peatland conversion for plantation development creates substantial greenhouse gas emissions, contributing to global climate change (Carlson et al., 2013).

However, plantation expansion is not solely an environmental issue; it is also a question of social justice and political economy. Large-scale plantation development frequently involves processes of land acquisition, enclosure, and territorial restructuring. Scholars describe these processes as forms of land grabbing, where land is transferred from customary users to corporate or state actors through legal and institutional mechanisms (Borras et al., 2012; Peluso & Lund, 2011).

Indigenous communities are particularly vulnerable within these processes because customary land systems often operate outside formal state property frameworks. In Indonesia, many Indigenous communities maintain historical

relationships with forests and territories that are not fully recognized within national land administration systems (Bakker & Moniaga, 2010). As a result, plantation expansion may legally proceed despite unresolved customary claims.

Research on Indonesian oil palm development demonstrates that communities affected by plantations experience diverse outcomes. While some smallholders benefit economically from participation in plantation schemes, others experience loss of agricultural autonomy, environmental degradation, and increased dependency on corporate actors (Rist, Feintrenie, & Levang, 2010; Santika et al., 2019). These contrasting experiences demonstrate that plantation impacts cannot be assessed solely through economic indicators. The relationship between Indigenous rights and climate governance is increasingly recognized internationally. Indigenous territories often function as important conservation spaces because Indigenous governance practices can contribute to ecosystem protection (Fa et al., 2020). Therefore, weakening Indigenous land rights may undermine both social justice and climate objectives.

D. Research Gap

Although extensive research has examined palm oil expansion, deforestation, and land conflicts in Indonesia, several important gaps remain.

First, existing studies have largely focused on the environmental and economic dimensions of plantation development, particularly deforestation rates, carbon emissions, and commodity production. While these studies provide valuable insights into ecological consequences, fewer studies examine plantation legislation itself through a climate justice perspective. Second, research on Indonesian plantation governance has often analyzed land conflicts through agrarian political economy frameworks. Although these approaches reveal important power relations surrounding land acquisition and corporate expansion, limited attention has been given to how plantation laws may reproduce or challenge forms of green colonialism. Third, sustainability debates surrounding palm oil frequently emphasize market-based solutions, certification mechanisms, and improved environmental management. However, these approaches often insufficiently address deeper structural questions concerning Indigenous sovereignty, historical dispossession, and unequal participation in environmental decision-making.

This article addresses these gaps by examining Indonesia's 2014 Plantation Law through an integrated framework combining climate justice, green colonialism, and socio-legal analysis. Rather than evaluating the law solely based on its environmental provisions, this study investigates how legal structures distribute rights, responsibilities, and decision-making authority among the state, corporations, and Indigenous communities.

Baik. Karena penelitian ini bukan empirical study, maka bagian metodologi perlu direvisi agar konsisten dengan desain penelitian. Kita tidak perlu memasukkan wawancara, observasi lapangan, atau studi kasus empiris. Untuk standar artikel hukum/socio-legal Scopus, metodologi dapat diarahkan menjadi qualitative doctrinal legal research dengan critical legal analysis berbasis dokumen.

Methods

A. Research Design

This study employs a qualitative doctrinal legal research approach combined with critical legal analysis. The research examines Indonesia's 2014 Plantation Law (Law No. 39 of 2014 concerning Plantations) through the theoretical perspectives of climate justice and green colonialism.

Unlike empirical research that relies on primary data collected from social actors, this study focuses on the interpretation and critical examination of legal texts, policy documents, and relevant academic literature. The purpose is to analyze how legal frameworks regulate plantation development, environmental protection, and Indigenous land rights, as well as to evaluate whether these regulations reflect principles of climate justice or reproduce patterns of unequal environmental governance.

A doctrinal approach is appropriate because the research primarily investigates the content, structure, and implications of legal norms. However, the study extends beyond conventional legal interpretation by applying a critical perspective that considers the broader political, social, and ecological consequences of plantation regulation. The analytical framework is based on three dimensions of climate justice: distributive justice, procedural justice, and recognitional justice (Schlosberg, 2007; Schlosberg & Collins, 2014). These dimensions are used to assess whether the Plantation Law provides fair allocation of environmental benefits and burdens, meaningful participation for affected communities, and adequate recognition of Indigenous rights.

B. Data Collection

This research relies exclusively on secondary data obtained through document analysis. The sources consist of legal documents, policy materials, and scholarly publications relevant to plantation governance, climate justice, and Indigenous land rights. The primary legal source analyzed is: Law No. 39 of 2014 concerning Plantations (*Undang-Undang Nomor 39 Tahun 2014 tentang Perkebunan*). Additional legal materials include related Indonesian regulations concerning: environmental protection; land governance; Indigenous and customary community recognition; forest management; plantation licensing and development.

Secondary sources include peer-reviewed international journal articles, academic books, and institutional reports addressing: climate justice; green colonialism; palm oil expansion; deforestation; Indigenous land rights; political ecology. The literature selection emphasizes internationally recognized academic publications indexed in major scholarly databases, including Scopus-indexed journals where available.

C. Data Analysis

The collected materials are analyzed using qualitative content analysis and critical legal interpretation. First, the study conducts textual analysis of the Plantation Law to identify its regulatory objectives, environmental provisions, and mechanisms related to community rights. The analysis examines how the law constructs relationships between economic development, environmental protection, and social responsibility.

Second, the research applies a climate justice framework to evaluate the implications of plantation governance. The analysis focuses on three key questions:

1. Distributive justice: Whether plantation development policies fairly distribute economic benefits and environmental burdens between corporations, the state, and affected communities.
2. Procedural justice: Whether Indigenous and local communities are provided meaningful opportunities to participate in decisions affecting their territories.
3. Recognitional justice: Whether Indigenous identities, customary institutions, and traditional relationships with land are adequately acknowledged within the legal framework.

Third, the study applies the concept of green colonialism to examine whether environmental and sustainability narratives within plantation governance may unintentionally legitimize continued resource extraction and unequal control over land (Fairhead et al., 2012; Dunlap & Brock, 2022).

D. Ethical Considerations

As this research does not involve human participants, interviews, or fieldwork, ethical considerations primarily concern academic integrity, responsible interpretation, and accurate representation of legal and scholarly sources. The study follows principles of: accurate citation and acknowledgment of intellectual contributions; objective interpretation of legal materials; avoidance of misrepresentation of Indigenous perspectives; careful consideration of historical and political contexts surrounding land governance. Although the research does not directly collect Indigenous community data, it recognizes Indigenous rights and knowledge systems as central considerations in evaluating climate justice and plantation governance.

E. Methodological Positioning

This study is positioned as a critical doctrinal legal analysis rather than an empirical investigation. Its contribution lies in reinterpreting plantation regulation through the combined perspectives of climate justice and green colonialism, thereby providing a critical assessment of whether Indonesia's Plantation Law advances equitable environmental governance or reinforces existing patterns of land inequality.

Results and Findings: Legal Analysis of the 2014 Plantation Law through a Climate Justice Perspective

A. Environmental Protection Provisions in the Plantation Law: Sustainability Commitments and Regulatory Limitations

Indonesia's 2014 Plantation Law (Law No. 39 of 2014 concerning Plantations) establishes sustainability as one of the central objectives of plantation governance. The law requires plantation businesses to comply with environmental management obligations, maintain ecological functions, and implement responsible plantation practices. These provisions indicate an attempt to integrate environmental considerations into a sector historically associated with land-use change, deforestation, and biodiversity loss.

From a regulatory perspective, the inclusion of environmental obligations represents an important shift from a purely production-oriented plantation regime toward a more sustainable governance framework. The law recognizes that plantation development cannot be separated from environmental responsibilities and requires plantation actors to consider ecological impacts as part of their operational activities. However, the environmental approach embedded within the Plantation Law remains largely managerial rather than transformative. The law emphasizes compliance, licensing mechanisms, and administrative control, but provides limited mechanisms for addressing the structural causes of environmental degradation associated with plantation expansion. In particular, the framework does not sufficiently address questions concerning historical forest conversion, unequal access to land, and the political-economic interests that drive plantation expansion.

This limitation reflects a broader challenge within environmental governance, where sustainability policies often focus on improving management practices without questioning underlying patterns of resource extraction and territorial control (Fairhead et al., 2012; Dauvergne, 2018). From a climate justice perspective, environmental protection cannot be evaluated solely through regulatory compliance but must also consider whether ecological burdens and benefits are distributed fairly among different social groups.

Furthermore, although plantation sustainability provisions exist, the law does not establish a strong climate-oriented framework addressing greenhouse gas emissions, ecosystem restoration, or biodiversity conservation. This creates a regulatory gap between plantation governance and broader climate objectives. Considering the significant contribution of plantation-driven land-use change to carbon emissions and biodiversity decline, stronger integration between plantation regulation and climate policy remains necessary (Carlson et al., 2013; Gaveau et al., 2019).

Therefore, while the Plantation Law acknowledges environmental responsibility, its regulatory orientation remains insufficient to achieve substantive climate justice because it prioritizes environmental management within plantation expansion rather than questioning the legitimacy and consequences of expansion itself.

B. Indigenous Land Rights and Legal Recognition: Between Formal Protection and Structural Exclusion

The recognition of Indigenous land rights represents one of the most significant challenges within Indonesia's plantation governance framework. Although Indonesian constitutional principles recognize the existence of Indigenous and customary communities (*masyarakat hukum adat*), the practical protection of customary territories remains dependent on complex legal and administrative recognition processes.

The Plantation Law provides limited explicit protection for Indigenous land rights. Rather than positioning Indigenous communities as rights holders with inherent authority over customary territories, the legal framework generally approaches communities through the perspective of participation, consultation, and social responsibility. This approach creates an imbalance because participation mechanisms do not necessarily guarantee recognition of territorial ownership or decision-making authority.

From a climate justice perspective, this limitation reflects a failure of recognitional justice. Indigenous communities are not merely stakeholders affected by plantation development; they are communities with historical, cultural, and ecological relationships with land. Ignoring these relationships risks reducing Indigenous rights to procedural consultation rather than substantive recognition. Scholars have demonstrated that Indonesian land governance has historically privileged state authority over land classification and allocation, often marginalizing customary claims that do not conform to formal property systems (Bakker & Moniaga, 2010; Hall, Hirsch, & Li, 2011). This institutional structure creates conditions where plantation permits may be legally granted in areas where customary communities maintain longstanding relationships with territory.

The absence of stronger Indigenous rights protection within plantation regulation also creates tension with international principles such as Free, Prior, and Informed Consent (FPIC). FPIC requires that Indigenous communities have the ability to meaningfully approve or reject developments affecting their territories. Without effective implementation of such principles, plantation governance may continue reproducing unequal relationships between corporations, state institutions, and Indigenous communities.

Therefore, the Plantation Law demonstrates a significant gap between formal recognition of community interests and effective protection of Indigenous territorial rights. This gap contributes to conditions in which plantation development may proceed without adequate recognition of Indigenous sovereignty.

C. Plantation Expansion, Land Grabs, and Climate Implications

The expansion of industrial plantations in Indonesia reflects broader processes of land transformation associated with global commodity production. Palm oil development has generated substantial economic benefits, but it has also contributed to ecological pressures and contested land relations. Within the framework of political ecology, plantation expansion can be understood as a process involving competing claims over land, resources, and environmental authority. Land acquisition for plantations often involves the transformation of collectively managed landscapes into commercially controlled territories. Such processes resemble broader patterns of land grabbing, where economic and institutional power enables the transfer of land control from local communities to state and corporate actors (Borras et al., 2012; Peluso & Lund, 2011).

The Plantation Law provides an institutional framework that facilitates plantation development through licensing and regulatory mechanisms. While such regulation is necessary for economic governance, it may also reinforce asymmetrical relationships when communities lack equivalent legal and political capacity to negotiate with plantation companies.

From a climate justice perspective, these dynamics raise concerns regarding the unequal distribution of climate-related risks. Communities affected by plantation expansion may experience loss of ecosystem services, reduced access to traditional resources, and increased vulnerability to environmental changes. Meanwhile, economic benefits generated through plantation commodities are often distributed unevenly among corporations, investors, and local populations.

The environmental consequences of plantation expansion further intensify these justice concerns. Conversion of forests and peatlands for plantations contributes to carbon emissions and biodiversity decline, creating impacts that extend beyond local communities to global climate systems (Austin et al., 2017; Pendrill et al., 2019).

The Plantation Law therefore faces a fundamental challenge: balancing economic development objectives with the need to prevent environmental exploitation and social inequality. Without stronger safeguards concerning land rights, ecological protection, and community participation, plantation governance risks legitimizing environmentally harmful development under the language of sustainability.

D. Power Asymmetries and Governance Challenges

A central finding of this legal analysis is that plantation governance under Law No. 39 of 2014 reflects persistent power asymmetries among the state, corporations, and Indigenous communities. The state occupies a dominant position through its authority to regulate land allocation, issue permits, and define development priorities. Corporations benefit from institutional frameworks that facilitate large-scale investment, while Indigenous communities often face structural disadvantages due to limited legal recognition and unequal bargaining capacity.

This imbalance illustrates a broader problem within environmental governance: laws may establish formal procedures without ensuring equitable participation. Procedural justice requires not only opportunities for consultation but also meaningful influence over decisions affecting communities and ecosystems (Schlosberg & Collins, 2014).

The dominance of economic considerations within plantation governance also reflects characteristics associated with green colonialism. Environmental narratives, including sustainable production and responsible plantation management, may create legitimacy for continued resource extraction without addressing underlying inequalities in land ownership and decision-making authority (Dunlap & Brock, 2022). Therefore, the Plantation Law should not be assessed only by its stated objectives but also by its institutional consequences. A climate justice approach requires examining whether legal frameworks transform unequal relationships or merely regulate them.

E. Interim Finding

The analysis demonstrates that Indonesia's 2014 Plantation Law contains environmental governance elements but remains limited in achieving comprehensive climate justice. The law provides sustainability requirements but does not sufficiently address structural drivers of environmental exploitation, Indigenous land insecurity, and unequal participation.

Consequently, the Plantation Law occupies an ambiguous position: it represents an attempt toward sustainable plantation governance, yet its institutional design risks reinforcing patterns associated with green colonialism when environmental objectives are pursued without adequate recognition of Indigenous rights and social justice principles.

Analysis and Discussion

A. Climate Justice or Green Colonialism? Reassessing the Justice Implications of the Plantation Law

The analysis of Indonesia's 2014 Plantation Law reveals a complex relationship between environmental governance, economic development, and social justice. While the law incorporates elements of environmental responsibility and sustainable plantation management, its regulatory structure remains largely embedded within a development paradigm that prioritizes economic growth, investment facilitation, and resource productivity. This creates a fundamental tension between the objectives of plantation expansion and the principles of climate justice.

From a climate justice perspective, environmental regulation should not only address ecological degradation but also examine the distribution of benefits, burdens, and decision-making authority. The Plantation Law demonstrates limitations across these three dimensions. First, distributive justice concerns arise because the economic benefits generated by plantation industries are not necessarily accompanied by equitable distribution of environmental risks. Indigenous and local communities often experience the consequences of land conversion, biodiversity loss, and ecological degradation, while economic gains are frequently concentrated among corporations and state institutions.

Second, procedural justice remains insufficiently addressed. Although plantation governance includes administrative procedures and community-related provisions, these mechanisms do not necessarily guarantee meaningful participation by affected communities. Participation without effective decision-making power risks becoming a symbolic process rather than a mechanism for democratic environmental governance (Schlosberg & Collins, 2014).

Third, recognitional justice represents the most significant challenge. The Plantation Law does not fully incorporate Indigenous communities as autonomous political subjects with legitimate authority over customary territories. Instead, Indigenous interests are often positioned within broader categories of affected communities or social participants. Such an approach fails to acknowledge Indigenous peoples' distinct relationships with land, ecosystems, and cultural identity (Whyte, 2017).

These limitations demonstrate why the concept of green colonialism is relevant to understanding plantation governance. Green colonialism does not suggest that environmental regulation is inherently harmful; rather, it highlights situations where environmental narratives and sustainability objectives may unintentionally reproduce unequal systems of territorial control. In the plantation context, sustainability discourse may improve operational practices while leaving unresolved questions regarding land ownership, Indigenous sovereignty, and historical dispossession.

The Plantation Law therefore reflects a contradictory governance model. On one hand, it represents an effort to introduce environmental responsibility into plantation regulation. On the other hand, it maintains a legal structure where land remains primarily understood as an economic resource managed through state authority and commercial interests. This contradiction places the law between climate justice and green colonialism: it contains elements of sustainability governance but lacks the transformative mechanisms required to achieve environmental justice.

B. Indigenous Rights as a Foundation for Climate Justice

The recognition of Indigenous land rights is increasingly understood as a critical foundation for effective climate governance. Indigenous territories frequently contain ecosystems with significant conservation value, and Indigenous governance systems often contribute to sustainable resource management. Therefore, protecting Indigenous rights is not only a matter of social justice but also an important component of climate mitigation and ecological resilience (Fa et al., 2020; Blackman & Veit, 2018).

The Indonesian plantation context demonstrates that environmental protection cannot be separated from questions of territorial rights. Forest conservation, biodiversity protection, and climate mitigation efforts are unlikely to achieve long-term effectiveness if they disregard the communities that have historically managed these landscapes.

From this perspective, the limited recognition of Indigenous land rights within the Plantation Law represents both a legal and environmental weakness. When communities lack secure tenure rights, they become more vulnerable to external resource extraction and have fewer incentives or capacities to maintain ecological systems over the long term. Conversely, strengthening Indigenous land governance can contribute to both climate resilience and social justice.

The principle of Free, Prior, and Informed Consent (FPIC) provides an important normative framework for improving plantation governance. FPIC recognizes that Indigenous communities should not merely be consulted but should have meaningful authority regarding developments affecting their territories. Integrating FPIC principles into plantation regulation would represent a significant shift from administrative participation toward rights-based environmental governance.

Furthermore, recognizing Indigenous knowledge systems challenges dominant approaches that often treat scientific and bureaucratic knowledge as the primary basis for environmental decision-making. Indigenous ecological knowledge provides alternative understandings of land management, biodiversity conservation, and human–nature relationships. A climate justice approach therefore requires not only protecting Indigenous land rights but also valuing Indigenous knowledge as an essential contribution to sustainability.

C. Implications for Climate, Land, and Agricultural Policy

The findings of this study have broader implications for climate, land, and agricultural policy, particularly in developing countries where commodity production remains central to economic development strategies. First, plantation governance requires a shift from market-oriented sustainability toward rights-based sustainability. Current approaches often emphasize certification, efficiency improvements, and corporate responsibility mechanisms. While these instruments may contribute to reducing environmental impacts, they do not adequately address structural inequalities related to land ownership and political power.

A climate justice-oriented policy framework should therefore integrate environmental objectives with social rights. Sustainable plantation governance should include: stronger recognition of Indigenous and customary land rights; transparent and participatory land-use decision-making; effective implementation of FPIC principles; stronger environmental safeguards for high-carbon ecosystems; accountability mechanisms for corporations and government institutions.

Second, the Indonesian experience provides lessons for plantation governance in the Global South. Many countries face similar challenges where agricultural expansion, foreign investment, and climate commitments intersect. Policies designed to promote green economic growth may reproduce historical inequalities if they fail to address questions of justice and land rights. Third, climate policy must critically evaluate market-based environmental solutions. Carbon markets, sustainability certification, and green investment frameworks may contribute to environmental improvements, but they should not replace fundamental reforms concerning land governance and community rights. Without such reforms, climate policies risk becoming instruments that legitimize continued resource extraction under environmentally acceptable narratives.

D. Theoretical Contribution of the Study

This article contributes to existing scholarship by connecting three fields that are often examined separately: plantation law, climate justice, and green colonialism. First, it extends climate justice scholarship by demonstrating that legal frameworks regulating agricultural commodities are important sites where environmental inequalities are produced or challenged. Second, it contributes to green colonialism debates by showing that colonial patterns may persist not only through conservation projects or carbon markets but also through domestic legal systems governing resource extraction. Third, it advances socio-legal analysis of plantation governance by demonstrating that legal effectiveness should not be measured solely by regulatory objectives but also by whether laws transform unequal relationships between states, corporations, and marginalized communities.

E. Discussion Summary

The central argument emerging from this analysis is that Indonesia's 2014 Plantation Law represents a partial transition toward sustainable plantation governance but does not yet constitute a climate justice framework. Its environmental provisions demonstrate recognition of ecological concerns; however, insufficient protection of Indigenous land rights and limited mechanisms for equitable participation create conditions where green colonial dynamics may persist. Achieving climate justice in plantation governance therefore requires moving beyond sustainability as a technical management concept toward sustainability as a question of rights, power, and historical responsibility.

Conclusion

A. Summary of Key Findings

This study has examined Indonesia's 2014 Plantation Law (Law No. 39 of 2014 concerning Plantations) through the analytical perspectives of climate justice and green colonialism. Rather than evaluating the law solely as a regulatory instrument for plantation management, this research has explored how the legal framework distributes environmental responsibilities, recognizes Indigenous rights, and addresses the consequences of plantation-driven environmental exploitation.

The analysis demonstrates that the Plantation Law represents a contradictory form of environmental governance. On the one hand, the law incorporates provisions related to sustainable plantation management, environmental responsibility, and regulatory oversight. These elements indicate an institutional attempt to respond to growing concerns regarding ecological degradation associated with plantation expansion. However, the findings also reveal significant limitations. The law remains strongly embedded within an economic development paradigm that prioritizes plantation productivity, investment, and state control over land resources. Although environmental protection is recognized, the framework does not sufficiently address the structural causes of deforestation, biodiversity loss, and climate vulnerability associated with plantation expansion.

From a climate justice perspective, the main weakness of the Plantation Law lies in its limited recognition of Indigenous land rights and insufficient mechanisms for meaningful participation. Indigenous communities are frequently positioned as affected groups rather than as legitimate rights holders with authority over customary territories. This reflects a gap between formal legal recognition and substantive protection of Indigenous rights.

Furthermore, the analysis shows that plantation governance may reproduce dynamics associated with green colonialism. Environmental and sustainability narratives can coexist with continued patterns of resource extraction and unequal land control when ecological objectives are pursued without addressing historical inequalities and power asymmetries. Therefore, while the Plantation Law contains elements of sustainability governance, it does not fully achieve the transformative requirements of climate justice.

B. Policy and Legal Recommendations

Based on the findings, several legal and policy reforms are recommended to strengthen climate justice within Indonesia's plantation governance framework. First, the recognition and protection of Indigenous land rights should become a central component of plantation regulation. Legal recognition of customary territories should not depend solely on complex administrative procedures but should be supported through clearer mechanisms that acknowledge Indigenous peoples as legitimate rights holders. Strengthening customary land protection would contribute not only to social justice but also to long-term environmental conservation.

Second, climate justice principles should be explicitly integrated into plantation governance. Existing regulatory approaches primarily emphasize environmental management and compliance obligations, but they do not sufficiently address questions of fairness, participation, and historical responsibility. Future plantation policies should incorporate distributive, procedural, and recognitional dimensions of justice as fundamental regulatory objectives.

Third, Free, Prior, and Informed Consent (FPIC) principles should be strengthened within plantation development processes. Indigenous and local communities should have meaningful authority in decisions affecting their territories rather than being limited to consultation procedures. Effective implementation of FPIC would improve democratic legitimacy and reduce conflicts associated with plantation expansion. Fourth, environmental governance should move beyond market-based sustainability approaches. Certification systems and corporate sustainability commitments may contribute to improved practices, but they cannot replace deeper reforms addressing land inequality and governance structures. Climate-oriented plantation policies should combine ecological objectives with strong human rights protections. Finally, government institutions should strengthen accountability mechanisms for plantation corporations. Sustainable plantation governance requires transparent monitoring, effective enforcement, and consequences for violations of environmental and social obligations.

C. Limitations and Future Research

This study has several limitations. First, as a doctrinal and qualitative legal analysis, the research primarily examines legal frameworks, policy documents, and academic literature. It does not include empirical field research or direct engagement with Indigenous communities, plantation workers, or government officials. Future research may complement this analysis through empirical studies examining how plantation regulations operate in specific local contexts. Second, this study focuses primarily on Indonesia's Plantation Law and does not provide a comparative analysis with plantation governance systems in other producing countries. Comparative research involving countries such as Malaysia, Brazil, or countries in Central Africa could provide broader insights into how climate justice and green colonialism operate across different political and legal contexts.

Third, future studies could examine how recent developments in climate governance, sustainable finance, carbon markets, and global commodity regulations influence plantation law and Indigenous rights. Such research would help clarify whether emerging climate policies strengthen justice-oriented governance or create new forms of environmental inequality. Despite these limitations, this study contributes to broader debates on climate justice, environmental governance, and Indigenous rights by demonstrating that plantation regulation is not merely a technical issue of agricultural management but also a question of power, justice, and the political organization of nature.

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“The climate crisis is not just an environmental crisis, it is a human rights crisis.”

Greta Thunberg

Swedish climate activist and environmental advocate

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