

# REGULATORY REFORM, FOOD SECURITY, AND INDIGENOUS COMMUNITIES: EFFORTS TO REALIZE INCLUSIVE GOVERNANCE

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## Abstract

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Governance theory emphasizes the importance of inclusive, participatory, and multi-actor decision-making processes in achieving equitable and sustainable policy outcomes, particularly in diverse and marginalized contexts (Radtke, 2025). This study aims to evaluate the participation of indigenous communities in large-scale agricultural policies (Food Estate) in Merauke Regency, analyze the impact of regulatory reforms on social justice and food sovereignty, and formulate inclusive and sustainable policy recommendations. Using a qualitative approach with a case study design, this study was conducted in three districts of Semangga, Kurik, and Tanah Miring, which have high involvement in the Food Estate program. Data collection techniques include in-depth interviews, focus group discussions (FGDs), participant observation, and documentation studies. The study shows that indigenous participation remains largely symbolic due to the dominance of state and corporate actors in decision-making, and this mismatch between national regulations and local socio-cultural realities has resulted in social marginalization and the erosion of indigenous food sovereignty. This study highlights the need to integrate customary law into national governance while strengthening local community roles in food policy, providing empirical support for a hybrid governance model that accommodates multicultural and agrarian complexities to guide socially inclusive policies in customary and border regions.

**Keywords:** Policy Reform, Food Security, Indigenous Peoples, Inclusive Governance, Social Justice

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## 1. INTRODUCTION

Food security has become a priority agenda in global policy, especially amid the increasing complexity of cross-sectoral challenges, such as climate change, environmental degradation, agrarian conflicts, global pandemics, and social and economic inequality (Kumareswaran & Jayasinghe, 2022). Data from the State of Food Security and Nutrition in the World (Food and Agriculture Organization of the United Nations, 2025) shows that more than 800 million people in the world still face food insecurity, while population growth continues to increase and fertile land is shrinking (Ghosh et al., 2024). In facing these challenges, the concept of inclusive food governance has begun to develop widely as a strategic approach that emphasizes the importance of multi-stakeholder involvement, especially local communities and indigenous peoples, in designing and implementing sustainable food policies (Tjilen et al., 2024). This approach is based on the principles of participatory governance, social justice, and respect for local knowledge systems in the management of natural resources and food.

At the national level, Indonesia faces serious challenges in realizing equitable food security, especially in the eastern and border regions of the country, which have long been lagging behind in development (Nugroho et al., 2022). To address this issue, the government initiated the Food Estate program as part of a long-term strategy to increase national food production and reduce dependence on imports. Merauke, located in South Papua, was designated as one of the priority areas for this project given its vast agricultural land potential and supportive geographical conditions. This program technocratically aims to increase production efficiency, expand planting areas, and strengthen the national food distribution system. However, the dominant approach is top-down and based on large-scale investment, often ignoring the social and cultural dynamics of local communities (Niedziakowski & Chmielewski, 2023). Especially in Merauke, the Malind indigenous people and other local communities have long lived with traditional agricultural systems that are integrated with the natural environment and customary norms. The presence of large-scale agricultural policies without their meaningful involvement can give rise to social conflict, neglect of customary rights, and vulnerability to social exclusion in public policies (Buzogány & Varga, 2025). Therefore, there is an urgent need to evaluate how national food policy reforms can accommodate the principles of social inclusion, local legal participation, and community-based food sovereignty. This is important not only in order to strengthen the effectiveness of policy implementation, but also as an effort to realize fair and sustainable development governance in border areas such as Merauke.

Although large-scale agricultural programs such as the Food Estate in Merauke aim to improve national food security, their implementation in the field shows various fundamental problems related to non-inclusive governance. One of the main problems that emerged was the lack of substantive participation from indigenous communities, especially the Malind indigenous community, who historically have close ties to the land and

traditional food production systems. In many cases, these agricultural projects were built with a technocratic and centralized approach, which ignored local values, customary social structures, and unwritten legal systems that apply in the region. As a result, various forms of social exclusion emerged, such as loss of access to customary land, degradation of local resources, and unsustainability of projects due to resistance from the community (Abe & Gbam, 2025). Inequality in the decision-making process is one of the roots of the problem that has not been resolved (Dinbabo et al., 2021). The voices of indigenous communities, including local legal systems such as customary deliberations or traditional consensus-based decision-making mechanisms, did not get the space they deserved in national food policy reforms. This reinforced structural inequalities and weakened the legitimacy of policies in the eyes of the community. The absence of formal mechanisms that recognize and accommodate customary law as part of a modern governance framework has led to fragmentation between state regulations and local practices (Geyer, 2023). If left unchecked, this situation has the potential to create ongoing social tensions, trigger agrarian conflicts, and hinder the long-term success of national agricultural projects in border areas such as Merauke.

Academic discourse on food policy in Indonesia in the last decade has shown a strong tendency towards a technocratic and productivist approach. Previous studies have focused on the effectiveness of food policies in increasing production, expanding planting areas, and strengthening national logistics and distribution systems (Lu et al., 2022). The success of large-scale agricultural programs, such as the Food Estate, is generally measured through quantitative indicators such as land productivity, agricultural gross domestic product growth, and food supply stability (Edafe et al., 2023). However, this approach tends to ignore the socio-economic dimensions inherent in the dynamics of public policy, especially when the policy is implemented in areas with complex social, cultural, and informal legal structures, such as in eastern Indonesia. The involvement of indigenous communities as important actors in the national food policy space has yet to receive adequate attention in academic studies (Larson et al., 2022). In fact, in the context of a region such as Merauke, which is dominated by the Malind indigenous people with a strong customary value system and law, an exclusive policy approach risks giving rise to social resistance, agrarian conflict, and degradation of local values. The literature on social inclusion and participatory governance suggests that policy success depends not only on institutional design but also on the extent to which local actors are meaningfully included in decision-making processes (Newig et al., 2023). However, most studies on agricultural policy reform in Indonesia still lack a critical review of the role of customary law, local community participation, and the relationship between state regulatory systems and local norms within a cohesive governance framework.

This gap then becomes an important research gap to be filled. Until now, there has been no comprehensive study that systematically evaluates the role of indigenous communities in the structure

of large-scale food policy governance, and the extent to which national regulations are able to integrate with local legal practices in border areas. The lack of an analytical framework that connects governance reform, legal pluralism, and social inclusion in the context of national food policy makes this topic have theoretical and practical urgency. Therefore, this study is directed at filling this gap by critically examining the interaction between national agricultural policy and local socio-legal systems in Merauke, as well as evaluating the socio-economic impacts of the ongoing governance process on the empowerment of indigenous communities. The purpose of this study is to evaluate the extent to which indigenous community participation is accommodated in large-scale agricultural policies (Food Estate) in Merauke Regency, analyze the impact of regulatory reform on social justice and food sovereignty based on local wisdom, and formulate policy recommendations that can strengthen inclusive, adaptive, and sustainable food governance in the context of border areas and indigenous communities.

The structure of this paper is as follows. Section 2 reviews the theoretical background for the study. Section 3 analyzes the methodology. Section 4 presents the results. Finally, Section 5 discusses the results, and Section 6 proposes the final conclusions.

## **2. THEORETICAL BACKGROUND**

Regulatory reform in the agricultural sector is an important part of the state's efforts to establish a policy system that is adaptive to social and environmental changes (Kaijie & Jin, 2023). In the context of developing countries, this reform seeks to simplify overlapping policies, increase institutional transparency, and create participatory spaces for local actors. Several studies have emphasized that regulations that do not take into account the social and cultural context actually deepen exclusion, especially for indigenous groups who have long been on the fringes of the policy-making process. In Indonesia, the Food Estate policy is a concrete example of state intervention oriented towards agricultural modernization, but it is often criticized for not including an inclusive consultation process with indigenous communities. In Merauke, South Papua, the Food Estate program is running within a national regulatory framework that has not been fully integrated with local social structures. Laws and implementing regulations tend to rely on the principles of agribusiness and production efficiency, while local community-based socio-ecological approaches are ignored (Scaramuzzi et al., 2021). This shows the gap between the national regulatory vision and the need for indigenous peoples' protection at the grassroots level. Critical evaluation of this regulatory reform is important in order to encourage policy transformation that is more contextual, just, and respects the collective rights of indigenous communities to their land and resources (Sakapaji et al., 2024).

Today's food security is not only understood from the aspect of food availability and sufficiency, but also includes dimensions of access, cultural preferences, and sustainability of local food systems. New perspectives in food security studies

emphasize the importance of distributional justice, recognition of traditional agricultural practices, and the role of communities in maintaining sustainable food systems (Smaal et al., 2021). Community-based food security is a strategic alternative in dealing with the structural vulnerabilities experienced by indigenous communities, especially in border areas such as Merauke, which are rich in local food sources such as sago, cassava, and fish. However, large-scale agricultural projects such as the Food Estate often ignore traditional food systems and shift the role of local communities from producers to consumers of industrial food. Studies by Yusriadi and Cahaya (2022) highlight that ignoring local agricultural practices can weaken community food security and create structural dependence on external food systems. In Merauke, the takeover of customary land for national food projects has disrupted the cycle of traditional food production and has had a direct impact on the livelihoods and cultural identity of indigenous communities. Therefore, a food security approach based on social justice and sustainability must be a primary consideration in national policy reform.

Indigenous communities have social systems and natural resource management based on collective values and spirituality towards the land. Customary rights inherent in indigenous communities are not merely economic utilization rights, but also reflect identity, ancestral heritage, and cultural resilience (Gaitenidis, 2025). Studies, such as Fonchingong Che (2024), emphasize the importance of recognizing the collective rights of indigenous communities as part of the principle of social justice in development policies. In many countries, including Indonesia, the lack of synchronization between formal state law and customary law systems has become a source of prolonged agrarian conflict. In the context of Merauke, large-scale agricultural policies have resulted in tension between state licensing mechanisms and indigenous peoples' claims to customary land. The land release process with minimal participation, as well as the lack of structural recognition of customary institutions in the decision-making process, exacerbates the imbalance in power relations (Nchanji et al., 2021). Although the Indonesian constitution has recognized the existence of indigenous communities, the implementation of the protection of their rights is still weak in sectoral policies. Therefore, the need to strengthen laws and institutions that actively involve indigenous communities is crucial to ensuring justice in agricultural development.

Inclusive governance is a conceptual framework that underscores the participation of all societal groups, particularly those historically marginalized, in the formulation, implementation, and evaluation of public policies (Sánchez-Soriano et al., 2024; Ahmad & Islam, 2024). This model embodies the principles of transparency, accountability, and pluralism by recognizing the diversity of actors and knowledge systems within decision-making processes. Within the natural resource management sector, inclusive governance functions not only as a participatory mechanism but also as a structural corrective to power imbalances, facilitating social justice and ecological sustainability

(Adom et al., 2025). Theories of participatory decentralization and the devolution of authority to local communities (Rugeiyamu & Msendo, 2025) provide the normative foundation for strengthening the legitimacy of local institutions, including customary governance systems that embody collective stewardship values.

In the context of Merauke, the concept of inclusive governance serves as an analytical lens to unpack the regulatory constraints and power asymmetries embedded in the implementation of the Food Estate program. The dominance of state and corporate actors in the policy process reflects a centralized regulatory structure that limits the agency of indigenous communities in shaping development priorities (Lozano Flores et al., 2024). Despite the formal inclusion of participation clauses, decision-making remains top-down, with limited recognition of customary land tenure and local ecological knowledge. This situation exposes the tension between national legal rationalities rooted in bureaucratic efficiency and indigenous governance systems that emphasize communal responsibility and intergenerational equity (Thiessen, 2025). By interpreting these contradictions through the inclusive governance framework, it becomes evident that the marginalization of indigenous voices is not merely procedural but structural, reflecting the exclusionary logic of development embedded in regulatory design.

Adopting a hybrid governance model that bridges formal and customary institutions becomes imperative to address these asymmetries (Motadi & Sikhwari, 2024). Comparative experiences from Latin America demonstrate that the effectiveness of development policies in customary territories depends on the extent to which local communities are granted deliberative power and institutional recognition within state frameworks. Applying this perspective to Indonesia, particularly in the Merauke Food Estate project, reveals the need for institutional realignment where inclusive governance operates not as a symbolic gesture but as a substantive principle of policy transformation. Such an approach would enhance the interpretive coherence of policy implementation by situating participation, justice, and cultural legitimacy as integral dimensions of sustainable agrarian governance (Khan et al., 2025).

### **3. METHODOLOGY**

This research approach uses a qualitative method with a case study design, which was chosen to gain an in-depth understanding of the dynamics of indigenous community participation in large-scale agricultural policies in Merauke Regency. This approach allows researchers to explore the complex social, cultural, and political contexts and the relationship between policy actors and local communities holistically. Case studies were chosen because they provide flexibility in intensively exploring a specific phenomenon that occurs in a particular location, namely the implementation of the Food Estate program, which has a direct impact on customary land and the livelihood systems of indigenous peoples. Through this approach, the research seeks to uncover ongoing governance practices, identify structural and cultural barriers,

and assess the extent to which nationally designed policies can be adapted inclusively at the local level.

This research was conducted in Merauke Regency, South Papua Province, which is one of the strategic areas in the implementation of the large-scale agricultural program (Food Estate) by the Indonesian government. The selection of this location was based on its distinctive socio-cultural characteristics, especially the existence of the Marind indigenous community, who have strong ties to customary land and traditional food production systems. The focus of this research is to evaluate the participation of indigenous communities in the planning, implementation, and monitoring processes of the Food Estate program, as well as to analyze the impact of policy reforms on social justice and food sovereignty based on local wisdom. This research also examines how national policies are able or fail to integrate local values in sustainable agricultural governance. The research activities were carried out for six months, namely from January 2025 to June 2025. The data collection technique in this study used an exploratory qualitative approach that combined in-depth interviews, focus group discussions (FGDs), participatory observation, and documentation studies. The design of data collection was strategically arranged in sequential stages, starting from preliminary mapping of stakeholders, data triangulation, and verification of findings to ensure the credibility and depth of the research results.

The main focus of the research was directed at indigenous communities from three districts, namely Semangga, Kurik, and Tanah Miring in Merauke Regency, which are areas with high levels of involvement in the implementation of the large-scale agricultural program (Food Estate). The three districts were selected purposively because they reflect the complex local social, political, and legal dynamics in the context of customary land tenure and management. The sampling logic was based on the principle of thematic relevance and representativeness, in which each district represented different levels of indigenous participation, intensity of agricultural intervention, and patterns of interaction with implementing agencies. This purposive selection ensured the diversity of contexts while maintaining analytical coherence between cases.

In-depth interviews were conducted in a semi-structured manner using an interview guide that had been prepared based on indicators of participation in public policy, namely community involvement in program planning and implementation, recognition of customary rights, and perceptions of social justice and the impact of policies on local food sovereignty. The strategy for selecting informants followed a combination of purposive and snowball sampling techniques. Initial key informants were identified through local networks and institutional mapping, and subsequent participants were recommended by earlier interviewees who had direct or indirect involvement in the Food Estate program. The criteria for identifying informants included active or direct involvement in agricultural program activities; leadership or influence within indigenous or local governance structures; institutional responsibility for policy planning or monitoring; and engagement in advocacy or capacity-building related to indigenous rights and sustainable agriculture.

A total of 15 interviews were conducted with traditional leaders, village heads, local farmers, and representatives from the agricultural office, Regional Development Planning Agency (*Badan Perencanaan Pembangunan Daerah, Bappeda*), and local non-governmental organizations (NGOs). Each interview session lasted for 45 to 90 minutes and was conducted in two waves (early and mid-research) to explore the dynamics that developed over time. This type of semi-structured interview was chosen because it gave informants the freedom to explain their experiences and views in depth, while maintaining focus on the research objectives. In addition, two FGDs were conducted to strengthen the validity of the findings and facilitate dialogue between various actors. The first FGD involved 12 participants from indigenous communities in three districts, who collectively discussed their experiences, constraints, and expectations regarding large-scale agricultural policies. The second FGD involved 10 participants from a mix of indigenous communities, local government, and NGOs, which was used to identify gaps between formal policies and implementation on the ground. The selection criteria for FGD participants emphasized diversity of gender, age, and social roles to capture a wide range of experiences and perceptions. Most FGD participants were informants who had been interviewed previously, allowing for triangulation between individual and collective data.

Participatory observation was conducted during field visits to villages within the three districts. Researchers were directly involved in daily community activities, such as customary meetings, village deliberations, and local agricultural activities. Observations focused on community interactions with project implementing officers, internal community communication patterns, and local wisdom-based food management practices. Field notes were made systematically in the form of daily logs and used to confirm and enrich data from interviews and FGDs. The data collection strategy for observation emphasized continuous engagement and contextual sensitivity, allowing researchers to identify both explicit practices and implicit social meanings embedded in daily interactions.

Documentary data were obtained from various primary and secondary sources, including official national and regional policy documents, such as Presidential Regulation No. 109 of 2020 concerning the third amendment to Presidential Regulation No. 3 of 2016 concerning the acceleration of the implementation of national strategic projects, technical regulations from the Ministry of Agriculture, the Merauke Regency Spatial Plan (RTRW), and evaluation reports on the implementation of the Food Estate program. In addition, local documents, such as village deliberation minutes, customary head decrees, and NGO archives that record the advocacy process and land conflicts, were also analyzed. All documents were analyzed using a content analysis approach to identify the extent to which nationally formulated policies have considered and accommodated the interests and rights of indigenous peoples at the local level. The document selection criteria focused on relevance to land governance, policy implementation, and indigenous participation to ensure analytical consistency.

The subjects and informants of the study were selected purposively to ensure comprehensive representation of all stakeholders in large-scale agricultural policies (Food Estate) in Merauke Regency. There were a total of 20 key informants, consisting of four main groups. The first group involved eight informants from the local indigenous community, including traditional figures, tribal chiefs, and local farmers who directly experienced the impact of the policy implementation, thus providing an authentic perspective on participation and cultural impacts. The second group consisted of five informants from the local government, drawn from agencies such as the Agriculture Service, Bappeda, and the Office of National Unity and Politics, which are responsible for the coordination and technical implementation of the policy. The third group included four informants from local NGOs and social activists who play a role in assisting affected communities and advocating for indigenous rights. Meanwhile, the fourth group involved three informants from technical ministries at the central level, especially from the Ministry of Agriculture and the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), in order to obtain a macro view of the national regulatory framework. The selection of informants using the snowball sampling method was supported by a stakeholder mapping process that identified key actors based on their level of influence, authority, and relevance to the research objectives. This approach ensured that all strategic perspectives from grassroots actors to national policymakers were represented in the analysis. It is hoped that this will provide valid and comprehensive data, covering perspectives from local to national actors, so that analysis of participation and regulatory impacts can be carried out in depth and in a balanced manner.

The data analysis technique in this study uses a thematic analysis approach to identify patterns of meaning from the results of interviews, observations, and documentation studies. The analysis process is carried out through three main stages, namely data reduction to filter relevant information, data categorization based on key themes emerging from the field, such as indigenous community participation, responses to regulation, and the dynamics of social inclusion, as well as drawing conclusions inductively reflecting the relationship between findings. To ensure the validity and credibility of the results, the technique used triangulation of sources and methods, namely comparing data from various informants and types of information sources to ensure consistency and depth of analysis. This approach allows for a comprehensive and contextual understanding of the impact of policy reforms on indigenous communities in large-scale agricultural programs in Merauke.

#### 4. RESULTS

Based on the research objectives to evaluate the participation of indigenous communities in large-scale agricultural policies and analyze the impact of regulatory reforms on social justice and food sovereignty in Merauke, this section presents key findings from the field. The research results were obtained through thematic analysis of

qualitative data collected from in-depth interviews, FGDs, participant observation, and policy documentation studies. The findings focus on five main interrelated aspects, namely the level of indigenous community participation, the suitability of policies to the local socio-cultural context, the socio-economic impacts caused, the integration

of customary law in regulatory reforms, and the potential for inclusive governance that can be developed. Each section is structured to show how large-scale food policies operate in the field and the extent to which the principles of social inclusion and justice can be realized in development governance in border areas.

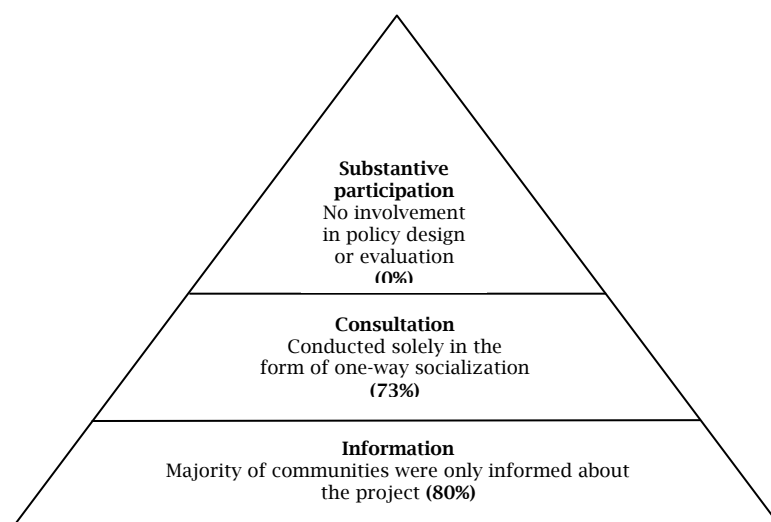
**Table 1.** Evaluation of the level of indigenous community participation in large-scale agricultural policies in Merauke

<i>Dimensions of participation</i>	<i>Evaluation indicators</i>	<i>Key findings (Qualitative)</i>	<i>Quantitative data</i>	<i>Data source</i>
Involvement in the planning stage	Are indigenous peoples involved in the preparation of project plans?	No substantive involvement; only socialization after the decision is made.	12 out of 15 informants were not directly involved (80%).	In-depth interviews, FGDs
Access to policy documents and information	Did communities receive official documents, land maps, or draft policies?	Information was provided verbally; no access to the project technical documents.	10 out of 15 informants never received official documents (67%).	Field observations, documentation
Customary consultation and deliberation mechanisms	Was an official forum/customary consultation held prior to project implementation?	There is no formal forum; the approach is more administrative with no respect for local customary practices.	11 out of 15 said there was no customary deliberation (73%).	Interviews with traditional figures
Representation in the project's institutional structure	Are there indigenous representatives on the project implementation team or monitoring body?	There is no mechanism or quota for indigenous community representation in the formal project structure.	13 out of 15 stated that there were no customary representatives in the implementing agency (87%).	Institutional documents, interviews
Legal protection of participation rights	Are there any legal regulations that guarantee the legal participation of indigenous communities?	No regional regulations or national clauses were found that provide specific protection for customary participation rights.	Not available (-)	Analysis of national and local policy documents

Table 1 above presents an evaluation of five dimensions of indigenous community participation in large-scale agricultural policies in Merauke, based on indicators relevant to the principle of inclusive governance. The results show that indigenous community participation is limited and more symbolic, with 80% of informants stating that they were not involved in the planning stage and 87% mentioning the absence of indigenous

representatives in the project's institutional structure. Access to policy documents is also low (67%), while indigenous deliberation forums are rarely held (73%). In addition, no legal protection mechanisms were found that explicitly guarantee the participatory rights of indigenous communities. These findings indicate a serious gap between policy design and participatory implementation at the local level.

**Figure 1.** Visualizing the quality of indigenous community participation in the Food Estate policy



The participation pyramid in Figure 1 above illustrates three levels of indigenous community involvement in the Food Estate policy in Merauke. The majority of the community (80%) only received information without having the space to provide input, while 73% experienced one-way consultations

without reciprocal dialogue. None of the informants were involved in the design or evaluation of the policy, so the substantive participation rate was recorded at 0%. This finding confirms that the participation process is still a formality and has not met the principles of true inclusive governance.

**Table 2.** Policy local context discrepancies: Field findings on participation and agrarian conflicts in the Food Estate program in Merauke

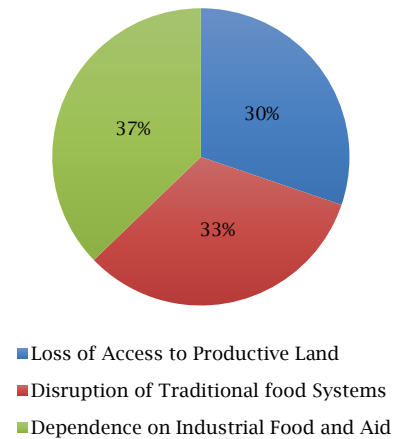
Main theme	Sub-theme/Category	Description of findings	Excerpt data field
Policy vs. local context discrepancy	Incompatibility of land tenure systems	Customary ( <i>ulayat</i> ) land ownership is not formally recognized in the national agricultural licensing scheme.	"Our land is inherited through customary law, but the government and investors came without speaking to us first" (Customary leader, Yanggandur Village, May 21, 2024).
	Land claims conflicts	Overlap exists between government land maps and sacred indigenous territories.	"We know the area is sacred. But when heavy machinery arrives, no one can stop it" (Local NGO representative, Interview, May 22, 2024).
	Productivist policy orientation	Policies emphasize national food output rather than socio-ecological sustainability.	Food Estate policy documents do not include clear mechanisms for socio-cultural impact assessments.
	Absence of free, prior, and informed consent (FPIC) mechanisms	No meaningful consultation was conducted with indigenous communities prior to project implementation.	"We were not given any information before our land was included in the project" (Indigenous woman, FGD, May 23, 2024).

Table 2 illustrates the core theme of policy versus local context discrepancy in the implementation of the national Food Estate program in Merauke. The findings reveal four key sub-themes: the incompatibility of land tenure systems, where customary (*ulayat*) land rights are not formally acknowledged; land claims conflicts arising from overlapping land designations and sacred indigenous areas; a productivist policy orientation that prioritizes national food output over socio-cultural sustainability; and the absence of FPIC mechanisms, reflecting the lack of meaningful consultation with indigenous communities. These discrepancies underscore the structural disconnect between national regulatory frameworks and the lived realities of local indigenous populations.

Figure 2 illustrates the socio-economic impacts of large-scale agricultural policy on indigenous communities in Merauke. A significant portion of respondents (65%) reported losing access to productive ancestral land due to land conversion for industrial agriculture. Meanwhile, 70% experienced a disruption in traditional food systems, leading to the erosion of local food practices. Most notably, 80% of the respondents indicated increased

dependence on industrial food and government aid, reflecting a decline in food sovereignty and economic independence within indigenous communities.

**Figure 2.** Socio-economic impacts on indigenous communities in Merauke



**Table 3.** Integration of customary law in agricultural policy reform in Merauke

Aspects of findings	Field data description	Data source	Analytical implications
Lack of recognition of customary law	There is no clause in the official Food Estate documents that acknowledges customary land or customary-based ownership systems.	Analysis of national and regional policy documents	Regulation is centralistic; it ignores legal pluralism and the principle of social justice.
Formulation process without substantive consultation	Indigenous communities were not involved in the project planning process. "We were never consulted when the land was cleared." — Yanggandur indigenous leader.	Interviews with traditional figures, field observations	Violation of the principle of FPIC.
Not involved in project monitoring or evaluation	Customary institutions (Indigenous Peoples Institution ( <i>Lembaga Masyarakat Adat, LMA</i> ), Customary Council) are not involved in the monitoring or evaluation of large-scale agricultural projects.	Interviews with NGOs, village officials	Weak community-based collaborative governance mechanisms.
Absence of a legal mechanism for claiming customary rights	Communities have no state-recognized legal avenue to defend land rights while the project is underway.	Regulatory studies, interviews with customary law experts	The risk of agrarian conflict is increasing due to inequality in access and distribution of land.
Project language and terms are not culturally inclusive	The project documents use formal legal terms without considering local customary deliberation terms and mechanisms.	Observation of project documents and information boards at the project site	Communication gap between formal legal structures and local social structures.

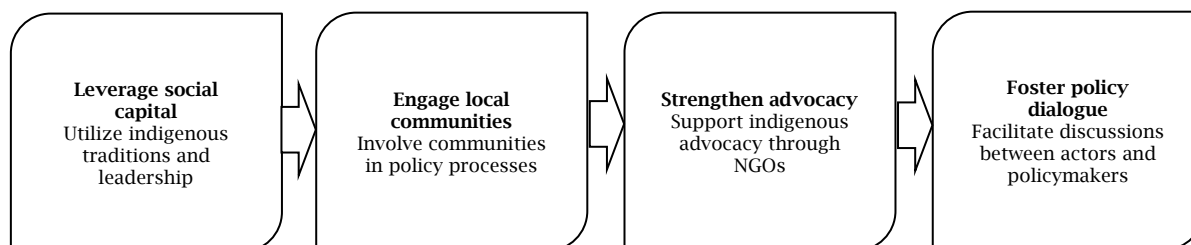
Table 3 presents the main findings related to the lack of integration of customary law in large-scale agricultural policy reforms in Merauke. The results of the analysis show that there is no

explicit recognition of the rights of indigenous peoples in the Food Estate policy document, including the absence of a legal mechanism that allows for functional claims of customary land

rights. Interview data and field observations reveal that the policy formulation process took place without substantive consultation with indigenous communities, thus contradicting the FPIC principle. In addition, local institutional structures such as the LMA and the Customary Council were not involved in project monitoring or evaluation, indicating weak community-based collaborative governance. This inequality is exacerbated by the use of technocratic

language in project documents that is not inclusive of customary deliberation terms and mechanisms, creating a communication gap between the formal legal system and local social structures. These findings show normative and structural gaps in policies that have an impact on social exclusion and increased risk of agrarian conflict in customary areas.

**Figure 3.** Cycle of inclusive food governance in Merauke



The potential for achieving inclusive and sustainable food governance in Merauke lies in the strong social capital embedded within indigenous communities, including traditions of mutual cooperation, local wisdom, and active customary leadership structures. This social capital serves as a vital foundation for involving local communities in the planning, implementation, and evaluation of agricultural policies. Additionally, the engagement of NGOs and civil society organizations plays a crucial role in strengthening indigenous advocacy and facilitating policy dialogue, fostering synergy between local actors and policymakers toward equitable and sustainable governance.

## 5. DISCUSSION

In the context of large-scale agricultural development policies (Food Estate), inclusivity is one of the normative principles explicitly stated in national planning documents. The government stated that this policy is intended to increase food security while opening up space for local community participation, including indigenous communities (Domingo et al., 2021). However, in practice in the field, this principle of inclusion has not been fully realized substantively. What actually happens is a form of participation that is formalistic and procedural, where the involvement of indigenous communities is limited only to the stage of socialization or granting administrative approval. Field findings indicate that indigenous leaders and local stakeholders are not actively involved in the planning and strategic decision-making process (Brock et al., 2023). Their involvement is often only symbolic, with limited discussion space and no negotiation mechanism for the content and impact of the policy (Zurba & Papadopoulos, 2023). In some cases, communities are only asked to sign land release documents without being given a complete explanation of the long-term consequences for their customary rights, livelihoods, and socio-cultural systems (Akolgo-Azupogo et al., 2021). This shows that the inclusion promised in the policy is not accompanied by governance instruments that guarantee meaningful participation.

This phenomenon reflects the existence of structural inequality in the relationship between the state and indigenous communities (Spike Peterson, 2021). The state, through central government institutions and project implementers, occupies a dominant position in defining objectives, land allocation, and project success parameters, without opening up deliberative space for local communities. This inequality also reflects a development approach that is still top-down and technocratic, which positions local communities not as subjects of development, but as objects of policy recipients (Cheang & Choy, 2024). In fact, a true participatory approach should make local communities active partners in the development process from the planning stage to evaluation. The mismatch between the rhetoric of inclusion in policy and the practice of exclusion in the field creates a gap of trust between indigenous communities and program implementers (Burgess & Lowe, 2022). In the long term, this has the potential to cause social resistance, tension between actors, and even agrarian conflict. Therefore, there needs to be a reformulation of policy implementation strategies so that the principle of inclusion does not stop at the normative level, but is realized through institutional structures, participatory decision-making mechanisms, and formal recognition of the bargaining position of indigenous communities in development governance.

The dominance of the state and corporations in the governance structure of the Food Estate program in Merauke reflects the tendency of development that is oriented towards economic efficiency and centralized control. The central government acts as the main designer of policies, while large business actors are involved as strategic partners in land management and production (Hofstad et al., 2022). This pattern forms a top-down scheme that tends to ignore social dynamics, customary ownership structures, and local authorities that live and function in indigenous communities. Policies that should prioritize the principles of social justice and empowerment actually strengthen the centralization of power in the management of agrarian resources (Tariq, 2025). Customary institutions that have high social legitimacy are not accommodated in

the formal institutional design of the project. In fact, in the context of indigenous communities in Merauke, customary land management not only has an economic dimension, but also spiritual values and collective identity. The neglect of customary institutions shows the state's failure to read complex and plural social realities (Tamanaha, 2021). When the state and corporations dominate the governance framework without building partnerships with local structures, power relations become unequal and have the potential to create injustice (Saif et al., 2022).

Facts on the ground, as revealed through interviews with indigenous community leaders, show that the land release process is often carried out without a comprehensive understanding from the community (Gordon et al., 2023). The land release procedure takes place unilaterally, without open dialogue or in-depth consultation involving all elements of the community. In many cases, communities are only given cursory information about the project, without sufficient time to consider the implications for customary rights, livelihoods, and the continuity of their cultural values. This shows the weakness of the mechanism for protecting the basic rights of indigenous peoples in the Food Estate governance structure. This situation strengthens the criticism that large-scale projects such as the Food Estate are not only at risk of environmental damage, but also of social disintegration. When state and corporate dominance are not balanced by mechanisms of social control and participation of indigenous peoples, development policies have the potential to create systemic exclusion (Abe, 2022). Therefore, there needs to be a reconstruction of governance that integrates indigenous institutions into formal structures, builds a space for deliberative dialogue, and creates a fair accountability mechanism between the state, business actors, and indigenous peoples as the legitimate owners of living space.

The social and cultural implications of the marginalization of indigenous communities in the Food Estate policy in Merauke are evident through the weakening of the traditional food security system that has supported the survival of the community. Field observations show that large-scale land conversion for national projects has significantly reduced community access to local food sources such as sago, cassava, and traditional aquatic products (Nurhasan et al., 2022). These three food sources not only function as daily consumption needs, but also contain symbolic meaning in the social and spiritual structure of indigenous communities. The loss of this access has a direct impact on food vulnerability and dependence on industrial food distribution systems from outside the region (Clapp, 2023). More than just economic change, this land conversion has also caused cultural disruption. Indigenous communities that previously had agricultural patterns based on local knowledge have now lost the space to actualize their agrarian traditions. The practices of farming, hunting, and gathering that have been passed down from generation to generation have begun to be abandoned due to the influence of the modern production structure brought by the Food Estate project (Giller et al., 2021). This disruption has also triggered a shift in community consumption

patterns, from healthy and sustainable local food to instant and commercial food products that are not necessarily in accordance with local nutritional needs and cultural values. This process, if it continues, has the potential to erode the cultural identity and ecological knowledge of indigenous communities (Turner et al., 2022).

Economically, this policy reinforces the inequality in the distribution of development benefits. Although the Food Estate project promises to increase national food production and create jobs, indigenous communities are the ones most affected but receive the least benefits. The loss of access to productive land and natural resources causes communities to lose control over strategic assets that have supported their economic independence (Mondal & Palit, 2022). While external actors gain access to capital and infrastructure, local communities are not sufficiently empowered to be involved as key actors in the production chain (Mantino, 2021). This condition shows the existence of structural exclusion that reduces the position of indigenous communities from being subjects of development to passive and dependent objects. In the context of fair and sustainable governance, this situation indicates the need for a change in policy paradigm that is not only oriented towards production output but also takes into account social and cultural dimensions. Without recognition and protection of traditional food systems, national food policies have the potential to fail to create social justice and ecological sustainability in indigenous areas such as Merauke.

The absence of a customary law integration scheme in the reform of national agricultural policy regulations reflects the state's weak commitment to recognizing local legal systems that are still alive and functioning in indigenous communities (Sakapaji et al., 2024). Analysis of various policy documents shows that national regulations, although at the constitutional level, have recognized the existence of indigenous legal communities, have still failed to translate this recognition into operational forms of protection. In the context of the Food Estate program, there is no legal instrument that explicitly includes a mechanism for protecting customary rights or a negotiation scheme that is equal between the state and indigenous communities as the legal owners of land and living space. One concrete example of the absence of a customary law protection framework can be seen in Law No. 41 of 2009 concerning the Protection Of Sustainable Food Agricultural Land. Although this law aims to ensure the sustainability of agricultural land functions, no articles are found that explicitly protect or even mention land management based on customary law. Likewise, in the Food Estate policy, the approach used is more technocratic and corporate, with a focus on land optimization and productivity, without considering the collective legal aspects of indigenous communities who have managed the area for generations (Price et al., 2022). The absence of an integration framework for customary law within national agricultural policy reform highlights a crucial gap that aligns with scholarly critiques emphasizing the need to bridge normative frameworks and practical. Empirical evidence from the Food Estate implementation in Merauke reinforces the literature's assertion that

without institutional mechanisms recognizing customary systems, policy outcomes tend to marginalize indigenous communities. As the literature suggests, sustainable and inclusive governance depends on the formal acknowledgment of indigenous authority and land rights. Strengthening the connection between theory and field findings thus requires embedding customary law principles into agricultural policies, ensuring that policy design not only reflects constitutional ideals but also responds to empirical realities of local governance and indigenous participation.

The absence of this integration scheme shows a serious gap between national regulations and local socio-cultural realities (Khater et al., 2025). Indigenous communities have their own system of values, norms, and legal practices in regulating land ownership and distribution, which are not compatible with the state's formal legal framework. This lack of synchronicity causes various problems, ranging from jurisdictional confusion to the emergence of agrarian conflicts that arise from overlapping claims between indigenous communities and project implementers. The absence of recognition of customary law in the planning and implementation process of policies is a source of institutionalized structural injustice (McKeown, 2021). The implications of this condition not only concern land rights, but also the social sustainability and stability of the policy itself. When indigenous communities do not feel legally recognized and are not given space to defend their collective rights, state policies will always be in a position vulnerable to resistance. Therefore, future policy reforms must include a hybrid scheme that is able to combine formal state law with contextual customary law, as a form of governance that is fair, participatory, and rooted in local realities (Tamanaha, 2021).

Field findings reveal that amidst the various structural challenges and exclusive policies, there are grassroots initiatives that show the potential for transformation towards more inclusive governance. A coalition of local NGOs, academics, and indigenous community leaders in Merauke has proven to play a strategic role in encouraging transparency and fighting for indigenous community participation in the Food Estate policy (Ririhena et al., 2024). This coalition not only acts as a liaison between indigenous communities and policymakers, but also functions as a social monitor for project implementation, especially related to aspects of distributive justice, land rights, and preservation of local culture. Advocacy efforts have shown that inclusive governance is not utopian, but can be realized through formal recognition of indigenous social structures as part of the local institutional system. In various dialogue forums assisted by civil society organizations, a collective awareness has been built that successful development can only be achieved if all stakeholders, including indigenous communities, have an equal bargaining position. The involvement of indigenous communities is not enough as beneficiaries, but must be substantively involved in the planning, implementation, and evaluation processes of policies (Larson et al., 2022). The empirical findings from Merauke align closely with the theoretical framework of inclusive governance, particularly concerning participatory decentralization and the devolution of authority to

local actors. The formation of grassroots coalitions involving NGOs, academics, and indigenous leaders illustrates how local agency can actualize the principles of transparency, accountability, and deliberative participation emphasized. These initiatives provide concrete evidence that inclusive governance is not merely theoretical but can function as a practical mechanism to address power asymmetries and regulatory constraints within the Food Estate policy, reinforcing the need to integrate indigenous institutions and local knowledge into formal governance structures.

In this context, the emergence of a hybrid governance model is a promising alternative to bridge the gap between state regulation and local social systems. This model proposes the integration of state law and customary law in a mutually respectful governance framework, where local consensus-based decision-making retains legal force in the national policy structure. This hybrid approach provides space for more adaptive regulatory flexibility to socio-cultural diversity, as well as reducing the potential for conflict due to the dominance of one legal system over another. Therefore, the existence of social coalitions and community-based advocacy practices is an important marker that fair and inclusive policy reforms require cross-actor involvement. By strengthening the role of civil society, institutionalizing dialogue spaces, and recognizing the authority of customary law in the formal system, the state can build a foundation for more responsive, equitable, and sustainable governance in areas with social complexity, such as Merauke.

## **6. CONCLUSION**

This study demonstrates that the participation of indigenous communities in the implementation of large-scale agricultural policies (Food Estate) in Merauke remains largely symbolic, revealing the persistence of structural asymmetry between state authority and local socio-cultural systems. The dominance of governmental and corporate actors in the decision-making process has created a governance gap that undermines inclusive policy objectives and contributes to the erosion of indigenous food sovereignty, marginalization, and unequal access to productive resources. These findings affirm that agricultural modernization policies in multicultural contexts require not only efficiency in production but also legitimacy rooted in social justice, cultural recognition, and participatory governance. Nevertheless, this research is subject to certain limitations, including its focus on a single-region case that constrains the generalizability of findings, the interpretive bias inherent in qualitative inquiry, and restricted institutional access that may have limited the completeness of policy analysis. The empirical insights generated in this study have important implications for both local and national policymakers. Strengthening mechanisms of participatory planning and ensuring the substantive inclusion of indigenous communities at each stage of policy formulation and implementation are essential to reduce structural inequality. Legal recognition and protection of customary land rights, along with regulatory harmonization between

central and regional governments, are required to bridge the divide between formal agricultural policy and local governance practices. Furthermore, integrating indigenous ecological knowledge into national agricultural frameworks can enhance the sustainability of food governance systems while reinforcing social legitimacy. Such reforms must be accompanied by institutional transformation that fosters transparency, accountability, and adaptive policy learning in the management of agrarian frontiers. Theoretically, this study contributes to the growing body of literature on hybrid governance, food sovereignty, and indigenous-state relations by offering an empirically grounded model that highlights the potential for synergy between formal institutional frameworks and local customary

systems. The Merauke case demonstrates that inclusive agricultural governance can only emerge through dialogic interactions between state policy and indigenous moral economies. Future research should advance this theoretical perspective through comparative analyses across regions, longitudinal studies assessing regulatory impacts over time, and mixed-method approaches that integrate quantitative indicators of participation with qualitative assessments of cultural and political agency. Such interdisciplinary and multi-scalar inquiries are crucial to reframe food governance as a field where equity, ecology, and cultural continuity are mutually reinforcing pillars of sustainable development.

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