

Implementation of the Food Estate in Merauke: Legal Review and Protection of Indigenous Peoples' Rights

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Abstract : *This study aims to analyze the implementation of the Food Estate program in Merauke, Papua, which is part of Indonesia's National Strategic Projects aimed at strengthening food security. However, its execution has raised legal, environmental, and human rights concerns, particularly regarding indigenous peoples' rights. Using a qualitative-juridical approach, this study examines the program's alignment with Indonesia's legal framework, including the Basic Agrarian Law, Human Rights Law, Environmental Law, Village Law, and Papua's Special Autonomy Law. The findings indicate systemic neglect of customary land right, the principle of Free, Prior, and FPIC, and meaningful community participation. The study also identifies serious ecological impacts, militarization of land acquisition, and practices of food colonization. It concludes by recommending stronger legal enforcement, recognition of indigenous land rights, demilitarization of development processes, and policy designs that prioritize local food sovereignty.*

Keywords : *Food Estate, Merauke, Indigenous People, Indigenous Peoples' Rights, Human Rights, Legal Protection.*

Abstrak : *Pemer Kajian ini bertujuan untuk menganalisis implementasi program Food Estate di Merauke, Papua, yang merupakan bagian dari Proyek Strategis Nasional dalam rangka memperkuat ketahanan pangan Indonesia. Namun, pelaksanaannya menimbulkan berbagai persoalan hukum, lingkungan, dan hak asasi manusia, terutama terkait hak masyarakat adat. Dengan pendekatan kualitatif-yuridis, kajian ini menilai kesesuaian program tersebut dengan kerangka hukum nasional, termasuk Undang-Undang Pokok Agraria, UU HAM, UU Lingkungan Hidup, UU Desa, dan UU Otonomi Khusus Papua. Hasil kajian menunjukkan pengabaian sistemik terhadap hak ulayat, prinsip Persetujuan Bebas, Didahulukan, dan FPIC, serta partisipasi masyarakat yang bermakna. Studi ini juga menemukan dampak ekologis serius, militerisasi dalam pengadaan lahan, dan praktik kolonisasi pangan. Rekomendasi yang diajukan mencakup penguatan penegakan hukum, pengakuan hak ulayat, demiliterisasi proses pembangunan, dan perumusan kebijakan yang mengutamakan kedaulatan pangan lokal.*

Kata kunci : *Food Estate, Merauke, Masyarakat Adat, Hak-Hak Masyarakat Adat, Hak Asasi Manusia, Perlindungan Hukum.*



I. INTRODUCTION

The Food Estate (FE) Program is a strategic policy initiated by the Indonesian government to strengthen national food security and sovereignty, as well as to reduce dependence on imports of key food commodities such as rice, corn, and soybeans. This initiative is based on the principle of large-scale agricultural industrialization, integrating modern technology, cross-sector synergy, and the utilization of vast land areas outside Java, including marginal lands such as former peatlands and scrublands¹. The program is also viewed as a proactive measure to anticipate global disruptions that may affect food availability, such as pandemics, geopolitical conflicts, and climate crises, and serves as a national strategic reserve in facing non-conventional crises. By developing food production centers outside Java, the government aims to decentralize production, reduce regional disparities in food distribution, create employment opportunities, and stimulate economic growth in underdeveloped regions.

Officially, the Food Estate program in Merauke has been designated as an integral part of the National Strategic Projects (Proyek Strategis Nasional/PSN) through the Regulation of the coordinating minister for Economic Affairs No. 8 of 2023. The "Merauke Food and Energy Development Zone" is intended to reinforce national food and energy security, with a plan to develop Merauke into a Special Economic Zone (Kawasan Ekonomi Khusus/KEK) for agriculture²³. The designation of the Food Estate as a national strategic project inherently prioritizes macroeconomic objectives and national food security. This approach, which focus on large-scale and strategic objectives can often overlooks or even directly conflict with local social and environmental considerations⁴. Prioritizing national objectives may lead to expedited decision-making processes, potentially neglecting local land tenure systems, ecological sensitivities, and community participation rights, which are often seen as obstacles to swift project implementation. This inherent tension between nationally strategic interests and constitutionally and legally protected local rights is the central focus of this legal analysis.

Merauke Regency, in Papua Province, was chosen as the Food Estate location due to its vast and relatively flat land potential, along with sufficient water availability for large-scale agriculture⁵. The total area of Merauke Regency reaches approximately 4.6 million hectares, with a land development target of 1.28 million hectares under the previous Merauke Integrated Food and Energy Estate (MIFEE) project. The current plan includes the development of hundreds of thousands of hectares for sugarcane,

¹ Marwanto, S., & Pangestu, F. (2021). Food Estate program in Central Kalimantan Province as an integrated and sustainable solution for food security in Indonesia. IOP Conference Series: Earth and Environmental Science, 794, 012068

² Pusaka Bentala Rakyat. (2024). PSN Merauke: Poros Konflik Hutan dan Agraria. Report for Regenwald eV.

³ Antaranews. (2023, Oktober 10). Airlangga: 'Food Estate' di Merauke akan jadi kawasan ekonomi khusus. Antara News.

⁴ Trisista, R. G. M., Mintarsih, M., & Fauza, A. S. (2025). Diving deeper into Indonesia Food Estate policy: Its impact on local community rights and policy comparison within other countries. In E. Lisdyono et al. (Eds.), 98 Proceedings of the 2nd International Conference Changing of Business Law (ICOCLB 2024).

⁵ Ihsan, M., Zakaria, Y., Abdullah, A., & Rumbekwan, R. (2021). Tinjauan implementasi program food estate dan dampaknya terhadap masyarakat lokal di Kabupaten Merauke. Forum Penelitian Agro Ekonomi, 39(1), 1–15.

bioethanol, and rice plantations. The project implementation involves multisectoral synergy between the Ministry of Agriculture, Ministry of Public Works and Housing (PUPR), and the Ministry of Defense, as well as the active involvement of the Indonesian National Armed Forces (TNI) in land clearing and infrastructure development. In addition, the project has attracted significant private sector investment, including companies such as First Resources (FAP Group), KPN Corp, and Jhonlin Group.

However, the implementation of the Food Estate in Merauke has sparked various controversies and criticisms. From the outset, the project has been criticized for neglecting the principle of food sovereignty, namely the right of local communities to control their own food systems. Major critiques highlight the exclusion of local farmers and the disregard for ecological aspects of the targeted areas. These issues are exacerbated by overlapping land use with protected areas, production forests, and peatlands, which are customary territories of the Malind, Maklew, Khimaima, and Yei tribes⁶.

The recurring pattern of failure in large-scale agrarian projects in Indonesia — from the One Million Hectares Peatland Project (MRP) under President Suharto, the MIFEE project under President Susilo Bambang Yudhoyono, to the current Food Estate under President Joko Widodo indicate deeper unresolved structural problems within Indonesia's development paradigm concerning land, natural resources, and indigenous peoples. The MRP, implemented in 1995, encountered severe technical and ecological issues due to its technocratic approach, which excluded local participation and ignored the complexities of peatland ecosystems. Similarly, the MIFEE project launched in 2010 drew controversy due to overlapping indigenous territories and corporate concessions, as well as the lack of proper consultation, driven by the perception of Merauke as “empty land.” These repeated failures, now echoed in the current Food Estate project, suggest that the root of the problem lies not in isolated project management issues, but in a systemic development approach that neglects basic rights and ecological sustainability⁷⁸. This underscores the urgent need for legal and policy reforms that address the root causes of these recurring conflicts—not merely their symptoms.

Considering this background, this article aims to conduct an in-depth legal review of the implementation of the Food Estate program in Merauke. The main focus is to examine how this implementation aligns with or contradicts Indonesia's existing legal framework on land rights, environmental protection, and indigenous people's rights.

II. METODE PENELITIAN

This study adopts a qualitative-juridical approach, aiming to obtain a deep understanding of the complex socio-legal issues surrounding the Food Estate project in Merauke. A qualitative approach is chosen due to its capacity to explore meanings, narratives, and

⁶ Papua Betahita. (2024, Oktober 17). Masdani, Y. Merauke Menolak Babak Belur Karena Food Estate.

⁷ Trisista, R. G. M., Mintarsih, M., & Fauza, A. S. (2025). Diving deeper into Indonesia Food Estate policy: Its impact on local community rights and policy comparison within other countries. In E. Lisdyono et al. (Eds.), 98 Proceedings of the 2nd International Conference Changing of Business Law (ICOCLB 2024).

⁸ Krisnadi, L. A., & Wijanarko, A. F. (2024). Epistemicide in the Indonesian Food Estate project in a critical approach of Boaventura de Sousa Santos. Digital Press Social Sciences and Humanities, 11, 00008.

framing strategies employed by social actors, which quantitative data alone cannot fully capture or explain within this multifaceted phenomenon.

III. PEMBAHASAN

A. Legal Foundations of Land Rights, Environment, and Indigenous Peoples in Indonesia

Indonesia's legal framework provides a strong foundation for protecting land rights, the environment, and the rights of indigenous peoples. However, the implementation of large-scale development policies often shows inconsistency with these legal principles.

1. Basic Agrarian Law (UUPA) No. 5 of 1960

The 1960 Agrarian Law is a legal cornerstone in Indonesian land affairs. It affirms that "land, water, and the natural resources within them" are blessings from God Almighty and hold essential functions for building a just and prosperous society⁹. The state is granted "control rights" over these resources, but this is not to be interpreted as ownership. Instead, the state's authority is to regulate the allocation, use, supply, and maintenance of land, water, and space for the greatest welfare of the people. The UUPA also recognizes the customary land rights (*hak ulayat*) of indigenous legal communities, provided these rights still exist and align with national interests¹⁰. While the law does not explicitly define *hak ulayat* in detail, it allows room for the recognition of traditional communal land rights.

2. Human Rights Law No. 39 of 1999

The 1999 Human Rights Law explicitly protects the rights of indigenous peoples¹¹. Article 6 paragraph (1) states: "In the enforcement of human rights, the differences and needs of indigenous legal communities must be considered and protected by the law, society, and the government." Furthermore, Article 6 paragraph (2) reinforces that: "The cultural identity of indigenous legal communities, including their rights to communal land (*tanah ulayat*), shall be protected, in accordance with the times." These provisions emphasize the state's acknowledgment of indigenous existence and their traditional rights—including land—as part of the fundamental human rights that must be respected and protected. Additionally, Article 9 paragraph (3) guarantees the right of every person to a good and healthy environment.

3. Environmental Protection and Management Law (PPLH) No. 32 of 2009

This law offers a comprehensive legal framework for environmental protection in Indonesia. Its objectives include preventing environmental degradation and pollution across the territory of the Republic of Indonesia,

⁹ Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria. (1960).

¹⁰ Lubis, M. A. F. (2025). Analysis of the role of regional autonomy on the existence of customary land under agrarian law in Indonesia. *KRTHA BHAYANGKARA*, 19(1), 150–162.

¹¹ Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. (1999).

ensuring public health and safety, and maintaining environmental functions and ecosystems. One key instrument in this law is the Environmental Impact Assessment (AMDAL), which is mandatory for any business and/or activity that may significantly impact the environment. Articles 22 and 23 detail the criteria for significant impacts and the types of activities that require an AMDAL¹².

The law also emphasizes public participation in the AMDAL process. Article 26 paragraph (1) mandates that AMDAL documents must be prepared by project proponents with the involvement of the community, and that this involvement must be based on principles of transparency and full disclosure. The law defines “community” as those directly affected, environmental observers, and/or others influenced by decisions made during the AMDAL process. Additionally, Article 69 paragraph (1) point (i) strictly prohibits land clearing by burning—a practice often associated with large-scale agrarian projects.

4. Village Law No. 6 of 2014

The Village Law grants broad autonomy to villages to manage their own territories, including natural resource management¹³. It underscores that village autonomy and democracy allow communities to allocate resources and funds for improving basic services and promoting local economic development. This is crucial in empowering local communities to make decisions about development in their areas, aligning with the principles of participatory development.

5. Papua Special Autonomy Law (UU Otsus Papua) No. 21 of 2001

This law was enacted as a legislative response to historical injustices and to establish a special legal mechanism to protect the rights of Indigenous Papuans. It explicitly acknowledges and respects the cultural values of Indigenous Papuans and their right to fairly benefit from development.

Several Key provisions within the Papua Special Autonomy Law that are relevant to the rights of Indigenous peoples include¹⁴:

- Article 1 point (g): Defines the Papuan People's Assembly (MRP) as a cultural representative body of Indigenous Papuans with special authority to protect their rights.
- Article 1 point (s): Defines hak ulayat as a communal right held by certain Indigenous legal communities over specific territories that serve as their living environment, including the right to use land, forests, and water and their contents.
- Article 5 paragraph (2): Establishes the MRP as a cultural representation with specific authority to protect the rights of Indigenous Papuans.
- Article 20: Grants the MRP the authority to give consideration and approval for gubernatorial candidates and to channel Indigenous community aspirations.

¹² Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup. (2009).

¹³ Undang-Undang Nomor 6 Tahun 2014 tentang Desa. (2014).

¹⁴ Undang-Undang Nomor 21 Tahun 2001 tentang Otonomi Khusus Bagi Provinsi Papua. (2001).

- Article 38 paragraph (2): States that economic activities in Papua involving natural resources must respect Indigenous rights, provide legal certainty for businesses, and adhere to environmental preservation and sustainable development principles.
- Article 42: Emphasizes that people-centered economic development must offer broad opportunities for Indigenous and/or local communities. Investors must recognize and respect local Indigenous rights, and negotiations between the government and investors must involve Indigenous communities.
- Article 43: This is a crucial provision that obliges the Provincial Government of Papua to recognize, respect, protect, empower, and promote the rights of Indigenous peoples, including customary land rights. This article specifically requires that any transfer of communal land—regardless of its intended purpose—must be carried out through deliberation with the relevant Indigenous legal communities and individuals, in order to reach an agreement on the land transfer and its corresponding compensation.
- Article 45: Requires the provincial government to recognize, respect, protect, empower, and develop Indigenous rights, including customary land rights. Any transfer of communal land must be done through inclusive dialogue with the relevant Indigenous legal community and individuals, ensuring fair agreements and compensation.
- Article 50 paragraph (2) and Article 51: Recognize the existence of Indigenous courts within certain communities that can adjudicate civil and criminal cases among their members.

6. Constitution Court Decision No. 35/PUU-X/2012

The Constitutional Court Decision No. 35/PUU-X/2012 represents a landmark ruling that fundamentally reshaped the legal framework concerning customary land rights and customary forests “hutan adat” in Indonesia. The core implication of this decision is the redefinition of "customary forests" as forests located within the territories of indigenous communities, explicitly removing the term "state" from their legal classification under Forestry Law No. 41 of 1999¹⁵.

This decision significantly strengthens the legal standing of indigenous peoples as legal subjects and rightful holders of customary rights. The Court affirmed that state control over forests must respect the rights of indigenous communities, as long as those rights still exist and align with the evolution of society and the principles of the Unitary State of the Republic of Indonesia.

This means that customary forests are no longer automatically categorized as state forests, but rather are recognized as distinct legal entities owned by indigenous peoples. The ruling aims to prevent the arbitrary seizure of indigenous lands and resources, and to ensure that state control over natural resources takes into account both individual and collective rights (hak ulayat) of indigenous legal communities.

¹⁵ Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012. (2012).

The existence of this strong legal framework, particularly the Papua Special Autonomy Law and the Constitutional Court's decision on customary forests indicates that the primary issue in Merauke is not the absence of legal protections. Rather, it reflects a systemic failure in enforcement and compliance by state and corporate actors. This highlights a substantial deficit in the rule of law during project implementation. Although laws and court decisions explicitly protect land rights, environmental integrity, and the rights of indigenous peoples—including hak ulayat and the need for public consultation—the Food Estate project continues to exhibit widespread and repeated violations.

The persistent gap between written law (*lex scripta*) and its application in practice (*lex lata*) suggests that the issue is not legal vacuum but implementation failure. This failure is driven by factors such as weak regulatory oversight, power imbalances, and the prioritization of strategic economic interests over social and environmental protections. Thus, recommendations should go beyond proposing new laws and instead focus on strengthening enforcement mechanisms, establishing robust accountability frameworks, and instilling a rights-based development culture in both government and corporate sectors to ensure that existing laws are meaningfully upheld.

7. The Principle of Free, Prior, and Informed Consent (FPIC) in the Indonesian Legal Context

The principle of FPIC is a critical element derived from international declarations and conventions. In Indonesia, recognition of this principle at the national level remains partial and implicit, although several regional regulations have explicitly adopted and recognized FPIC components¹⁶. For instance, in the case of the Samin community, consultations often fail due to biased information and the disregard of community feedback, echoing the same concerns found in Merauke.

The partial and implicit recognition of FPIC at the national level, contrasted with its explicit adoption in some local regulations, creates a legal ambiguity that powerful actors may exploit. This effectively turns consultation processes from a rights-based mechanism into a mere formality for land appropriation. Without uniform, explicit codification of FPIC, including clear procedural guidelines and enforcement mechanisms, at the national level, a legal grey area emerges. This ambiguity enables project proponents (the state and corporations) to conduct consultations that appear procedurally compliant, without achieving genuine, informed, and voluntary consent.

Such an ambiguous legal environment is ripe for exploitation, where consultation becomes a ritual to legitimize predetermined outcomes, rather than a substantive process of self-determination for affected communities. While some local governments have made progress in adopting FPIC principles, these efforts

¹⁶ Universitas Indonesia. (n.d.). Prinsip free, prior and informed consent (FPIC) dalam pelaksanaan pembangunan di Masyarakat Samin, Jawa Tengah. Perpustakaan Universitas Indonesia.

are hampered by the absence of a strong, consistent national mandate, which allows powerful actors to bypass the spirit of the principle.

This highlights an urgent need for a clear and comprehensive national legal framework for FPIC—one that prioritizes substantive consent over mere procedural compliance. Such a framework should include independent monitoring, strengthened legal aid for vulnerable communities, and mechanisms to ensure accountability for powerful actors who violate legal norms.

B. Legal and Human Rights Assessment of the Food Estate Implementation in Merauke

The implementation of the Food Estate program in Merauke exhibits concerning patterns reminiscent of the failures of past large-scale agrarian projects, highlighting significant legal and human rights challenges.

1. Historical Context: Lessons from Previous Large-Scale Agricultural Projects

The history of large-scale agricultural development in Indonesia includes several ambitious projects that ended in failure and brought harmful socio-ecological consequences. Two of the most notable examples are the One Million Hectare Peatland Project (Mega Rice Project, MRP) in Central Kalimantan during President Soeharto's era (1995) and the Merauke Integrated Food and Energy Estate (MIFEE) during President Susilo Bambang Yudhoyono's era (2010).

The MRP, launched by Presidential Decree No. 82 of 1995, aimed to boost national rice production. However, the project encountered severe technical and ecological problems, including significant environmental degradation such as deforestation and the disruption of the peatlands' hydrological functions. The approach taken was technocratic and top-down, marginalizing local community participation and ignoring the ecological complexity of the peatland ecosystem¹⁷. As a result, the irrigation systems failed to function optimally, agricultural productivity remained extremely low, and peatland fires became a recurring disaster.

Similarly, MIFEE, envisioned as a national food and energy barn geared toward exports, encountered many obstacles. The project triggered conflict with local Indigenous communities due to the overlap between customary lands and corporate concessions and the absence of meaningful consultation¹⁸. The designers of the project framed Merauke as “empty land,” available for development without acknowledging the customary land rights of the Marind Indigenous people. MIFEE failed to meet its targets, with many companies abandoning their land concessions, and waves of protest emerged from both local and international communities¹⁹.

¹⁷ Ginting, L., & Pye, O. (2013). Resisting agribusiness development: The Merauke Integrated Food and Energy Estate in West Papua, Indonesia. *ASEAS – Austrian Journal of South-East Asian Studies*, 6(1), 160–182.

¹⁸ Solapari, N., Nazhiah, A., Adzkia, Z., Niluh, R., & Gracella, L. (2024). Program food estate dan perlindungan hak masyarakat di Merauke. *Jurnal Inovasi Global*, 3(12), 2080–2098

¹⁹ Down to Earth. (2012, Mei). Rencana besar untuk Papua. Down to Earth Indonesia.

These patterns of failure are now repeating in the current Food Estate project in Merauke. Studies show that the Food Estate initiative under President Joko Widodo faces implementation challenges that mirror the shortcomings of previous large-scale agrarian projects, including minimal community participation, widespread ecological damage, and production results falling far short of planning targets. These problems are further compounded by unsuitable land conditions for the intended crops and weak environmental impact assessments (AMDAL), suggesting that the policy design has not adequately addressed either technical or social dimensions²⁰.

The following table shows a comparison of Food Estate programs across different administrations, highlighting recurring patterns in technical and social issues, particularly those related to community participation and land conflicts.

Aspect	Soeharto Era (1995)	SBY Era (2010-2013)	Jokowi Era (2020-present)
Program Name	Mega Rice Project (MRP)	Merauke Integrated Food and Energy Estate (MIFEE)	Food Estate (PSN) Merauke & National
Main Goal	Rice self-sufficiency	Export-oriented food and energy production	National food security and sovereignty
Approach	Top-down, technocratic	Public-private partnership, corporatism	Multi-sector synergy: Ministry of Agriculture, PUPR, Military, private sector
Main Location	Central Kalimantan (former PLG)	Merauke, South Papua	Merauke; Kalimantan; Sumatra; NTT; East Kalimantan, etc.
Land Scale	±1 million ha (target)	Dozens of large concessions (varied size)	±500,000 ha sugarcane & bioethanol + 1 million ha

²⁰ Papua Betahita. (2024). Masdani, Y. Merauke Menolak Babak Belur Karena Food Estate.

Aspect	Soeharto Era (1995)	SBY Era (2010-2013)	Jokowi Era (2020- present)
			rice fields (target)
Community Participation	Minimal, exclusion of indigenous peoples	Minimal, social conflict, local resistance	Participatory (on paper)
Technical/Sosial Issues	Peatland degradation, irrigation failure, fires	Land conflict, failed investments, international resistance	Overlapping claims, agrarian conflicts, ecological degradation
Main Actors	Central Government, technocrats	Large corporations: Wilmar, Medco, Rajawali	Corporations: Jhonlin, First Resources, KPN Corp + military
Project Status	Failed, abandoned	Failed to meet targets, many concessions abandoned	Ongoing, officially a PSN, some land clearing underway

Table 1 Comparison of Food Estate Programs between Governments.

This comparative table is critical as it visually and concisely highlights the recurring legal and social issues, for instance “Minimal participation, exclusion of indigenous peoples” and “Land conflict, failed investments, international resistance,” across historical periods. It provides empirical support for the argument that current challenges encountered by the Food Estate in Merauke are not isolated incidents but systemic issues rooted in Indonesia’s long-standing approach to large-scale resource development. The table also enables quick comparisons of project scale and types of involved actors, reinforcing the argument that today’s Food Estate is a continuation of a problematic development pattern that has historically led to legal violations and human rights abuses. This underscores the urgent need for deeper and more structural legal and policy reform.

2. Legal Analysis of Land Acquisition and Conversion Processes in Merauke

The Food Estate project in Merauke involves land conversion on an enormous scale. For instance, Minister of Environment and Forestry Regulation No. 835/2024 grants the Ministry of Defense the right to utilize 13,540 hectares of forest area in Merauke for food security infrastructure development. Additionally, more than 10 sugarcane and bioethanol companies have secured approvals for 28.

Approval for the Suitability of Space Utilization Activities and recommendations for forest areas release, covering a total concession area of approximately 541,094 hectares during 2023 and 2024 period. Major companies such as First Resources (FAP Group), KPN Corp, and Global Papua Abadi (GPA Group) have initiated forest clearing activities in Jagebob and Senayu districts. In parallel, the Ministry of Defense and the Ministry of Agriculture, in collaboration with Jhonlin Group, are spearheading a rice field project aiming to cover 1 million hectares.

This scale of land acquisition, combined with the involvement of powerful private and military actors in the Food Estate project inherently creates an imbalanced power dynamic. These dynamics systematically threaten the legal rights of local communities, despite such rights being clearly protected under national law. Large-scale development projects, especially those backed by substantial capital and state security forces, operate with overwhelming influence. This power disparity can easily overpower the capacity of local communities to effectively enforce their rights, even when those rights are explicitly recognized by law.

The documented involvement of the military creates an atmosphere of intimidation, which impairs the ability to obtain genuine consent and deters communities from pursuing legal challenges²¹. Furthermore, strong economic incentives for corporations to rapidly secure large tracts of land often lead to shortcuts or outright neglect of legal procedures, such as comprehensive environmental assessments (AMDAL) and FPIC.

This situation illustrates that although legal frameworks are essential, they are often insufficient without robust enforcement mechanisms that can withstand the enormous pressure exerted by powerful state and corporate interests. What's needed is independent oversight, strengthened legal assistance for vulnerable communities, and accountability mechanisms for actors who violate legal standards.

Additional criticisms have also come from civil society organizations, who highlight that the targeted land areas overlap with protected zones, production forests, and peatlands, all of which are part of the customary territories of the Malind, Maklew, Khimaima, and Yei tribes. Franky Samperante from Yayasan Pusaka stated that many of the project locations fall within the Indicative Map for Suspension of New Permits (PIPIB), indicating that these projects pose serious threats to environmental conservation and risk delaying Indonesia's national net-zero emissions goals²².

3. Assessment of Public Participation and Consultation

The implementation of the Food Estate project in Merauke has encountered strong criticism for its lack of meaningful local community engagement and the absence of comprehensive environmental impact assessments

²¹ Papua Betahita. (2024). Masdani, Y. Merauke Menolak Babak Belur Karena Food Estate.

²² Batbual, A., & Saturi, S. (2024, Agustus 7). Proyek tebu Merauke, ingatkan risiko lingkungan dan pelanggaran HAM. Mongabay Indonesia

(AMDAL). Consultation processes with indigenous communities were frequently limited, and in many cases, reduced to mere formalities²³. This points to a serious disconnect between project planning and the aspirations and rights of affected communities.

A clear example of this failure can be seen in the Wobikel and Wanam villages, residents from this communities stated that they never gave permission for their customary lands to be converted into agricultural areas. The Papua Legal Aid Institute (LBH Papua) has argued that the project's implementation was not accompanied by adequate socialization or outreach, thereby violating the principle of Free, Prior, and Informed Consent (FPIC)²⁴.

This repeated failure to obtain genuine FPIC—despite implicit legal grounding and explicit recognition in some local regulations—has effectively transformed consultation from a rights-based mechanism into a tool of legitimization for land grabbing. This practice ultimately undermines the very essence of participatory development. If consultation is carried out solely as a procedural checklist, its purpose is no longer to genuinely seek approval, integrate community input, or enable the possibility of refusal. Instead, consultation becomes a symbolic process designed to give a veneer of legality to decisions that have already been made. This allows state and corporate project proponents to claim procedural compliance without obtaining real, informed consent.

Such a legal and procedural ambiguity opens the door to exploitation, turning consultation into a ritual that legitimizes pre-determined outcomes, rather than a substantive process of self-determination by local communities.

4. Environmental Impacts

The Food Estate project in Merauke has raised serious concerns about ecological damage. According to Wahana Lingkungan Hidup Indonesia (WALHI), the planned project area spans approximately 2.68 million hectares, of which more than 2 million hectares consist of forest areas highly vulnerable to environmental degradation if cleared on a massive scale²⁵.

These environmental concerns are further compounded by projected carbon emissions. A 2024 study by CELIOS estimated that land clearing across 2 million hectares in Merauke could release around 782.45 million tons of CO₂ emissions, equivalent to 3-5% of Indonesia's total national emissions²⁶.

This projection implies that the Food Estate project could delay the achievement of Indonesia's net-zero emissions target by 5 to 10 years. Beyond

²³ Papua Betahita. (2024). Masdani, Y. Merauke Menolak Babak Belur Karena Food Estate.

²⁴ Makuba, N. (2024, August 21). Indigenous Peoples in South Papua suffer due to the National Strategic Project. Aliansi Masyarakat Adat Nusantara.

²⁵ Walhi. (2021). Food Estate di Papua: Perampasan Ruang Berkedok Ketahanan Pangan.

²⁶ CELIOS. (2024). Vanishing forests, soaring emissions: The Merauke Food Estate accelerates the climate crisis [Research Report]. CELIOS.

carbon emissions, the project also poses threats to biodiversity loss, disruption of peatland hydrological cycles, and increased risk of forest fires.

5. Militarization and the Narrative of “Food Colonization”

Another dimension of resistance to the Food Estate project in Merauke stems from community perceptions of how the project is being implemented on the field, particularly regarding the involvement of state security forces. The participation of the military in this project has raised serious alarm among indigenous communities, especially the Malind, Maklew, Khimaima, and Yei peoples, who feel they have not been meaningfully involved in the planning process²⁷. The presence of military personnel during land transfer processes and measurements has created psychological pressure on residents, who feel unsafe voicing objections or rejecting the project. In some cases, land clearing has occurred in the presence of fully armed security forces, which has only deepened feelings of fear and trauma within the community.

Critics have developed a broader narrative that frames this project as a form of “food colonization.” Activists argue that the Food Estate in Papua is not a local development initiative, but rather an expansion of state and corporate control over strategic resources on indigenous lands. WALHI has stated that this project is simply a continuation of earlier schemes, for instance, MIFEE, which failed and marginalized Papua's distinct identity, prioritizing export commodities over local food needs²⁸. The dominant discourse portrays Food Estate as an instrument of spatial domination by state elites and agribusiness corporations—a modern form of colonization disguised as national development.

The Solidarity Movement for Merauke, composed of various civil society organizations, namely Yayasan Pusaka, WALHI, LBH Papua, Greenpeace, and the indigenous communities of Malind, Maklew, Khimaima, and Yei, which has been actively voicing their opposition. They have demanded an immediate halt to all forms of land conversion involving the displacement of forests and customary territories, and the recognition of indigenous land rights. Protests in front of the Ministry of Defense and mass mobilizations in Merauke represent their resistance. The movement depicts Food Estate as a large-scale agricultural project that benefits corporations while sacrificing indigenous peoples and the environment. This discourse is rooted from the real experience of Papuan communities who feel excluded, unbenefited, and even threatened by a project labeled as a national development initiative.

IV. CONCLUSION

Although the Food Estate program in Merauke was conceived as a national strategic project for food security, its implementation has revealed significant contradictions with Indonesia's prevailing legal framework and fundamental human rights

²⁷ Papua Betahita. (2024). Masdani, Y. Merauke Menolak Babak Belur Karena Food Estate.

²⁸ Walhi. (2021). Food Estate di Papua: Perampasan Ruang Berkedok Ketahanan Pangan.

principles. Legal analysis shows that the project often ignores or violates essential provisions from the Basic Agrarian Law (UUPA) No. 5 of 1960, the Human Rights Law No. 39 of 1999, the Environmental Protection and Management Law (PPLH) No. 32 of 2009, the Village Law No. 6 of 2014, the Papua Special Autonomy Law No. 21 of 2001, and Constitutional Court Decision No. 35/PUU-X/2012.

These violations include failure to respect Indigenous land rights, non-transparent land acquisition processes that lack genuine Free, Prior, and Informed Consent (FPIC), and the absence of comprehensive Environmental Impact Assessments (AMDAL). Military involvement in land acquisition further contributes to an atmosphere of intimidation that undermines the Indigenous peoples' rights to participate freely and reject the project. These patterns are not isolated incidents but reflect systemic and recurring failures in Indonesia's approach to large-scale development, which tends to prioritize economic and national interests over local rights and ecological sustainability.

Based on this analysis, several recommendations are proposed to ensure a more just and sustainable development approach:

1. **Strengthen National FPIC Implementation:** The government must formulate and enforce clear, comprehensive, and binding FPIC guidelines at the national level, focusing not only on procedures but also on the substance of consent. These should include mechanisms for independent monitoring and accessible grievance redress systems for Indigenous communities.
2. **Strict Enforcement of Environmental Law:** Require stringent and transparent AMDAL for every Food Estate project, with full and meaningful participation from affected communities. Environmental law violations, such as deforestation and land burning—must be consistently prosecuted.
3. **Respect and Restoration of Customary Land Rights:** Recognize hak ulayat as constitutional rights. Land acquisition processes must be based on fair and equal deliberation with appropriate compensation, or when necessary, restoration of seized land rights.
4. **Demilitarization of Development Processes:** Cease the involvement of military forces in land acquisition and project implementation, as this may foster intimidation and human rights violations. Development approaches must be civilian-led and participatory.
5. **Prioritize Local Food Sovereignty:** Food Estate project designs must integrate and empower local food systems and traditional Indigenous knowledge, rather than focusing solely on export-oriented commodities and large corporate investments.
6. **Enhance Accountability Mechanisms:** Strengthen legal accountability for state and corporate actors who violate laws and human rights in project implementation. This includes firm administrative, civil, and criminal sanctions.

By integrating strong legal principles and learning from past experiences, Indonesia can achieve sustainable food security without sacrificing Indigenous rights or environmental integrity.

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