BOOK REVIEW

NINE-TENTHS OF THE LAW:
ENDURING DISPOSSESSION IN INDONESIA

In many developing countries, land ownership is something less established and not backed by long-standing legal protection as opposed to the developed countries. Indonesia is a case in point of those developing countries. In Indonesia, the struggle over land ownership has been something at all times. The conflicts over land ownership persist and develop alongside the times, political, and regime changes until the present day. Moreover, in the context of legal and institutional pluralism with multi-layers of rules and jurisdictions like in Indonesia, a claim over land can be made by many actors, which involves many authorities that govern it. Additionally, colonialism as a historical context adds another layer of intricacies of land conflicts and claims in Indonesia.

Based on the illustration above, this book sets out the elements of land ownership in Indonesia. The author postulates that possession is nine-tenths of the law in the Indonesian land rights context, while the last tenth is recognition. This implies that property law is not all about legal rights but also (and most significantly) about the political, social, and economic capability to hold land that has value. Furthermore, he elaborates how the bargaining process on the legalization of land possession involves multiple stakeholders and institutions, which in many times lead to land conflicts. The main objective of this book is devoted to investigating the link between possession and legalization in the context of land rights in Indonesia, which means to connect the last tenths element of law to another nine. For that aim, this book’s discussion is centered around the law and property, but instead of making them a master concept, the author analyzed the law and property as an investigation object. Therefore, the concept of law and property is viewed as a dynamic idea that could be a field of struggle over interpretations and institutions rather than a settled and formalized concept.

This 238-page book consists of 8 chapters. Each chapter talks about people’s efforts in gaining legitimate land ownership in some areas in Indonesia, namely: North Sumatra, West Java, and Aceh. The seven chapters of this book discuss how the stakeholders in those areas mobilize for their rights (or what they believed to be their rights) utilizing various ways such as occupations, connections, and social movements. Other than that, the writer shed light that the pursuance of the land possession can be done not only by direct ways toward the land claims but other creative ways such as: using proof of tax payment, land census, deed, even the fine as an articulation

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of the “legality” of their property, thus they hope it can help to substantiate their actual claim to the land. The author affirms that people do this not to act illegally but to access what they believe is theirs. Furthermore, the author explains that the effort of pursuing legalization over the land in Indonesia is a combination of different resources, politics, contacts, capital that complement the knowledge of the law; for that reason, the strive over land legality is not only done lawfully but often employing violent methods, which is legitimated by a claim to the land as a rightful property, and this is done by many powerful parties such as a big corporation, state or non-state actors, etc.

Meanwhile, the last chapter talks about the "last tenths" of property rights, which is recognition or legalization. This chapter discusses that legalization is about "meaning and social contract". Legalization or recognition assert an aspiration both to the rights and respect from others. This chapter shows that the law or legalization is an institutionalized medium desired by everyone struggling over the land in Indonesia as it conceives a promise to be safe from outside interference. However, the access to this legalization is very unequal, which is affected mainly by structural reasons. The colonialization in the past is one of the structural reasons as it constituted a deep structure of state ownership and put the government institutions on the pedestal when it comes to the claims and recognition of land rights. Therefore, the people’s attempts to achieve the legalization over the land can be done in various ways such as social movements, occupations, citizenship claims, emulating legal language, and even producing a representation of legal rights, and whenever it is succeeded, it brings about legalization which is the last tenth of property. Thus the author mentioned in this chapter that “all of the characters in this book have been law makers...”.3

This is a very well-written book that reveals the paradox of statutory law in Indonesia’s land rights. This book beautifully draws a connection between citizenship, possession, and land legalization. Although the author’s case studies are not something completely new, this book enlightens us that in the context of land rights, black letters law is certainly not everything. The idea of secured land ownership is thus firmly related to context, politics, and society’s dynamics, and what is legal in one regime can be illegal in another regime. Lastly, this book also clarifies that legal and illegal demarcation is something under construction and subject of development.

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2 Lund, Nine-Tenths, 175.
3 Lund, Nine-Tenths, 177.