

From Repression to Restoration? Police and Civil Society Roles in Agrarian Restorative Justice in Central Kalimantan

Harry Meilantara^{1*}, Vina Salviana D. Soedarwo², Asep Nurjaman³, Bulkani⁴

¹Students of Doctoral Program of Sociology, Universitas Muhammadiyah Malang, Indonesia

^{2,3,4}Doctoral Program of Sociology, Universitas Muhammadiyah Malang, Indonesia

* Correspondence Author

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ABSTRACT

47 agrarian disputes were recorded in Kotawaringin Timur alone between 2020–2024, yet the district police responded not with arrests, but with Huma Hapakat (House of Agreement), a culturally grounded dialogue mechanism a response that inverts the historically repressive role attributed to Indonesian security forces in land conflicts. While existing literature documents police mediation in urban settings, their role as institutional mediators in structural agrarian disputes involving corporate actors and indigenous communities remains empirically unexamined. This study addresses that gap by examining how POLRI and civil society organizations operationalize restorative justice in oil palm plasma disputes in Kotawaringin Timur District, Central Kalimantan. Using Moustakas's transcendental phenomenology, this study draws on in-depth interviews with police officers, civil society representatives, and affected community members in Kecamatan Cempaga and Kota Besi. Findings reveal that POLRI has developed Huma Hapakat, a culturally adapted restorative mechanism integrating Dayak deliberative traditions with a graduated green-yellow-red intervention zone system. Yet its effectiveness is fundamentally undermined by a single critical asymmetry: while community members and police officers engaged consistently, the company the party whose compliance is essential repeatedly absented itself from mediation forums without consequence. Village cooperative representatives further reported that sustained advocacy over multiple years had eroded member commitment, and that targeted payments to individual members had fractured internal solidarity a dynamic that exposes how restorative processes can be systematically hollowed out by the more powerful party. The study concludes that restorative justice in agrarian contexts requires not only cultural legitimacy but also coercive institutional backing proposing "embedded restoration," in which restorative processes are anchored within enforceable regulatory frameworks such as conditioning concession renewal on demonstrated mediation compliance as a theoretical response to this paradox.

Keywords: agrarian conflict; civil society organizations; Huma Hapakat; oil palm plantation; POLRI; restorative justice; structural constraints

INTRODUCTION

In Kotawaringin Timur, the police did not arrive bearing weapons they arrived bearing invitations to deliberation. *Huma Hapakat*, the district's signature restorative mechanism, was not mandated from Jakarta (Meilantara et al., 2024a); it grew from a practical necessity on the ground: bridging community demands for legally owed plasma land allocations against plantation companies that routinely evaded accountability. Yet the presence of police as facilitators did not automatically dissolve the underlying friction. Companies continued to absent themselves from mediation forums; communities continued to take to the streets. This is not a story of failed intentions it is a story of structural limits, of an institution asked to protect the powerless while operating within a regulatory framework that protects the powerful (Meilantara et al., 2024b). It is precisely this tension between the cultural promise of restorative justice and the structural conditions that constrain it that this study sets out to examine.

In Indonesia, the Indonesian National Police (POLRI) has undergone significant institutional reform since its formal separation from the military in 1999, embracing community policing (*polmas*) and restorative justice as official policy orientations. The issuance of Regulation of the Chief of Police No. 8 of 2021 on Restorative Justice-Based Crime Handling codified this shift, mandating officers to prioritize dialogue and mediation over punitive intervention where possible. Prior studies have examined regulatory gaps in land dispute resolution (Fahmi, 2023), the sustainability of oil palm as a national commodity (Abdul, 2023), and conflict resolution mechanisms in state-owned land disputes (Priono, 2023; Hidayah, M.R., 2022) each offering a partial lens, but none entering the oil palm frontier regions where community participation remains lowest, plasma obligations remain most contested, and the roles of police and civil society actors in restorative processes remain empirically unexamined.

Central Kalimantan sits at the epicenter of Indonesia's oil palm expansion and its attendant conflicts. Save Our Borneo documented over 127 disputes between communities and plantation companies as early as 2017, predominantly over plasma land obligations, while the Ministry of Environment and Forestry recorded a 15% increase in forest-area land disputes over the subsequent five years (KLHK, 2021, 2022). The human cost of unresolved conflict became viscerally visible in October 2023, when demands for the legally mandated 20% plasma allocation in Desa Bangkal, Kabupaten Seruyan, culminated in violent clashes between residents and security forces precisely the kind of repressive outcome that restorative approaches are meant to prevent (Komnas HAM, 2023). Kotawaringin Timur District offers a particularly instructive case within this landscape: it concentrates the highest density of oil palm concessions in the province, hosts a demographically complex multi-ethnic population whose competing claims intensify negotiation demands, and critically has produced *Huma Hapakat*, an indigenously grounded restorative mechanism that exists nowhere else in Central Kalimantan. It is here that the question of whether restorative justice can work in structurally unequal agrarian conflicts is most legibly posed.

In Kotawaringin Timur, village cooperatives representing communities in Kecamatan Cempaga and Kota Besi have emerged as the primary organizational vehicle for plasma advocacy operating independently of formal mass organizations (*ORMAS*), grounding their claims explicitly in statutory rights under Ministerial Regulation No. 26/2007. Their strategy was methodical: formal correspondence, cooperative formation, and successive mediation meetings at the subdistrict office. Yet as one cooperative representative recounted, "several meetings held at the subdistrict office were not attended by the company, with many excuses" a pattern of evasion that formal channels proved powerless to sanction. This organizational experience from the ground mirrors what international scholarship identifies as the core vulnerability of civil society actors in asymmetric resource disputes: that sustained advocacy without institutional backing eventually fractures from within, as members grow fatigued and become susceptible to co-optation by the more powerful party (Sihite, G.M et al., 2022; Wicaksono et al., 2024; Ostrom, 1990).

The studies reviewed above collectively illuminate the regulatory, economic, and environmental dimensions of agrarian conflict in Indonesia's oil palm sector yet none has entered the institutional space where police officers and cooperative representatives actually sit across the table from one another, navigating demands that regulations cannot resolve and companies refuse to honor. It is this gap between policy on paper and practice on the ground that the present study addresses. Drawing on the lived experiences of those directly involved, this study asks: *How do POLRI and civil society organizations operationalize restorative justice in oil palm plasma disputes in Kotawaringin Timur, and what structural conditions determine whether those efforts succeed or fail?* The premise, grounded in Moustakas's transcendental phenomenology, is that structural constraints are most legibly read through the accounts of those who navigate them daily the police officer who brings barbed wire to a mediation, the cooperative representative whose members are slowly bought off, the community elder who has waited years for a promise that regulations guarantee but institutions cannot enforce.

LITERATURE REVIEW

Restorative Justice: From Interpersonal Offenses to Structural Disputes

The foundational texts of restorative justice Zehr's (2002) *The Little Book of Restorative Justice*, Johnstone and Van Ness's (2007) *Handbook of Restorative Justice*, and Gavrielides's (2019) comprehensive theoretical

synthesis converge on a core premise: that justice must prioritize the restoration of relationships between those who cause harm and those who bear it, rather than the punishment of rule violations. Zehr developed this framework explicitly as a counter to retributive approaches that address legal infractions without touching their social roots. In contexts ranging from post-genocide Rwanda's *Gacaca* courts to New Zealand's youth justice conferencing, restorative processes have demonstrated that community participation produces more durable outcomes than adjudication alone (Clark, 2010; Umbreit & Armour, 2011).

Yet these canonical frameworks share a common limitation: they were theorized primarily for interpersonal offenses in relatively symmetrical disputes, where all parties can be brought to the same table and none holds structurally decisive power over the others. Van Ness and Strong (2015) acknowledged that restorative processes presuppose voluntariness a premise that collapses when the most powerful party can unilaterally exit dialogue without consequence. Gavrielides (2019) further identified power balance as a precondition for authentic restorative engagement. Neither condition reliably obtains in disputes between multinational plantation corporations and rural indigenous communities whose land rights exist on paper but not in practice.

It is here that the case of *Huma Hapakat* in Kotawaringin Timur offers something the international literature has not yet theorized: a restorative mechanism that emerged not from policy design but from institutional necessity, born of a police force whose jurisdictional reach exceeded its personnel capacity and whose officers turned pragmatically, not ideologically to the deliberative traditions already embedded in Dayak community life. Unlike Rwanda's *Gacaca* (which addressed post-atrocity reconciliation) or New Zealand's conferencing (which targeted juvenile offending), *Huma Hapakat* confronts an ongoing structural resource dispute in which the harm-causing party remains economically active, legally evasive, and institutionally protected. This distinction between restorative justice as post-conflict repair and restorative justice as mid-conflict navigation marks the theoretical frontier this study enters (Karjono et al., 2024; Nashir et al., 2024; Septarina et al., 2022).

Police as Mediators: International and Indonesian Perspectives

The transformation of police from repressive agents to conflict mediators has been theorized through multiple frameworks. Bayley (1994) conceptualized democratic policing as oriented toward the protection of rights, accountability to community needs, and restraint in the use of force a normative ideal developed largely from Western institutional contexts. Goldstein's (1990) problem-oriented policing model pushed further, emphasizing root-cause analysis over reactive enforcement. In the Indonesian context, post-*reformasi* policing incorporated *polmas* (community policing) as a core organizational principle, with *Bhabinkamtibmas* (village police officers) serving as frontline mediators in local disputes (Rahardjo, 2002). Yet these frameworks share a common characteristic: they theorize the police transformation as ideologically motivated driven by normative commitment to democratic values.

What the present study finds in Kotawaringin Timur complicates this picture. The district police chief's orientation toward restorative mediation was not articulated as democratic conviction but as pragmatic calculation: "*penegakan hukum itu adalah langkah paling akhir*" law enforcement is the absolute last resort. The reasoning was explicitly consequentialist: repressive intervention generates what P1 termed a "domino effect" arrested community members produce retaliatory demonstrations, which produce new grievances, which deepen the cycle of antagonism. Restoration, in this account, is preferred not because it is principled but because it works. This pragmatic rather than ideological foundation distinguishes the Kotawaringin Timur case from the normative frameworks of Bayley and Goldstein, and raises a theoretically important question: whether restorative policing sustained by pragmatic calculation is more or less durable than that sustained by democratic commitment.

Lederach's (2014) conflict transformation framework provides the most analytically precise lens for this distinction. Lederach differentiated between *conflict resolution* which addresses surface disagreements and *conflict transformation* which engages the deeper relational patterns and structural conditions generating conflict. P1's institutional innovation, *Huma Hapakat*, approximates transformation rather than mere resolution: its explicit goal is *win-win solution* that preserves relationships between communities, corporations, and the state as a precondition for sustainable stability. Yet as P1 acknowledged, even this mechanism reaches its limits "*kadang itu juga nggak membuahkan solusi, kadang deadlock*" when the structural asymmetry

between parties remains unaddressed. In Lederach's terms, transformation requires not only skilled mediators but changed conditions; *Huma Hapakat* provides the former without guaranteeing the latter.

Civil Society in Agrarian Conflict: Advocacy and Mediation

Novri Susan (2009), in her foundational analysis of Indonesian conflict sociology, argued that durable conflict resolution requires the simultaneous integration of structural analysis, cultural analysis, and agency analysis attending to systemic inequality, local values, and the strategic capacities of actors at once. Ostrom (1990) provided the institutional complement to this framework, demonstrating that community-based arrangements cooperatives, customary governance bodies, collective monitoring systems can successfully govern shared resources when certain design principles obtain: clearly defined membership, congruent rules, accessible dispute resolution, and external recognition of governance authority. Together, Susan and Ostrom suggest that civil society organizations, when properly structured and externally recognized, possess the institutional capacity to bridge the gap between corporate power and community rights.

The village cooperatives of Kecamatan Cempaga and Kota Besi partially confirm this theoretical picture. Operating without the backing of formal mass organizations, grounding their claims in statutory rights under Ministerial Regulation No. 26/2007, and maintaining organized advocacy across successive years, these cooperatives exhibit precisely the institutional characteristics Ostrom identified as preconditions for effective collective action (Ashibly & Pratama, P.T. 2024; Khoirudin et al., 2021). Yet the Kotawaringin Timur case also reveals where Ostrom's framework reaches its limits. Ostrom theorized self-governance in contexts of relative symmetry fishing communities, irrigation systems, forest commons where no single actor holds structurally decisive power over the others. In oil palm plasma disputes, this symmetry does not exist. The corporation holds capital, legal resources, and political access; the cooperative holds legally grounded claims and organized membership. The difference is decisive: as one cooperative representative reported, formal correspondence was sent, meetings were scheduled, and yet "*perusahaan tidak hadir dengan banyaknya alasan*" the company simply did not appear, repeatedly, without consequence.

This asymmetry exposes what this study identifies as the core institutional deficit in the current restorative justice architecture: **the absence of a compellence mechanism**. POLRI, as P1 candidly acknowledged, can only function as a mediator "*polisi hanya bisa sebagai penengah*" not as an enforcer of restorative outcomes. Satgas PKS convenes forums but cannot compel attendance. Permentan No. 26/2007 establishes obligations but carries no effective sanctions. The result is a system in which restorative processes are available to all parties in principle but optional for the most powerful party in practice. Susan's (2009) agency analysis correctly identifies the strategic capacities of actors; what it does not account for is the differential cost of non-participation a cost that falls entirely on the less powerful party when the more powerful one can exit without consequence. It is this gap between the institutional promise of restorative justice and its structural preconditions that the concept of *embedded restoration* proposed in this study is designed to address.

METHODS

Research Design

This study employs Moustakas's (1994) transcendental phenomenological approach, selected for its capacity to foreground the subjective experience and intersubjective meaning-making of actors directly involved in restorative justice processes dimensions that remain invisible to structural or policy-centered analyses. The phenomenological orientation is particularly suited to this inquiry because the central research question concerns not what institutions formally do, but how the people inside them experience, interpret, and navigate what they do. Where grounded theory seeks to build explanatory models from data and hermeneutics focuses on textual interpretation, Moustakas's transcendental phenomenology prioritizes the lived structure of experience itself the *what* and *how* of consciousness as actors encounter conflict, mediation, and institutional constraint. This distinction matters in the Kotawaringin Timur context, where the gap between formal policy and lived practice is precisely what requires illumination.

Research Site and Informant Selection

Research was conducted in Kabupaten Kotawaringin Timur, Central Kalimantan, specifically in Kecamatan Cempaga and Kecamatan Kota Besi subdistricts with the district's highest concentration of plasma-related disputes. Four informants were selected through purposive sampling based on two criteria: direct, sustained involvement of a minimum of two years in the conflict dynamics, and capacity for reflective articulation of their experiences. The resulting informant profiles—a district police chief (P1), a field officer (P2), a village cooperative representative (O1), and an affected indigenous community member (M1) represent the three levels of Lederach's (2014) conflict transformation framework: top-level institutional authority, middle-range civil society, and grassroots community participation.

Table 1. Informant Profiles

No.	Code	Category	Position/Role	Relevant Experience
1	P1	POLRI	District Police Chief (Kapolres)	Developed Huma Hapakat concept; leads strategic conflict management
2	P2	POLRI	Field Officer	Front-line deployment during demonstrations and mediation events
3	O1	Civil Society	Village Cooperative Representative	Coordinated multi-village plasma demands through cooperative alliance
4	M1	Indigenous Community	Affected Resident	Directly experienced land dispossession; active participant in protests

Source: Primary research data, 2025

Data Collection and Analysis

Semi-structured in-depth interviews of 60 to 120 minutes were conducted around five thematic axes: the informant's role in conflict dynamics; their experience of mediation mechanisms including Huma Hapakat and Satgas PKS; their interpretation of restorative justice; institutional constraints and enablers; and the affective and reflective dimensions of their involvement. Interviews were conducted in the informants' preferred language primarily Bahasa Indonesia with local dialect elements audio recorded with informed consent, and transcribed verbatim. Triangulation was achieved through three complementary strategies: source triangulation across informant categories, methodological triangulation combining interview, participatory observation, and document analysis, and member checking conducted during and immediately following each interview session, in which emerging interpretations were returned to informants for confirmation or correction.

Transcripts were analyzed through Moustakas's sequential procedure. *Epoche* (bracketing) required the researcher to suspend prior theoretical assumptions about police roles and restorative justice outcomes in order to encounter informant accounts with methodological openness. *Horizontalization* extracted significant statements from each transcript, treating each with equal initial valuation. *Clustering of meanings* grouped significant statements into thematic constellations. *Textural description* captured what each informant experienced; *structural description* captured how that experience was shaped by contextual and institutional conditions. Finally, *synthesis of meanings and essences* integrated textural and structural descriptions into an invariant account of the phenomenon across informants.

Given the politically sensitive nature of the research context involving active law enforcement officers, community members in ongoing disputes, and disclosures of corporate co-optation strategies ethical protocols were observed throughout. Informants were assured of confidentiality, with identifying details replaced by role-based codes (P1, P2, O1, M1). Participation was entirely voluntary and could be withdrawn at any point without consequence. Informed consent was obtained verbally and in writing prior to each interview. Sensitive disclosures including O1's account of targeted payments to cooperative members were handled with particular care, reported only at the level of pattern and phenomenon rather than individual attribution.

FINDINGS AND DISCUSSION

Theme 1: POLRI's Paradigmatic Shift from Gatekeeper to Mediator

The most structurally significant finding concerns the institutional self-conception of POLRI at the district leadership level. P1 articulated a philosophical orientation that departs sharply from conventional enforcement-centered policing: "*tugas pokok kita itu kan melindungi, mengayomi, melayani masyarakat untuk penegakan hukum itu adalah langkah paling akhir.*" This was not rhetorical positioning. P1 described a palpable sense of institutional fulfillment when conflicts resolve without prosecution contrasting explicitly with the traditional metric of effectiveness measured by case clearance rates. The reasoning was consequentialist rather than ideological: repressive intervention generates what P1 termed a "domino effect" "*kita misalkan mengamankan orang, warganya nggak senang, pasti datang ke perusahaan, demo... itu yang pasti nambah masalah baru.*" Restoration is preferred not because it is principled but because it works.

Yet the restorative orientation articulated at the leadership level does not uniformly permeate tactical practice at the field level. P2, deployed as a field officer during demonstrations, described his role in markedly different terms: "*kami yang cuman mengamankan demo aja, paling cuman di lapangan aja di luarnya aja.*" Substantive negotiations, in P2's account, belong exclusively to *pimpinan* (leader), while field officers secure the perimeter. This vertical differentiation within POLRI is corroborated by participatory observation: video documentation of demonstration events shows field officers in an accompanying rather than confrontational posture, physically present but institutionally peripheral to the resolution process. The strategic vision of restoration at the leadership level has not yet fully permeated the tactical consciousness of field deployment.

This gap between strategic orientation and tactical practice has a direct phenomenological consequence. Community informants O1 and M1 perceived police presence during demonstrations as implicitly threatening, describing the deployment of physical barriers as signalling that "*seakan kami akan berbuat hal yang tidak baik.*" Participatory observation of the same events does not confirm the physical presence of the barriers described, suggesting that the *perception* of threat operates independently of its physical instantiation. In Moustakas's phenomenological framework, this divergence is itself a finding: the lived experience of police presence as coercive persists even when coercive instruments are absent, reflecting the depth of historically accumulated distrust between security forces and agrarian communities in Central Kalimantan. In Lederach's (2014) terms, P1's orientation approximates conflict *transformation* at the strategic level, but the relational fabric between field officers and communities remains shaped by patterns that transformation has not yet reached.

Theme 2: Huma Hapakat Cultural Legitimacy and Institutional Innovation

The development of *Huma Hapakat* represents POLRI's most significant institutional innovation in the agrarian mediation domain and, as P1's account makes clear, it emerged not from policy design but from institutional necessity. Facing a jurisdictional territory whose complexity exceeded available personnel capacity, P1 described turning pragmatically toward the deliberative traditions already embedded in Dayak community life: "*akhirnya disitu, kalau khusus di PWKT itu saya buat namanya ada istilah Huma Hapakat. Jadi itu sebenarnya representasi dari Restorative Justice, bahasa versi yang kita buat.*" The mechanism operationalizes restorative justice as win-win solution deliberately setting aside formal questions of legal standing (*hak*) to prioritize consensus on mutually acceptable remedies including compensation (*tali asih*), plasma allocation, or alternative arrangements. As P1 explained: "*kadang kalau sudah berbicara itu mengesampingkan alas hak dalam artian win-win solution ini.*"

The cultural embedding of *Huma Hapakat* in Dayak traditions of *musyawarah* and *mufakat* is not incidental it is the mechanism's primary source of legitimacy among local populations. Where externally imposed mediation frameworks carry the institutional authority of the state but lack cultural resonance, *Huma Hapakat* draws on deliberative norms that predate the Indonesian state itself. This alignment between institutional innovation and cultural tradition reflects what Susan (2009) identified as the essential integration of cultural analysis into conflict resolution respecting local values not as a rhetorical gesture but as a structural design principle. The use of indigenous terminology, the invocation of *tali asih* as a recognized remedy, and the

physical space of the *rumah* as a site of deliberation all signal to community participants that the process belongs to them rather than being imposed upon them.

Huma Hapakat is operationalized through a graduated zone system that calibrates police intervention to conflict intensity. In P1's formulation: "*kalau di Huma Hapakat itu saya bagi menjadi tiga zona; zona hijau, zona kuning, zona merah.*" The green zone covers conflicts manageable at the village level through pre-emptive socialization; the yellow zone involves multi-village escalation requiring active police facilitation at the district level; the red zone in which criminal acts have occurred triggers formal enforcement. This architecture reflects Goldstein's (1990) problem-oriented policing model: diagnosis precedes intervention, and response intensity is calibrated to situational severity rather than defaulting to maximum force.

Table 2. Huma Hapakat Graduated Zone Intervention System

Zone	Conflict Condition	Police Response	Resolution Level
Green	Manageable at village/subdistrict level; no public order disruption	Pre-emptive socialization; community engagement	Village head + Bhabinkamtibmas (village police)
Yellow	Escalation involving multiple villages or subdistricts; police presence required	Active patrol; facilitated mediation at district level	Satgas PKS (Social Conflict Resolution Task Force) at district level
Red	Criminal acts (theft, property destruction, assault) have occurred	Law enforcement and repressive intervention	Formal legal proceedings; possible provincial coordination

Source: Informant P1 interview data, 2025

Critically, however, the zone system reveals an inherent structural boundary. *Huma Hapakat* operates exclusively in the green and yellow zones precisely the scenarios where its cultural legitimacy is most effective and its stakes are lowest. Once criminal conduct materializes in the red zone, the mechanism yields entirely to conventional enforcement. Participatory observation of forum sessions corroborates this boundary condition: video documentation shows forum discussions conducted in a tense but dialogic register, with community members dominating the speaking floor *warga yang paling banyak berbicara* while institutional representatives listen. Yet the conspicuous emptiness of the chairs designated for company representatives present in the video record transforms the forum from a restorative space into a performance of institutional process without its essential participant. The cultural legitimacy of *Huma Hapakat* is real; its structural effectiveness depends on a condition the voluntary presence of the most powerful party that the mechanism itself cannot guarantee.

Theme 3: Civil Society Between Collective Mobilization and Institutional Fragility

The role of civil society in the restorative justice landscape of Kotawaringin Timur emerges from the data as simultaneously essential and precarious. O1, representing a coalition of village cooperatives across Kecamatan Cempaga and Kota Besi, described an organizational strategy that is deliberate in its independence: "*kami tidak meminta bantuan Ormas karena kami menganggap sudah cukup dengan mengatasmamakan masyarakat dan koperasi desa untuk tuntutan yang kami layangkan.*" This strategic choice to operate under the banner of community identity and cooperative legitimacy rather than formal mass organization authority reflects a preference for grassroots authenticity that Ostrom (1990) would recognize as a design principle of self-governing institutions: clearly defined membership, internally generated rules, and collective ownership of the advocacy process.

The cooperatives' operational strategy was methodical and legally grounded. O1 described a sequence of escalating formal interventions: "*sebelumnya kami sudah melayangkan surat kepada perusahaan untuk audiensi dan sempat ketemu dan disarankan untuk membuat koperasi... namun hingga hari ini tidak kunjung dipenuhi dan beberapa rapat yang diadakan di kantor camat perusahaan tidak hadir dengan banyaknya alasan.*" This account is corroborated by M1, who noted that camat, police, and military officials served as witnesses to the company's repeated absences: "*pihak camat, polisi dan TNI menjadi saksi bahwa perusahaan*

tidak hadir di lapangan maupun rapat bersama di kecamatan." The pattern is consistent across informants and corroborated by video documentation of forum sessions showing vacant company chairs absence not as oversight but as deliberate strategy. In Van Ness and Strong's (2015) terms, this constitutes a systematic voluntariness deficit: the restorative process becomes optional for the powerful and obligatory for the powerless.

Yet the cooperatives' organizational resilience is not unlimited. O1 identified two critical vulnerabilities that operate simultaneously to erode collective capacity. The first is advocacy fatigue: *"apabila permasalahan ini harus menempuh waktu yang lama, akan banyak anggota yang awalnya berjuang untuk menuntut haknya lambat laun berkurang dan tidak bersemangat lagi ini terjadi di tahun 2024 yang sudah kami alami."* The temporal dimension of this fatigue is significant: it is not produced by a single defeat but by the slow accumulation of unresolved meetings, unfulfilled promises, and incremental erosion of hope. Participatory observation of demonstration events showing hundreds of community members mobilized in the field suggests that surface-level participation remains high, but O1's testimony reveals that the committed core has been quietly contracting beneath this visible mobilization.

The second vulnerability is more structurally threatening: corporate co-optation. O1 disclosed that *"ada beberapa anggota sebelumnya yang sudah dibayar oleh perusahaan agar tidak begitu kental lagi untuk memperjuangkan plasma ini."* This *divide et impera* strategy selectively neutralizing key members through financial inducement does not merely reduce advocacy intensity; it introduces mutual suspicion within the cooperative itself, fracturing the trust that collective action requires. M1 corroborated the broader pattern of corporate evasion from a community perspective: *"kami merasa hingga sekarang bahwa perusahaan abai terhadap janji dan peraturan yang harusnya dilaksanakan untuk kami."* The word *abai* (willful) neglect is analytically precise: it distinguishes strategic non-compliance from incapacity, attributing corporate absence to deliberate choice rather than institutional limitation.

These two vulnerabilities fatigue and co-optation expose a fundamental asymmetry in the restorative justice architecture that restorative theory has not adequately theorized. Zehr (2002) and Braithwaite (2002) premised their frameworks on the sustained voluntary engagement of all parties. What the Kotawaringin Timur data reveals is the *differential durability* of organizational actors: POLRI's institutional continuity is guaranteed by the state, the corporation's organizational persistence is secured by capital, but the cooperative's capacity depends entirely on the voluntary commitment of members whose material circumstances make them susceptible to both exhaustion and inducement. A restorative process that does not account for this differential durability will systematically disadvantage the party with the least institutional staying power which is, invariably, the community.

Theme 4: The Structural Limits of Restorative Justice in Agrarian Contexts

The synthesis of all informant accounts reveals a constellation of structural constraints that collectively circumscribe the effectiveness of restorative justice in the oil palm conflict context. These constraints do not operate independently they form an interlocking system in which each reinforces the others, producing what this study terms a structural trap: a configuration in which the conditions necessary for restorative justice to function are precisely the conditions that the conflict itself has destroyed.

The most theoretically consequential constraint is the voluntariness deficit. Zehr's (2002) foundational model assumes that all affected parties voluntarily engage in the restorative process. In Kotawaringin Timur, the company the party whose compliance is essential for resolution can and does unilaterally opt out of dialogue forums. O1 recounted that despite prior correspondence and scheduled meetings, *"perusahaan tidak hadir dengan banyaknya alasan."* M1 corroborated this with particular precision: *"pihak camat, polisi dan TNI menjadi saksi bahwa perusahaan tidak hadir di lapangan maupun rapat bersama di kecamatan."* The presence of state witnesses camat, police, military did not compel attendance. Video documentation of forum sessions confirms this: the vacant chairs designated for company representatives are not incidental absences but a recurring pattern across multiple sessions. The absence of any sanction for non-participation means that the restorative process is, in effect, optional for the powerful and compulsory for the powerless.

The second structural constraint is the enforcement vacuum. Permentan No. 26/2007 establishes the 20% plasma obligation but carries no effective sanctions for non-compliance. Satgas PKS convenes mediation forums but, as P1 acknowledged, "*domennya polisi pada konflik agraria itu lebih ke harkamtibmas gimana bisa menjadi solusi, tapi ketika ada pidana baru, baru penegakan hukum.*" The police domain is maintenance of order, not enforcement of plasma obligations. This institutional boundary is not a failure of will it is a structural feature of the regulatory architecture. M1 experienced this boundary directly: "*camat kami hadirkan, kaduan ke Bupati kami layangkan hingga sekarang belum kami dapatkan penyelesaiannya.*" The escalation ladder village, subdistrict, district, province was climbed in its entirety without producing resolution, because no level of the ladder possesses the authority to compel corporate compliance.

The third constraint is institutional fragmentation. P1 described a layered system of conflict resolution authority dispersed across village, subdistrict, district, and provincial levels "*tidak serta-merta semua langsung ke Polres, semua langsung ke Koda, jadi menyesuaikan dari satu alasat lingkupnya.*" While this graduated architecture has the virtue of proportionality, it produces a critical vulnerability: no single authoritative body holds comprehensive jurisdiction over plasma disputes that cross administrative boundaries. When a conflict involves multiple villages across two subdistricts, involves a company whose concession permit was issued at the provincial level, and implicates regulatory changes made at the national level, the graduated system produces not resolution but referral each level passing the problem to the next without possessing the authority to resolve it.

The fourth constraint is power asymmetry. M1 articulated this with striking clarity: "*coba seandainya hilang perusahaan dan wilayah dikelola desa dan masyarakat dengan baik tentu lebih untuk kesejahteraan kami.*" This counterfactual imagination envisioning the land without the company reveals the depth of perceived dispossession. The company holds capital, legal resources, political access, and the capacity to employ co-optation strategies against community members. O1's disclosure that "*perusahaan mempunyai bekingan yang kuat sampai abai terhadap permasalahan ini*" that the company possesses powerful backing that enables it to ignore the dispute names what structural analysis identifies as political capture: the alignment of regulatory enforcement with corporate interests rather than community rights. Gavrielides (2019) identified power balance as a precondition for authentic restorative engagement; the Kotawaringin Timur data suggests this precondition is not merely unmet but structurally prevented.

Together, these four constraints produce the restorative justice paradox that this study identifies as its central theoretical contribution: restorative justice in agrarian contexts is most culturally legitimate and relationally promising precisely in those conditions where it is structurally least effective. *Huma Hapakat* draws genuine legitimacy from Dayak traditions of *musyawarah* and *mufakat*; POLRI's orientation toward non-punitive resolution reflects genuine institutional evolution; community organizations demonstrate sustained commitment to peaceful advocacy. Yet these positive conditions coexist with and are systematically undermined by structural features that the restorative process cannot independently alter. The paradox, in its starkest formulation, is this: restorative justice in agrarian conflicts *requires* coercive state backing to compel the participation of powerful actors, yet the introduction of coercion contradicts the voluntarist foundations on which the restorative paradigm is built.

Theme 5: The Complementarity and Tension Between Police and Civil Society Roles

The relational dynamic between POLRI and civil society actors in Kotawaringin Timur defies simple categorization as either complementary or adversarial. What the data reveals is more nuanced a condition of *ambivalent collaboration* in which cooperation and tension coexist within the same institutional encounter. O1 acknowledged that field coordination with police during demonstrations was generally positive: "*koordinasi dengan kepolisian saat di lapangan cukup baik.*" Yet this positive assessment was immediately qualified: "*ada yang kurang kami tidak suka diantaranya saat menyampaikan tuntutan di lapangan kami langsung disuguhkan kawat berduri yang seakan kami akan berbuat hal yang tidak baik.*" The barbed wire whether physically present or phenomenologically perceived functions as a symbol that simultaneously contradicts the dialogic ethos of restorative justice and reveals the unresolved tension between POLRI's strategic orientation toward restoration and its tactical orientation toward containment.

P2's account of field deployment illuminates the institutional source of this tension. Operating at the tactical level, P2 described his role as peripheral to substantive resolution: "*kami yang cuman ngamankan demo aja, paling cuman di lapangan aja di luarnya aja.*" Negotiation belongs to *pimpinan*; field officers secure the perimeter. This vertical division of labor is institutionally logical but it produces an unintended phenomenological consequence. The community members who interact most directly with POLRI during demonstrations encounter not the restorative-oriented leadership but the containment-oriented field deployment. Their experience of police presence is therefore shaped by the tactical layer rather than the strategic vision producing the perception of threat that O1 and M1 described despite P1's genuine commitment to non-punitive resolution. In Lederach's (2014) three-level framework, POLRI operates effectively at the top level through strategic mediation and at the grassroots level through field presence but the translation between these levels remains incomplete.

From the police perspective, P1 described a sophisticated intelligence function that both complements and potentially undermines civil society autonomy. P1 distinguished between legitimate rights claimants and what he characterized as repeat actors whose engagement constitutes a livelihood "*sudah berulang, memang menjadi mata pencariannya lah, semacam premanisme.*" This mapping function "*melokalisir, sterilisasi, ini betul-betul memperjuangkan atau ada tendensi yang lain*" represents a critical gatekeeping role that POLRI exercises over who qualifies as a legitimate participant in the restorative process. When police make judgments about which community members are genuine advocates and which are provocateurs, they effectively determine the boundaries of civil society participation a power that sits uneasily alongside the cooperative's claim to represent community identity autonomously.

The tension between these two institutional logics POLRI's gatekeeping authority and the cooperative's claim to autonomous representation was most visibly manifested in the forum sessions documented through participatory observation. Video evidence shows community members dominating the speaking floor in tense, sustained exchanges while institutional representatives listen a spatial and discursive arrangement that superficially resembles the participatory ideal of restorative justice. Yet the absent company representatives and the police presence at the room's periphery frame this apparent participation within a structure of unresolved power: community members speak loudly precisely because they have no other lever. P2 captured the pragmatic resolution to this tension with characteristic directness: "*daripada ibaratnya menindak, mending diajak ngobrol.*" Talk is preferred to force but talk without compellence produces conversation without resolution.

Synthesis: Toward Embedded Restoration

The phenomenological synthesis across all five themes reveals the restorative justice paradox in its full complexity: the approach is most culturally legitimate and relationally promising precisely in those conditions where it is structurally least effective. *Huma Hapakat* draws genuine legitimacy from Dayak traditions; POLRI's leadership demonstrates authentic commitment to non-punitive resolution; village cooperatives sustain organized advocacy across years of unresolved conflict. These positive conditions are real and they are insufficient.

Resolving this paradox requires what this study proposes as **embedded restoration**: a model in which restorative processes are structurally anchored within enforceable regulatory frameworks that establish non-negotiable floors such as the 20% plasma obligation while leaving the modalities of implementation to deliberative negotiation. The distinction from conventional restorative justice is precise: embedded restoration does not abandon voluntarism but *conditions* it. Participation in restorative forums becomes mandatory not as a punitive imposition but as a regulatory precondition, analogous to how New Zealand's youth justice system makes diversionary conferencing mandatory rather than optional (Umbreit & Armour, 2011). Corporate non-participation triggers not punishment but the suspension of operating conditions concession renewal, investment permits, regulatory approvals that give the corporation its structural power in the first place.

In this model, POLRI's role shifts from mediator-of-last-resort to guarantor of process integrity. The graduated zone system of *Huma Hapakat* green, yellow, red provides the existing institutional architecture for this shift: green and yellow zone processes retain their culturally grounded dialogic character, while the regulatory

framework ensures that all parties, including the most powerful, must appear at the table. Civil society organizations are strengthened not as episodic mobilizers but as permanent interlocutors with institutional recognition their organizational sustainability guaranteed not by the voluntary commitment of individual members alone but by formal recognition within the conflict resolution architecture.

As P1 observed: "*menjaga keamanan itu sama dengan menjaga peradaban menjaga peradaban itu menjaga kesejahteraan.*" Maintaining community order is maintaining civilization; maintaining civilization is maintaining welfare. This formulation offered not as theory but as the lived conviction of a district police chief navigating daily the gap between regulatory promise and institutional capacity captures precisely what embedded restoration aspires to: not the elimination of conflict, which is neither possible nor desirable in a plural society, but the creation of structural conditions in which conflict can be navigated with dignity, accountability, and the genuine possibility of repair.

CONCLUSION

This study has examined how POLRI and civil society organizations operationalize restorative justice in oil palm plasma land disputes in Kotawaringin Timur, Central Kalimantan, through the phenomenological experiences of four actors directly navigating the possibilities and limits of that process. Three principal conclusions emerge from the synthesis.

First, POLRI has undergone a substantive paradigmatic shift from repressive enforcement to restorative mediation institutionalized through *Huma Hapakat* and its graduated green-yellow-red zone intervention system. This shift is driven not by ideological commitment to democratic policing but by pragmatic recognition of what P1 termed the "efek domino" of repressive intervention: "*kalau penegakan hukum itu banyak efek dominonya itu yang pasti nambah masalah baru.*" The restorative orientation is genuine at the leadership level but has not yet fully permeated tactical field practice, producing a vertical differentiation within POLRI that community members experience as ambivalence cooperation from leadership, containment from the field.

Second, village cooperatives function as essential organizational infrastructure for collective plasma advocacy translating diffuse individual grievances into legally grounded, collectively articulated demands without the backing of formal mass organizations. Their capacity for sustained mobilization is real, as demonstrated by multi-year advocacy campaigns across Kecamatan Cempaga and Kota Besi. Yet this capacity is structurally fragile: advocacy fatigue erodes member commitment over time, and corporate co-optation strategies fracture internal solidarity from within. As O1 observed: "*apabila permasalahan ini harus menempuh waktu yang lama, akan banyak anggota yang awalnya berjuang lambat laun berkurang dan tidak bersemangat lagi.*" A restorative justice architecture that depends on the indefinite voluntary commitment of resource-poor community organizations will systematically exhaust the very actors it most needs.

Third, and most theoretically consequential, the structural effectiveness of restorative justice in agrarian contexts is fundamentally constrained by a voluntariness deficit that allows the most powerful party the corporation to unilaterally absent itself from dialogue without consequence. M1 captured the lived experience of this deficit with precise simplicity: "*camat kami hadirkan, kaduan ke Bupati kami layangkan hingga sekarang belum kami dapatkan penyelesaiannya.*" Every institutional channel was exhausted; none possessed the authority to compel corporate compliance. This finding challenges the voluntarist foundations of restorative justice theory and generates the concept of *embedded restoration* proposed in this study: restorative processes anchored within enforceable regulatory frameworks that guarantee participation without predetermining outcomes conditioning corporate operating privileges on demonstrated engagement with mediation rather than leaving participation to goodwill.

These conclusions carry implications for both theory and practice. For restorative justice theory, the Kotawaringin Timur case demonstrates that cultural legitimacy however genuine is insufficient without structural compellence. *Huma Hapakat* is not a failed experiment; it is a successful cultural adaptation operating within an insufficient regulatory architecture. For policy, the findings suggest that plasma conflict resolution requires not new mediation forums but enforceable participation mandates regulatory conditions that

transform restorative justice from a voluntary option into a structural obligation for all parties, including the most powerful.

Future research should extend these findings through comparative analysis across Central Kalimantan districts with varying regulatory environments, longitudinal tracking of *Huma Hapakat*'s institutional evolution, and critically the incorporation of corporate actor perspectives that remained inaccessible in this study. Understanding why corporations strategically absent themselves from mediation, and under what conditions they might be compelled to engage, is the next frontier for restorative justice research in agrarian contexts.

Restorative justice is one of many possible adaptations to the realities of agrarian conflict not a universal solution but a culturally grounded approach that, when rooted in local tradition as *Huma Hapakat* demonstrates, carries a legitimacy that no externally imposed framework can replicate. The task ahead is not to abandon this approach but to build around it the structural conditions that allow its promise to be fulfilled: "*menjaga keamanan masyarakat itu sama dengan menjaga peradaban menjaga peradaban itu menjaga kesejahteraan.*"

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