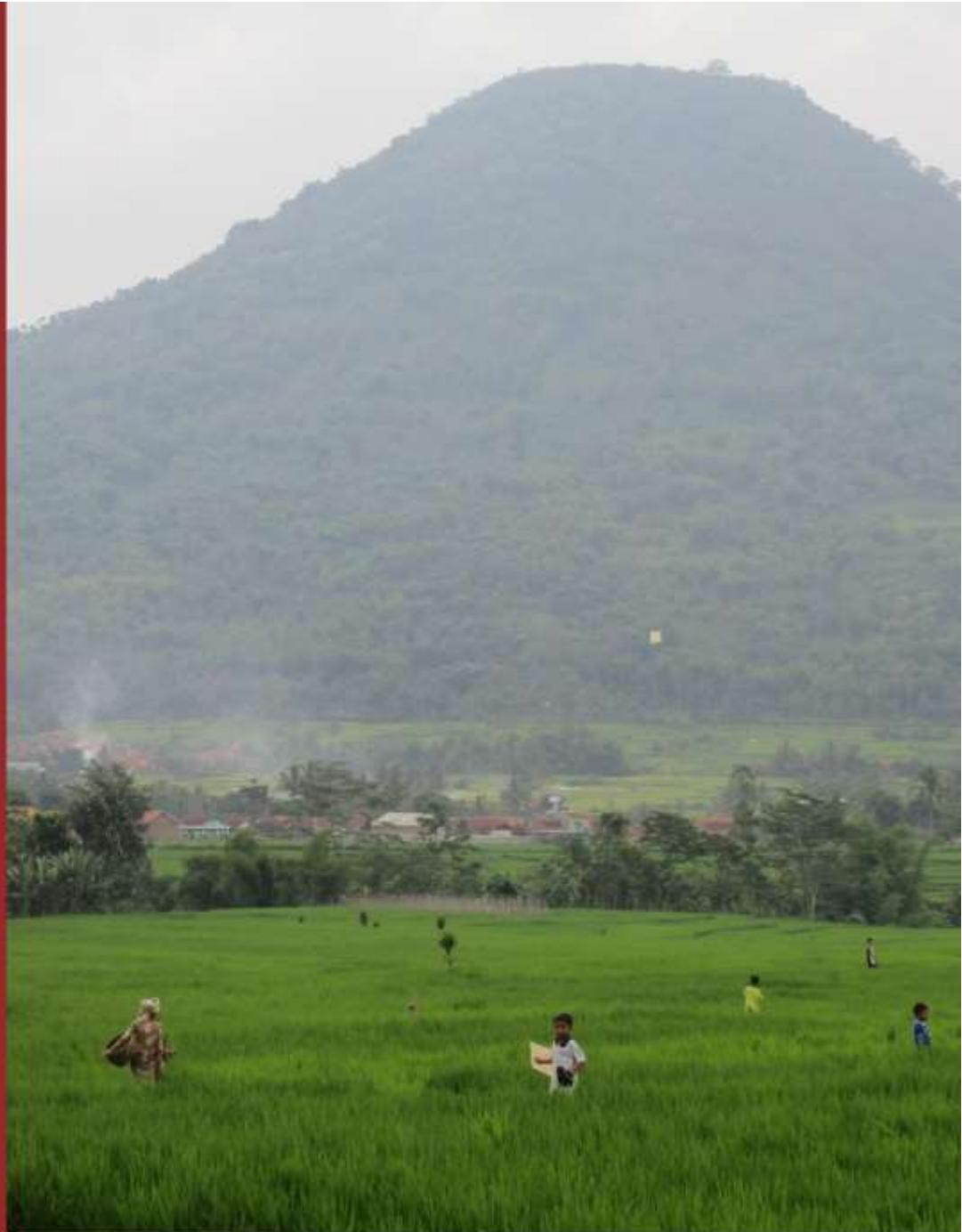


# Annotated Bibliography



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## **Review of Agrarian Studies Literature for Annotated Bibliography Colonial Period**

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## **Agrarian Studies**

Agrarian studies loosely defined is a study of dynamics between rural peasants, their surrounding ecosystem—land, rivers, forests, watersheds—and the global financial forces. Agrarian studies traces its genealogy to Marxian “agrarian question” first posed by Karl Kautsky (1899). In his book, *Agrarian Question*, Kautsky argues how agricultural development in capitalist society marginalized the peasantries and how, consequently, the social-democratic movement had to include agriculture in its revolutionary transformations. They could do so, Kautsky claims, by offering specific agrarian program. Kautsky’s extensive use of statistical data, descriptive economic material, agricultural censuses and questionnaires was the first in the Marxist intellectual tradition to address the peasantries. It allowed him not only to make a strong argument on the need to recruit the peasants class in Marxist revolution, but also also to set a new path on scientific inquiry into the dynamics of agrarian societies.

Kautsky’s line of work was expanded with an unexpected twist in the 1920s by A.V. Chayanov, a Russian agrarian economist. In his book, *The Theory of Peasant Economy* (1925, 1986), using extensive Russian agricultural statistics, Chayanov deemed the Russian peasantry would survive and prosper in any circumstances. They would evolve on their own particular trajectory, neither capitalist nor socialist as argued by Kautsky and Lenin. Mark Harrison in his classic puts it eloquently, “Chayanov saw the modernisation of traditional small farming as lying along neither a capitalist nor a socialist road, but as a peasant path of raising the technical level of agricultural production through agricultural extension work and cooperative organisation, at the same time conserving the peasant institutional framework of the family small-holding.”<sup>1</sup>

Although these two classics shape studies on agrarian societies, contemporary works have expanded their analysis to include a variety of theoretical outlooks and and approaches beyond the Marxian tradition, as exemplified by works of scholars such as James Scott (1976, 1985, 1990) who

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<sup>1</sup> [http://www2.warwick.ac.uk/fac/soc/economics/staff/academic/harrison/public/1975\\_jps\\_postprint.pdf](http://www2.warwick.ac.uk/fac/soc/economics/staff/academic/harrison/public/1975_jps_postprint.pdf). Last accessed June 22, 2014.

stamps his influence through the Program in Agrarian Studies at Yale. Famed for its unconventional take to interrogate peasant agriculture, the program has successfully integrated disciplines as disparate as art, history, and humanities into the classics. One of the program's publications, based on papers presented in its weekly colloquium, *Agrarian Studies: Synthetic Work at the Cutting Edge* (2001), reflects the extensive breadth and scope of agrarian studies in the 21<sup>st</sup> century.

Critical agrarian studies has made a recent comeback. Supported by a consortium of universities<sup>2</sup> and a network of global NGOs, a series of conference on food security, land grabbing, land rights of peasants and indigenous peoples, have propelled agrarian topics back to the forefront of global discourse. The ominous threat of climate change and the recent financial crises have made the global financial world to bonanza of parking assets in land and agricultural estates (White et al, 2012). The pressure has continued to mount, to the detriment of the rural peasants as well as indigenous peoples, whose rights on land have been long marginalized. Nowhere in time has the urgency of understanding of agrarian issues is as pressing as today. The Sajogyo Institute project for annotated bibliography aims to do just that.

### **Agrarian Studies in Colonial Indonesia**

This essay is a brief review of literature that are indispensable in understanding issues of agrarian nature in late-colonial Indonesia. Along with a series of key literature from post-colonial Indonesia, the literature selected here will be annotated and presented to the Indonesian audience facilitate familiarity on key literature that shaped Indonesian agrarian discourse, on the scope and breadth of the discourse, and to provide initial access to materials often cited in secondary literature but largely inaccessible to most Indonesian scholar-activist.

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<sup>2</sup> Department of Development Studies, Cornell University; Institute of Development Studies, Sussex University; Institute of Social Science The Hague; PLAAS, University of the Western Cape, South Africa

Curating materials from late-colonial Indonesia is a unique task for a couple of reasons. First, agrarian studies as it is understood today was not explored in the Netherlands East Indies. Most of the agrarian-related literature produced at that time was based on legal studies, not social science or agricultural economics, except perhaps for one work by Iwa Kusuma Sumantri (White 2005). This was because law and legal studies was the most developed discipline in the colony, supported by the presence of Batavia college of law (*Batavia Rechtshoogeschool*) that was founded in 1924. Moreover, the legal studies was the defining discipline in legitimizing colonial authority in controlling land and in categorizing land rights of the autochthonous population. Perhaps, and appropriately so, such body of literature from the legal studies are not “agrarian studies” in its narrowest definition of the term, yet they deserve to be dissected, discussed, analyzed as they defined the discourse at the time.

Second, proper studies on agrarian issues by Indonesians hardly exist. Yet, the awareness of the indigenous land rights and the plight of rural peasants was acute, as expressed by articles published in various vernacular newspapers or organizational bulletins, and in debates at the proto-parliament People’s Council (*Volksraad*).<sup>3</sup> These are sources that offer insights to understand the debate on land rights and agrarian issues in the political realm.

Most of the essays selected here directly defined the discourse on agrarian issues in colonial Indonesia, while some are more indirect, yet important in grasping the foundational concepts, ideas, and vocabularies of the discourse. Other materials are key rulings and laws that provide the foundation for a “legitimate” agrarian politics in the colony, frequently cited in secondary literature, but are not easily accessible to the general audience.

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<sup>3</sup> See for example the extensive analysis of Haji Misbach publications in *Djago! Djago!* in Takeshi Shiraishi, *Age in Motion* (1990).

### **Categories**

The literature selected are picked based on their significance in shaping the discourse, their importance in demonstrating the existing world view at the time, and their role as (legal) reference. They are culled from academic papers and official colonial documents (reports and articles in vernacular newspapers are not included in this cycle of annotation). Most are publications from the colonial period, but several are selected from the contemporary period. They are grouped based on several keywords: Right of allocation (*beschikkingsrecht*), law making (*wetgeving*), regional land rights, and forest-related land issues (mainly in Java).

### **Further works to be done**

Beyond the initial set of thirty-one literature listed here (twenty-five of which are going to be annotated), there are four doctoral dissertations written by Indonesian doctoral candidates at Leiden University, United Faculty of Law and Letters that touched upon land-related issues, which deserve to be discovered by Indonesian audience. Advised by Cornelis van Vollenhoven, they are arguably biased towards adat and legal analyses of land issues, but situating them as part of the legacy of Indonesian thinking of land-related issues will enrich our horizon about what was considered key issues at the time, how they were discussed, and how they shape our contemporary debates.

There are also a number of legal analysis on judicial system's decision regarding rights on land by Indonesians and Dutch scholars in the prominent legal journal, *Indisch Tijdschrift van het Recht*. Although some are offered here, more are still to be discovered. They offer us insights on the discourse on land rights in the context of colonial law, a law that still reverberates in Indonesia's post-colonial legal arena.

Beyond studies on land-related issues by scholars, who could not be but coming from the elite stratum of the Indonesian society at the time, we should also collect and document materials published in popular media such as

newspapers, organizational bulletins, and so forth. Precisely because scientific research agrarian issues by Indonesians was scarce, I suggest that the more appropriate materials to be documented and disseminated are expressions of awareness regarding land rights, which scatter widely in various vernacular newspapers (exemplified by Hadji Misbach's articles), organizational publication (a controversial example perhaps are articles in Indo-Europeans Association publication, which will give us a point of view from the "other" party), and in the compilation of People's Council/Volksraad debates (*Handelingen Volksraad*). In fact, the debates on rights to land between Indonesians and Indo-European leaders was one of the key element in the emerging consciousness of what it meant to be citizens for Indonesians in the context of rights to own.<sup>4</sup> A number of articles by Indonesian thinkers/ journalists/ political activists already in Sajogyo Institute's limited collection discuss land issues adeptly, many with reference to van Vollenhoven's *Orang Indonesia dan Tanahnya*, many demonstrates a deep understanding of the detriments of the *erfpacht* rights. A more expansive collection will complete Sajogyo Institute's repository of agrarian materials.

Moving more specifically into research on law and land rights in late colonial Indonesia, a quick survey brings into focus some interesting facts: First, the study of law and land rights in late-colonial Indonesia lags behind research on the same topic in postcolonial Indonesia. Most studies—excepting those produced during the colonial period itself—were carried out in the 1980s and early 1990s. Second, available literature has mainly focused on a limited, albeit interconnected, number of issues: *Adat* law and land rights (Burns 2004, 1989; Benda-Beckman 1979), cultivation systems (Clarence Smith 1994; Elson 1994; Fasseur 1992; Boomgaard 1989; Niel 1964) the village (Breman 1983, 1980; Kano 2008) or plantations and peasant struggle (Stoler 1985, 1988). An attempt to analyze the constitution of adat law in the former Dutch East Indies (Burns 2004)

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<sup>4</sup> See Djalins, *Becoming Indonesische Staatsburger Subjects, Citizens, and Land Ownership in late-colonial Netherlands East Indies*, work in progress.

falls silent on the agency of the Native intellectuals. Ben White's (2005) treatment of a booklet by S. Dingley (a pseudonym of Iwa Kusuma Sumantri) about the agrarian struggle in the colony is perhaps an exception, although his argument that Dingley's was the only worthwhile venture of such can easily be contested.<sup>5</sup>

One can also detect similar silence on the role of Native intellectuals in the construction of adat law, the topic of law and colonialism in Indonesia in the recent waves of literature on the history of adat, adat law, and adat land rights (Davidson and Henley 2007; Burns 2004; Zerner 2003; Li 2001, 2000). The case of Supomo is illustrative: Well studied for his role in drafting the Indonesian constitution of 1945 and in legal developments in Indonesia (Bourchier 1999; Drooglever 1997; Simanjuntak 1994; Lev 1985, 1965), Supomo leaves an intellectual legacy on adat land rights that remains largely unexplored.<sup>6</sup> Earlier dismissal of his position on and role in the constitution of adat law as a discipline may have dampened interest in pursuing his (possibly) wider contribution to colonial knowledge production.

Engagement between a subordinated population and colonial law took many forms, not the least of which was the production of law and legal knowledge. Although colonial law had its roots in European legal tradition, it was never isolated from open contestations. Various media took the role as a platform for knowledge-making in law and lawmaking: *Indisch Tijdschrift van het Recht*, *Koloniaal tijdschrift*, Malay-Chinese newspapers, internal bulletins of civic organizations, and many others. There was enthusiasm and excitement in voicing

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<sup>5</sup> At least two Indonesians wrote PhD dissertations at Leiden touching upon the subject of law and land rights, namely Soepomo and Gondokoesomo. Perhaps White uses a much narrower definition of "agrarian studies."

<sup>6</sup> White's (2005) essay on the history of agrarian studies in Indonesia laments the lack of interest in agrarian issues among Indonesian intellectuals in the colonial period. He nominates only two works worth discussing: one by S. Dingley (pseudonym of Iwa Kusumasumantri) written on commission in 1923 by the Soviet government, and another by Sukarno on Marhaenism. There is no mention of Supomo's dissertation (1927), which critically addresses agrarian reorganization in Surakarta, or Gondokusumo's dissertation (1922, praised by van Vollenhoven as original), on the de jure legislation of village autonomy that was not followed by actual empowerment.

one's point of view regarding land rights, and it included members of a women's association on the West Coast of Sumatra, who voiced their disapproval of the plan to grant Indo-Europeans a form of rights to land. Collecting literature from these sources will definitely enrich Sajogyo Institute's collection and expands Indonesian access to the rich repository rarely accessible to them.

## PROPOSED LITERATURE TO BE ANNOTATED

Based on the narrative above, below is a proposed list of literature to be annotated for agrarian studies in Indonesia during the colonial period.

### I. ACADEMIC LITERATURE

#### A. BOOKS

1. Vollenhoven, C. van. 1981. *Van Vollenhoven on Indonesian Adat Law: Selections from Het Adatrecht van Nederlandsch Indie Vol I 1918, Vol II 1931*. The Hague: M Nijhoff.
2. Bergsma, W.B. 1880. *Eindresumé van het bij Gouvernements besluit van 10 Juni 1867 no. 2 bevolen onderzoek naar de rechten van den inlander op den grond op Java en Madoera*. Batavia: Landsdrukkerij.

#### B. ARTICLES

3. Nolst Trenite, G.J. 1912. *Domeinnota*.
4. Nolst Trenite, G.J. 1920. *Inleiding in de Agrarische Wetgeving*. Weltevreden: Landsdrukkerij.
5. Nolst Trenite. 1927. Nederlands Indisch of Indonesisch agrarisch recht? *Indisch Tijdschrift van het Recht*.
6. Logemann, J. H. A., and Barend ter Haar. 1927. Het beschikkingsrecht der Indonesische rechtsgemeenschappen. *Indisch Tijdschrift van het Recht*. 367-424.
7. Logemann, J. H. A., and Barend ter Haar. 1929. Het beschikkingsrecht der indonesische rechtsgemeenschappen met J.H.A. Logemann, repliek aan Mr. Nolst Trenite. *Indisch Tijdschrift van het Recht*.

These five pieces showcase the debates between Nolst Trenite, a proponent of absolute state authority over uncultivated land and forested land (*vrije domein*) and Barend ter Haar and J.H.A. Logemann, two law professors at the Batavia College of Law (Batavia Rechtshogeschool), who were the supporters of Leiden adat-school, who argued for the autochthonous right of allocation (*beschikkingsrecht*). These articles are particularly important as they defined

the debates on the autochthonous populations' rights over land. They are frequently cited in many academic works that analyzes the debate on adat land rights between Leiden and Utrecht school of thought.

8. Haar, B. 1934. Schijnhandeling tot verkrijging van zekerheid op grond. *Indisch Tijdschrift van het Recht. Indisch Tijdschrift van het Recht*
9. Logemann, J.H.A. 1937. Aantekeningen bij de voorstellen nopens het Indo-grondbezit. *Indisch Tijdschrift van het Recht*

These two articles are further studies by ter Haar and Logemann regarding the securing of land rights and the rights of the Eurasian to own land. See Djalins *Becoming Indonesische Staatsburger, Subjects, Citizens, and Land Ownership in late-colonial Netherlands East Indies* (work in progress) on the debates of Indo-Europeans and Indonesians on rights to own land.

10. Soepomo. 1929. Het grondenrecht ter hoofdplaats Jogja na de Reorganisatie. *Indisch Tijdschrift van het Recht. 1-12*

A by-product of Soepomo's 1927 dissertation, where he analyzes the impact of agrarian reorganization in Yogyakarta, and its pragmatic consequences into landraad practices.

11. Soepomo. 1931. Introduction to "Verslag nopens het onderzoek naar het adatgrondenrecht in het geweest Jogjakarta." *Indisch Tijdschrift van het Recht.*
12. Soepomo. 1931. De Koeli en zijn grond voor de reorganisatie. *Indisch Tijdschrift van het Recht.*
13. Soepomo. 1931. Verslag nopens het onderzoek naar het adatgrondenrecht in het geweest Jogjakarta buiten de hoofdplaats. *Indisch Tijdschrift van het Recht. 1-118.*

These three articles are the result of Soepomo's research in Yogyakarta as the "curator" of adat law, a position in the Department of Justice. There is a

scathing criticism by Soepomo into the Yogyakarta aristocracy's sense of entitlement regarding land rights granted by the Sultan.

14. Soepomo. 1936. "Het vervreemdingsverbod van Inlandsche gronden." *Indisch Tijdschrift van het Recht*.

This is a brilliant study of the colonial judicial system's indifference—if not hypocrisy—in implementing the Alienation Prohibition (*Vervreemdingsverbod*, decreed in Staatsblad 1875 No. 179). Soepomo exhaustively dug decisions by Landraad, Raad van Justitie, and the Supreme Court that were related to Alienation Prohibition. He found that despite the rhetoric of protecting native land ownership, many judicial institutions' legal decisions in essence disregard the Alienation Prohibition, a foundational principle in the colonial agrarian politics. Such disregard to the rights of the indigenous population from not being alienated from their land is still reflected in many contemporary decisions by Indonesian judicial institutions.

15. Soepomo. 1953. "The Future of Adat Law in the Reconstruction of Indonesia." Dalam *Southeast Asia in the Coming World*, edited by P.W. Taylor, 217–235. Baltimore: The John Hopkins University Press.

This piece is Soepomo's reflection on the role of adat law in post-colonial Indonesia. He wrote a specific section where he addressed the position of the *domeinverklaring*, the absolute authority of the state over forest and uncultivated land, in post-colonial Indonesia.

16. Brascamp, E.H.B. 1922. Regeling van het Indische boschbeheer in 1865 bij de wet. *Tectona* 15: 1095-1110.

17. Kerbert, H.J. 1919. Geschiedkundig overzicht van houtvervreemdingspolitiek op Java. *Tectona* 12:603-70.

18. Lugt, Ch. S. 1933. *Het boschbeheer in Nederlandsch Indie. Onze Koloniale Landbouw* (series). Ed. J. Dekker. Haarlem: H.D. Tjeenk Willink en Zoon NV.

19. Anonymous. 1935. De Nieuwe houtvervreemdingspolitiek. *Tectona* 28:73-78.

These four articles analyze the forest management and forestry politics that touches upon issues of land rights.

20. Kroesen, T.a.L. 1874: het Grondbezit ter Sumatra's Westkust. Tijdschrift Nederlandsch-Indie 4<sup>e</sup> serie, Vol 3: 1-28.(Keebet von Benda-Beckman)

This article explore land rights in West Sumatra in the 19th century.

### C. DISSERTATIONS BY INDONESIANS IN LEIDEN:

21. Disertasi Soepomo 1927, *De Reorganisatie van het agrarisch stelsel in het gewest Soerakarta* (The Reorganisation of the Agrarian System in the region of Soerakarta)

22. Disertasi Alinoeddin Enda Boemi 1925, *Het grondenrecht in Bataklanden, Tapiannaoli, Simaloengoen en het Karoland* (Land rights in Batak land: Tapanuli, Simalungun and Karo).

Other dissertations from Leiden 1900-1939 that is potentially valuable to be annotated, but still require some brief evaluations:

- a. Nederburgh, I.A., 1882, *Het staatsdomein op Java*. (The state domain in Java)
- b. Barlagen Bussenmaker, J. 1887. *Iets over het landbezit van den Inlander in Nederlandsch-Indie*. (Regarding the land ownership of the native in the Netherlands Indies. This may give us references on materials used by colonial authorities in pre 1900s to construct their ideas of native land rights).
- c. Roijen, J.W. van. 1927. *De Palembangse marga en haar gronden waterrechten*. (The marga Palembang and their land and water rights).

## II. MATERIALS FROM COLONIAL GOVERNMENT ARCHIVES

### A. LAWS AND REGULATIONS

- Regeeringsreglement 1854, (East Indies Constitution) Article 62
- Agrarian Law 1870
- Agrarisch Besluit 1870, St. 1870 No. 118
  - Amendment for Agrarisch Besluit, St. 1872 No. 116
  - and other key amendments made until 1936
- Domeinverklaring for Outer Regions
- Vervreemdingsverbod St. 1875 No. 179
- St. 1885 No. 102
- List of Laws and Decrees on Agrarian Topic (Regeeringsalmanak, Agrarische Aangelegenheden) (current data on hand is from 1938. We should find the data from the last year of Dutch rule in Indonesia, 1942)

These laws will not be annotated, but translated. And not included in the current cycle of annotation.

### B. OFFICIAL REPORTS FROM COMMISSIONS

#### 23. Advies van de Agrarische Commissie 1930

This is a commission set to investigate if domein principle (*domeinbeginsel*) can be let go as a base of agrarian legislation/lawmaking; which principle agrarian lawmaking should be based should this be the case; and which changes—from the legislative and practical points of views—are associated with this transformation.

#### 24. Summary of Commissie Spit's Report 1933

Commissie Spit is a commission set to give the colonial government a recommendation regarding possible granting of rights to own land to Eurasians in the colony who, by their legal status as citizens, were prohibited from owning land. This question touches the deep structure of Dutch Alienation Prohibition rule (Vervreemdingsverbod) which prohibited anyone other than the native population to own land.

### III. OTHER BIBLIOGRAPHY WRITTEN DURING POST-COLONIAL INDONESIA RELATED TO THE COLONIAL PERIOD

#### A. BOOK

25. Burns, Peter. 2004. *The Leiden Legacy: concepts of Law in Indonesia*. Leiden: KITLV Press.
26. Peluso, Nancy Lee. 1992. *Rich Forest , Poor People: Resource Control and Resistance in Java*. Berkeley: University of California Press.
27. Hooker, M.B. 1978. *Adat Law in modern Indonesia*. Kuala Lumpur; New York: Oxford Univeresity Press.

#### B. BOOK SECTIONS

28. Sonius, H.W. J. "Introduction." *In Van Vollenhoven on Indonesian Adat Law*. Brill , 1981.

#### C. ARTICLES

29. Sonius, H.W.J. 1933. "Obituary of van Vollenhoven."
30. Termorshuizen, Marjanne. 2010. Rakyat Indonesia dan Tanahnya: Perkembangan doktrin domein dan pengaruhnya dalam hukum agraria Indonesia. In Safitri, Myrna and Tristam Moeliono (eds). *Hukum agrarian dan masyarakat di Indonesia: Studi tentang tanah, kekayaan alam, dan ruang di masa kolonial dan desentralisasi*. Jakarta: HuMa, van Vollenhoven Institute, dan KITLV.
31. Breman, Jan. 1980. *The village on Java and the early-colonial state*. Rotterdam: The Comparative Asian Studies Programme at Erasmus University. Published in 1988 in the Journal of Peasant Studies.

Articles in vernacular newspapers and debates in the People's Council are not included in this cycle of annotation.



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This essay is a brief review of literature that are indispensable in understanding issues of agrarian nature in late-colonial Indonesia. Along with a series of key literature from post-colonial Indonesia, the literature selected here will be annotated and presented to the Indonesian audience facilitate familiarity on key literature that shaped Indonesian agrarian discourse, on the scope and breadth of the discourse, and to provide initial access to materials often cited in secondary literature but largely inaccessible to most Indonesian scholar-activist.