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Discriminatory legal pluralism: The fragile authority of *Sasi* as living law in Maluku

International Journal of
Discrimination and the Law
2026, Vol. 0(0) 1–29

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DOI: 10.1177/13582291261441349

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Abstract

This article examines *Sasi*, a customary governance regime in Central Maluku, Indonesia, that regulates access to terrestrial and marine resources through ritualized closures and openings. While celebrated as cultural heritage and conservation practice, the authority of *Sasi* remains fragile. Drawing on literature review, field mapping of 44 *Negeri* (customary villages) and a qualitative multi-scalar case study design guided by a critical-interpretive approach, the study finds that *Sasi* is constrained by two layers of discrimination. Externally, its recognition is conditional, subject to constitutional clauses, statutory provisions, and spatial planning policies that privilege state permits over local prohibitions. Internally, *Sasi* institutions reproduce inequalities, through male-dominated decision-making structures and auction-based arrangements that benefit elites while excluding women and poorer households. An integrated typology reveals the variability of *Sasi*: strongholds that remain effective, religious–legal hybrids dependent on clerical legitimacy, marketised forms prone to elite capture, and institutional vacuums where governance collapses. These findings show that indigenous governance recognition in Indonesia often affirms *Sasi* symbolically while undermining its substantive authority. The paper conceptualises this paradox as discriminatory legal pluralism, a condition where plural recognition preserves cultural visibility yet reproduces structural subordination, limiting the potential of living law for juridical equality and sustainable commons governance.

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Keywords

Conservation management, customary law, human rights, legal pluralism, Maluku, Sasi

Introduction

Indonesia's legal system is marked by a persistent tension between the recognition of indigenous law and its subordination to state law. This tension is vividly illustrated in the institution of *Sasi*, a customary governance regime in Maluku's traditional village (*Negeri*) that regulates access, timing, and methods of resource use.¹ Across terrestrial domains (*Sasi Darat*) covering nutmeg, clove, coconut, sago, and forest products² and marine domains (*Sasi Laut*) regulating fish, trochus, sea cucumber, and lobster,³ these rules are enforced not only by the authority of *raja* (traditional leaders), *saniri* (customary/*Adat* councils), and *kewang* (resource custodians),⁴ but also by ritual sanction and social control, often supported by churches and mosques.

The significance of *Sasi* is therefore not merely ecological or cultural, but juridical. It is a living law that allocates rights, obligations, and sanctions, defines territorial and temporal boundaries, and structures enforcement and dispute management. As such, it directly challenges the notion that state law is the only valid law. In terms of legal pluralism, *Sasi* illustrates a rejection of the ideology of legal centralism: the belief that "law" consists solely of rules produced and enforced by the state.⁵ It, therefore, represents a classic case of legal pluralism, where multiple normative orders, including *Adat* (customary law), religious institutions, the state, and even market-based contracts, coexist and compete for authority.

Despite its proven effectiveness in regulating commons and sustaining community cohesion,⁶ the legal position of *Sasi Darat* and *Laut* remains structurally fragile. Article 18 B (2) of the Indonesian 1945 Constitution recognizes the rights of customary law communities only 'as long as they are still alive' and 'in accordance with the development of society'.⁷ This conditional phrasing exemplifies normative discrimination: indigenous law is formally acknowledged, yet subordinated to state-defined criteria.

At the institutional level, discrimination is reinforced through statutory and bureaucratic regimes. While sectoral laws such as the Village Law 2014,⁸ the Cultural Advancement Law 2017,⁹ and the Fisheries Law 2009¹⁰ invoke the importance of local wisdom, they rarely provide binding legal authority to *Sasi*. In practice, Maluku's provincial marine spatial plans (RZWP3K), forestry concessions, and fisheries licensing often neglect or override *Sasi* prohibitions, treating areas under customary closure as zones open to external exploitation through state-issued permits. For instance, areas declared closed under *Sasi Lompa* in Haruku or nutmeg *Sasi* in Laimu are simultaneously zoned by provincial authorities as general fisheries or plantation areas, enabling external actors with state permits to operate despite local prohibitions.¹¹

Discrimination also manifests internally. Traditional institutions like the *kewang* are predominantly male, excluding women from decision-making despite their central role in household economies and fisheries post-harvest. Meanwhile, auction-based *Sasi Kontrak* tends to privilege wealthier bidders, marginalising small-scale fishers and poorer

households.¹² Thus, even as *Sasi* resists external domination, it can reproduce inequities within its own structures.

Existing scholarship on Maluku has richly documented the resilience of *Sasi* in both land and marine contexts. Studies by Soselisa, Sangadji, and Gaspersz highlight its ecological contributions and socio-cultural vitality.¹³ Work by the Benda-Beckmanns and Turner & Wiber situates *Sasi* within wider debates on plural legal orders. Nevertheless, relatively few studies explicitly frame *Sasi* through the lens of discrimination. Most accounts celebrate it as a successful conservation tradition or as evidence of pluralism,¹⁴ but rarely interrogate how recognition of *Sasi* is conditioned, fragmented, and stratified within legal hierarchies.

This absence, however, is not only empirical but also conceptual. The limited attention to discrimination in *Sasi* reflects deeper blind spots in the theoretical traditions most often used to interpret it. Classical legal pluralism has been successful in challenging legal centralism.¹⁵ Nevertheless, it often treats pluralism descriptively, as the coexistence of multiple normative orders, without fully examining the power relations that shape recognition between them.¹⁶ This analytic detachment from power has a parallel in commons governance theory, which likewise tends to treat institutions as internally self-regulating rather than embedded in larger hierarchies of law and authority. In Elinor Ostrom's influential *Governing the Commons* framework,¹⁷ attention shifted from "tragedy" to institutional design. The model, however, presumes a level of autonomy and equality among local actors that rarely exists in legally stratified contexts.¹⁸ Both literatures, in different ways, abstract institutions from the political and juridical hierarchies that sustain or constrain them. What remains under-theorised is how plural legal systems themselves can produce structural discrimination and how recognition may function not as empowerment, but as regulation of the margins.

This article fills that gap by advancing the concept of "discriminatory legal pluralism". It argues that the treatment of *Sasi* exemplifies how recognition of indigenous law can itself be a vehicle of structural discrimination, externally, through conditional recognition and regulatory exclusion, and internally, through gender and class inequalities. In doing so, the paper bridges legal pluralism and commons governance to reveal how both the authority and the sustainability of indigenous institutions depend on their juridical positioning within hierarchical systems of law.

In the context of Maluku, *Sasi* is celebrated as heritage and local wisdom,¹⁹ yet constitutional conditionality, statutory frameworks, and spatial planning regimes that privilege state law undermine its juridical force. At the same time, internal dynamics of gender and class reproduce hierarchies within *Sasi* itself, excluding women and marginalizing poorer households.

The discussion above underscores that *Sasi* is not merely a cultural tradition but a legal order whose authority is continually shaped by external recognition and internal contestation. To examine this paradox with greater precision, the analysis requires a conceptual lens that can capture both the layered nature of recognition and the dynamics of commons governance. Two bodies of theory are particularly useful here: legal pluralism, which interrogates the coexistence and hierarchy of normative orders, and commons theory, which debates whether shared resources are doomed to overexploitation or can be sustained through collective institutions. The following section outlines these frameworks and situates them in relation to *Sasi* in Maluku.

Theoretical framework

Understanding *Sasi* as living law requires more than ethnographic description; it demands an analytical framework that makes visible the power relations in which it is embedded. For this reason, the study draws on two bodies of theory: legal pluralism, to analyse the asymmetries of recognition across international, national, and customary law; and commons theory, to interrogate how collective institutions like *Sasi* succeed or fail in sustaining resources and community cohesion.

Legal pluralism and discriminatory recognition

Debates on legal pluralism challenge the assumption that law is synonymous with state authority. John Griffiths' distinction between *strong* and *weak* pluralism remains foundational,²⁰ but it has also been critiqued for its descriptive orientation, treating legal orders as parallel rather than relational fields of power.²¹ In Indonesia, *Adat* (customary law) fits Griffiths' notion of weak pluralism as Article 18B (2) of the Indonesian 1945 Constitution acknowledges customary communities only "as long as they remain in existence" and "in accordance with national law," rendering recognition a form of conditional inclusion.²²

Franz and Keebet von Benda-Beckmann push this critique further, portraying pluralism as a *field of power* in which legal orders are constantly redefined. In Maluku, *Sasi* is formally recognised in statutory clauses on *kearifan lokal* (local wisdom) and cultural heritage, yet this recognition operates symbolically.²³ It echoes Benton²⁴ and later Melissaris²⁵ who insist that pluralism must be analysed through its embedded relations of domination and recognition rather than as mere coexistence.

Recent scholarship extends this critique in two complementary directions. For instance, Turner and Wiber highlight how technocratic and scientific knowledge systems sustain hierarchies of legal authority,²⁶ while Kozak-Isik emphasises how such hierarchies are also lived and negotiated through affective and relational forms of legal consciousness.²⁷ Such perspectives reveal that recognition in plural legal systems often functions as conditional incorporation, affirming indigenous institutions while constraining their autonomy within bureaucratic and epistemic hierarchies.²⁸

Recent critical legal pluralism also emphasises that these hierarchies are not accidental but structurally produced. Ghislain Otis argues that plural legal orders frequently incorporate indigenous and customary law through unequal frameworks of recognition that preserve symbolic inclusion while denying juridical parity. Pluralism therefore organises hierarchy within a stratified regime of legality.²⁹ This perspective describes *Sasi* well, as a legally subordinated order whose authority is continuously negotiated within epistemic and institutional asymmetries.

Building on these debates, this study adopts the term *discriminatory legal pluralism* to capture how recognition operates as both affirmation and exclusion. The term emphasizes that plural legal orders are not merely parallel systems but structured relations of power. In Indonesia, this structure is maintained through constitutional conditionality, bureaucratic procedures, and epistemic hierarchies that privilege written law and scientific rationality over living law and customary knowledge.³⁰ What is recognised is simultaneously constrained, and what is tolerated is already domesticated within the boundaries of state

legality. Recognition therefore operates through conditional inclusion. It affirms indigenous authority symbolically while simultaneously constraining its legal autonomy within state-defined limits.

This hierarchical condition can also be understood through Boaventura de Sousa Santos' analysis of epistemic hierarchy and abyssal thinking. Santos argues that modern legal systems produce an "abyssal line" separating forms of knowledge recognised as law from those rendered invisible or unintelligible. Non-state normative orders may continue to govern social life, yet they survive within a regime that denies their epistemic equality. Recognition does not dissolve this hierarchy; it often domesticates it. Customary norms become legible only when translated into bureaucratic and technocratic categories, while moral-ecological knowledge is treated as secondary to state-defined legality. In the context of *Sasi*, what this article terms as "discriminatory legal pluralism" is therefore closely related to what De Sousa Santos describes as "normative violence": not the outright prohibition of indigenous law, but its containment within epistemic boundaries that regulate how it may appear as law.³¹

These hierarchies of recognition do not operate in abstraction but directly shape how communities manage their shared resources. The authority of *Sasi* as living law depends not only on its formal position within Indonesia's plural legal order but also on how this position enables or limits its capacity to govern collective use and responsibility. Recognition thus extends beyond law in the narrow sense; it organises who may speak for the commons, whose norms prevail, and which practices count as legitimate regulation.

To examine how these juridical hierarchies affect everyday governance, the following section turns to the second theoretical tradition, commons theory, to explore how *Sasi* operates as an institution for managing shared resources and how its sustainability is shaped by its position within plural legal systems.

The commons, tragedy and ostromian design

The governance of shared resources has long been examined through the theoretical lens of the commons. Hardin's influential argument on the "tragedy of the commons" portrayed collective resources as inherently vulnerable to overuse because individual actors, pursuing rational self-interest, inevitably degrade shared environments.³² This vision of inevitable tragedy rested on assumptions of open access and the absence of effective local institutions.

Elinor Ostrom overturned this deterministic logic by demonstrating that communities can, under certain conditions, sustain the commons through locally crafted rules and enforcement arrangements.³³ Her design principles replaced the pessimism of Hardin with a model of institutional possibility.

From this perspective, community institutions such as *Sasi* can be interpreted as rule-based systems for governing access, timing, and sanctions in resource use. The *raja*, *saniri*, and *kewang* constitute forms of nested authority that correspond to Ostrom's emphasis on multi-layered governance. At the same time, ritual prohibitions and sanctioning practices perform the role of boundary enforcement and social monitoring. *Sasi*, in theory, therefore illustrates how commons institutions may function as adaptive, self-regulating systems.

However, Ostrom's framework is not without limits. It tends to abstract institutions from their wider political and legal environments, assuming that communities possess the autonomy to design and enforce rules independently.³⁴ In stratified legal systems, autonomy itself is conditional. The authority of local institutions depends on how they are recognised, or restricted, by state law. The focus on efficiency and self-organisation can thus obscure the structural inequalities that determine which rules are legitimate, whose knowledge counts as authoritative, and which collective arrangements endure.

Recognising this limitation directs attention to the relationship between institutional design and legal hierarchy. The sustainability of communal governance cannot be understood apart from the juridical and political conditions that define the scope of community authority. Situating commons theory within these hierarchies exposes how sustainability itself becomes an artefact of recognition and regulation. This theoretical insight provides the bridge to the next section, which integrates the perspectives of legal pluralism and commons governance into a unified conceptual framework for analysing *Sasi* as a form of collective management embedded in discriminatory legal pluralism.

Toward a conceptual framework: The commons within discriminatory legal pluralism

The preceding discussions show that both legal pluralism and commons theory offer valuable yet partial perspectives for understanding *Sasi*. Legal pluralism explains how multiple normative orders coexist and interact³⁵ but often neglects how power and hierarchy shape those interactions.³⁶ Commons theory, conversely, elucidates how communities design and enforce rules for collective management³⁷ yet abstracts those processes from the legal and political environments that enable or constrain them.³⁸ The result is a conceptual gap: the legality of governance and the governance of legality are rarely analysed together.

In plural legal contexts, commons institutions function within a field of competing authorities that determines the limits of their autonomy. Recognition of indigenous law, even when celebrated as empowerment, is mediated through bureaucratic and epistemic hierarchies.³⁹ Local rules thus emerge not only from collective agreement but also from the conditions of their external validation.⁴⁰ As recent socio-legal work shows, these hierarchies operate through both technocratic rationalities and lived consciousness. Turner and Wiber reveal how scientific knowledge and governance technologies reproduce legal asymmetries,⁴¹ while Kozak-Isik illustrates how such asymmetries are experienced and negotiated in everyday legal consciousness.⁴² Together, they suggest that pluralism and commons governance must be analysed as intersecting regimes of power and recognition.

This intersection reveals what may be termed the *commons within discriminatory legal pluralism*, a condition in which communal resource management operates under unequal regimes of recognition. Here, pluralism is not a neutral description of diversity but a structural relation that organises hierarchy. Recognition functions as *conditional inclusion*, symbolically affirming local authority while subordinating it to the normative parameters of state legality. The commons, therefore, becomes a space of dual dependency: internally governed by local norms and externally regulated through the terms of its legal visibility.⁴³

The framework of *the commons within discriminatory legal pluralism* rests on three interrelated propositions below.

First, the viability of commons institutions is inseparable from their juridical position within plural legal systems. Where recognition is conditional, autonomy becomes negotiated rather than assumed. The authority of community institutions is shaped by how state and market actors define the boundaries of legitimate rule.⁴⁴ In such contexts, collective governance is not self-regulating but continually adjusted through legal and administrative encounters.

Second, discrimination in plural legal orders is both external and internal. Externally, indigenous institutions face the regulatory dominance of state and corporate frameworks; internally, they may reproduce class and gender hierarchies. Feminist and critical analyses of pluralism show how community authority often mirrors wider patriarchal or elite structures⁴⁵ and how access to resources is mediated by power rather than rules alone.⁴⁶ The ideal of “community,” frequently invoked in commons discourse, can thus conceal unequal participation and selective representation.⁴⁷ Understanding sustainability, therefore, requires attention to both the politics of recognition and the politics of inequality.

Third, sustainable governance depends on a condition of *juridical equality*, a substantive balance between state and community authority in defining and enforcing rights over shared resources. This does not imply formal symmetry or isolation from state law, but a relational equilibrium in which community norms are not merely tolerated but carry genuine normative force. Without such parity, even well-designed commons regimes remain vulnerable to appropriation through permits, spatial plans, and contracts that legalise external exploitation.⁴⁸

Together, these propositions shift the focus of legal pluralism from description to critique⁴⁹ and recast commons theory as a study of power and recognition.⁵⁰ The proposed framework therefore conceptualises governance as simultaneously legal, political, and ecological. It treats law not as a fixed set of rules but as a dynamic terrain where legitimacy, knowledge, and authority are contested through resource practices.

In this light, *Sasi* becomes more than a resilient tradition. It becomes an analytical lens for examining how commons governance and legal hierarchy co-produce one another. The sustainability of collective life depends as much on the politics of recognition as on the capacity for cooperation. By situating the commons within discriminatory legal pluralism, this framework exposes how the quest for sustainability is inseparable from struggles over the right to define law, legitimacy, and justice in the governance of shared resources.

Method

This study employs a qualitative, multi-scalar case study design guided by a critical-interpretive approach. The aim is not only to describe *Sasi* institutions but to analyse how power and recognition are distributed within what this paper conceptualises as *the commons within discriminatory legal pluralism*. The research design connects three empirical levels, regional mapping, collective deliberation, and institutional inquiry, to capture both external discrimination (state and bureaucratic hierarchies) and internal discrimination (gender and class inequalities) shaping *Sasi* governance.

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The study took place in Central Maluku Regency, a fragmented landscape of 49 islands encompassing 188 *Negeri* (traditional villages). The *Negeri* are not only administrative units but also indigenous polities where *raja*, *saniri*, and *kewang* remain central to decision-making. This complexity makes Central Maluku an ideal setting to examine how indigenous authority operates under overlapping legal orders.

The research unfolded in three stages, each designed to deepen the evidence base progressively. The first stage includes a survey across the 188 *negeri*, conducted in July 2024, to map and identify the spatial distribution and status of *Sasi*. Forty-four *Negeri* reported active or historically significant *Sasi* regimes. These data support *Proposition 1*.

The second stage, also conducted in July 2024, consists of a focus group discussion (FGD) in *Masohi*, gathering *raja* and *saniri* representatives from the 44 *Negeri*. The dialogue validated survey results and deepened understanding of recognition, contestation, and institutional erosion. Discussion themes included the authority of *raja* vis-à-vis the state, conflicts with permits and concessions, and strategies for maintaining legitimacy, addressing *Proposition 3* on juridical equality.

The third stage focused on institutional inquiry through semi-structured interviews with (a) government officials to trace bureaucratic rationalities governing recognition, and (b) community actors to reveal internal hierarchies and adaptive practices. Interviews were thematically coded around recognition failures, gendered exclusions, and legitimacy negotiations, addressing *Propositions 1–3*. It was conducted from December 2024 to April 2025. All interviews and focus group discussions were conducted primarily in Bahasa Indonesia and local Malay variants used in Central Maluku. Where necessary, clarifications of meaning were verified with participants to ensure interpretive accuracy.

The analysis was designed to move beyond description toward explanation. Survey data anchored the scope of *Sasi* practices. FGD discussions and interviews were thematically coded, not only to catalogue institutions but to interrogate where recognition fails, where it is discriminatory, and how communities adapt. Literature and legal texts were then cross-checked against these field insights, enabling a sharper assessment of asymmetries of recognition at international, national, and customary levels.

Of the 44 *Negeri* represented in the focus group discussions, only two included female representatives. This imbalance is not treated as a sampling anomaly but as an empirical finding that mirrors the gendered organisation of customary authorities. Triangulation with interviews with regency-level officials and documentary analysis of *saniri* membership lists across Central Maluku confirms that *Negeri* leadership and formal customary positions remain overwhelmingly male. As such, the gender-skewed composition of participants reflects the institutional structure of customary governance itself, and has been taken into consideration during the analysis below.

The research followed customary protocols by securing prior approval from *raja* and *saniri*, and all participants gave informed consent. Women were deliberately included in FGDs and interviews, even though leadership structures remain male-dominated. Two limitations are acknowledged: (1) geographic fragmentation forced reliance on telephone interviews, which may lack contextual richness; (2) institutional bias among official respondents, whose perspectives may reflect policy interests. These were mitigated through triangulation across the survey, FGD, and community voices. All interviews were

conducted with informed consent. Participants were anonymised where appropriate to protect confidentiality.

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Results and analysis

This section presents the empirical findings and interpretive analysis to examine how *Sasi* functions as a commons institution embedded within hierarchical legal and social orders, revealing how recognition simultaneously enables and constrains community governance. The discussion is organised into five interrelated subsections. First, it traces the historical roots and typologies of *Sasi*, illustrating its evolution under overlapping legal regimes. Second, it analyses external discrimination arising from state recognition and regulatory hierarchies. Third, it explores internal discrimination linked to gender and class inequalities. Fourth, it examines how multiple regimes of recognition intersect. Finally, the fifth subsection synthesises these patterns through a typological comparison and reflection on juridical equality. Together, these analyses demonstrate how *Sasi* exemplifies the tensions between autonomy, recognition, and sustainability within discriminatory legal pluralism.

Historical roots and typologies of Sasi

The institution of *Sasi* represents one of the most enduring indigenous governance systems in eastern Indonesia.⁵¹ It regulates the timing, methods, and social conditions of harvesting marine and terrestrial resources, rooted in values of restraint and reciprocity that link ecological renewal to moral conduct.⁵² Historically, communities viewed the abundance of nature as dependent on collective discipline; violations of *Sasi* prohibitions were believed to provoke spiritual or communal misfortune.⁵³

Anthropological work situates *Sasi* not merely as a regulatory device but as a moral–ecological framework embedded in relational understandings of land and sea. Studies of Moluccan customary environmental law emphasise restraint, reciprocity, and collective stewardship as guiding principles of resource governance.⁵⁴ In this sense, *Sasi* resonates with contemporary sustainability discourse, although this should not be mistaken for automatic compliance with modern standards of equality or human rights. As the analysis demonstrates, ecological restraint coexists with internal hierarchies and social inequality that complicate normative evaluation.⁵⁵ *Sasi* embodies both collective environmental responsibility and social inequality, requiring assessment that is neither romantic nor dismissive.

A defining feature of this institution is the cyclical process of *tutup Sasi* (closure) and *buka Sasi* (opening). During *tutup Sasi*, access to particular resources is restricted to allow natural regeneration; during *buka Sasi*, harvesting is ceremonially authorised under community supervision.⁵⁶ These public rituals, marked by announcements, prayers, and the placement or removal of boundary signs, symbolise both ecological timing and social agreement.⁵⁷ The cycle of closure and opening thus sustains community cohesion and legitimises local authority through visible collective action.⁵⁸

Colonial and missionary interventions profoundly reshaped *Sasi*. Dutch administrators and church missions selectively recognised it when it supported economic or moral

objectives, translating local authority into forms legible to colonial governance.⁵⁹ Some *Sasi* rules were codified as village by-laws; others were confined to specific commodities such as nutmeg or clove.⁶⁰ This selective endorsement established a pattern of *conditional inclusion* that persisted into the post-colonial era: *Sasi* survived, but only within parameters acceptable to external authority.

After independence, Indonesia's Basic Agrarian Law (1960) and subsequent administrative reforms further redefined customary institutions. The offices of *raja*, *saniri*, and *kewang* were incorporated into state hierarchies, while *Sasi* was reframed by policymakers as an instrument for environmental management or community development.⁶¹ Nowadays, this architecture is fragile. Leadership disputes, vacancies, or state interference in the appointment of *raja* undermine institutional continuity and weaken *Sasi* enforcement. In such contexts, even long-standing *Sasi* regimes collapse, leaving resources vulnerable to open access. Conversely, when *raja*, *saniri*, and *kewang* are recognised and respected, *Sasi* demonstrates high compliance and ecological effectiveness.⁶² These shifts mirror what Benton describe as the translation of living law into bureaucratic categories, an acknowledgement that simultaneously limits the autonomy of indigenous regulation.⁶³

Empirical mapping of 44 *Negeri* in Central Maluku reveals three dominant typologies of *Sasi* across both land and sea. Each typology mobilises distinct sources of legitimacy and produces varied governance outcomes.

- (a) *Sasi Adat* is administered by the *raja*, *saniri*, and *kewang*, whose authority is rooted in ancestral legitimacy and ritual sanction.⁶⁴ It remains closest to the customary ideal but lacks formal legal standing, relying on moral consensus and social control. The strength of *Sasi Adat* lies in its legitimacy: rules are collectively observed, enforced by *kewang*, and reinforced by belief in supernatural sanction.⁶⁵ However, in recent years, *Adat* authority has weakened due to leadership disputes and inactive *kewang*, reducing compliance.⁶⁶
- (b) *Sasi Gereja/Masjid* merges customary and religious authority. Introduced through Christian and later Islamic institutions, it exemplifies a layered legal order.⁶⁷ Religious endorsement strengthens moral legitimacy yet may shift power from traditional custodians to ecclesiastical or mosque leadership.
- (c) *Sasi Kontrak* represents a market-adapted variant in which harvesting rights are auctioned or leased to private actors. This arrangement generates communal income but transforms stewardship into a commercial transaction, privileging wealthier participants.⁶⁸ Such contractualisation illustrates how legal forms organise economic relations and commodify the commons.⁶⁹

These typologies, summarised in Table 1, show that *Sasi* is not a static tradition but a contingent governance practice shaped by institutional strength, religious collaboration, and market pressures. *Sasi Adat* thrives on customary legitimacy yet is vulnerable to leadership disputes. *Sasi Gereja/Masjid* leverages religious authority but depends on clerical continuity.⁷⁰ *Sasi Kontrak* monetises access rights but risks elite capture and ecological decline.

Viewed through the lens of discriminatory legal pluralism, this typology highlights both external constraints, where state zoning, concessions, and permits override local

Table 1. Integrated typology of Sasi with current status and dynamics.

	Sasi Adat (Customary-based)	Sasi Gereja/Masjid (religious-based)	Sasi Kontrak (contract-based)
Practised in	Haruku (lomba fish); Booi & Porto (lola Sasi); Pelauw (coconut, nutmeg, fish, hereditary enforcement); Pasahari & Horale (forest and marine Sasi); Maneo Rendah (ana pohaj); Morella & Allang (nutmeg); Oma, Wasu, Aboru (land, river, forest).	Haria (church–Negeri Sasi); Itawaka (church-led marine Sasi); Seith (church–Adat collaboration); Liang (citrus Sasi, church-based); Ureng (hybrid Adat + mosque); Kailolo (auction revenue partly for mosque); Laimu (mosque + Adat).	Noloth (Babaliang Sasi Laut); Kailolo (marine fish and maleo bird auction); some coconut/nutmeg harvest auctions (various Negeri).
Governance & Enforcement	Raja provides symbolic leadership; Saniri (customary council) deliberates; Kewang enforces rules through patrols. Sanctions include Adat fines, social shaming, ritual/spiritual sanctioning. In some cases, Adat rules distinguish gear types (traditional only).	Managed by church councils or mosque committees, often hybridized with Adat. Sanctions rest on sermons, liturgy, moral suasion, and communal authority.	Exclusive rights auctioned (Babaliang system), generating village or religious income but risking inequity and overexploitation.
Current status and dynamics	Highly variable: Strong in Haruku (collective compliance), Booi & Porto (effective sanctions), Pelauw (hereditary continuity). In Pasahari and Horale, strong Adat enforcement persists. Some, like Oma/Wasu/Aboru, show mixed vitality. Several cases weakened or dormant (Tehua, Tulehu, Titawaai due to leadership vacuum).	Relatively resilient: In Haria, Itawaka, Seith, religious legitimacy strengthens compliance. In Liang and Ureng, hybrid authority sustains practice. Vulnerable to denominational tensions and leadership turnover. Some cases discontinued (Ameth).	Increasingly commercialized: Provides income but often criticized for elite capture or outside investor influence. Noloth’s Babaliang continues despite local protest; Kailolo’s maleo auctions spark conservation concerns; in some places, commercialization undermines equity and ecological sustainability.

prohibitions, and internal fractures, where gender and class exclusions undermine inclusiveness. Thus, the typology functions not only as an ethnographic classification but as an analytic map of how structural discrimination operates across different institutional forms of *Sasi*. This pattern substantiates *Proposition 1* of the conceptual framework: the viability of the commons is inseparable from its standing within hierarchical regimes of recognition, setting the stage for the next analysis of how external law and administration reinforce or erode this position.

External discrimination in Sasi: The state and legal hierarchies

While *Sasi* persists as a vital institution of collective governance, its authority remains structurally constrained by Indonesia's plural legal hierarchy. As shown in [Table 1](#) before, *Sasi Adat*, *Sasi Gereja/Masjid*, and *Sasi Kontrak* exhibit differing degrees of autonomy and dependence. Across these typologies, *Sasi* operates as what Ehrlich⁷¹ first called *living law*, norms that regulate social relations even when excluded from formal legality, and what Griffiths⁷² later recognised as the empirical foundation of legal pluralism. Its vitality lies in moral and ritual sanction rather than codification, yet this vitality is systematically marginalised within a state order dominated by *legal centralism*. The state recognises *Sasi* only when it can be translated into bureaucratic or scientific categories, subordinating local authority to external regimes of legality and expertise.⁷³

The recognition of *Sasi* as living law in Indonesia exposes the logic of conditional inclusion embedded in the state's plural legal framework. Article 18 B (2) of the 1945 Constitution acknowledges customary law only "as long as it is still alive" and "in accordance with national law," turning recognition into a mechanism of regulation rather than empowerment. *Sasi* is thus rendered "not legal enough": affirmed symbolically as cultural heritage but subordinated juridically to state-defined authority. As Benton argues,⁷⁴ such recognition produces *regulated diversity* rather than genuine plurality. In Indonesia, this conditionality turns recognition into a technology of control, a mechanism of *conditional inclusion* that maintains *Adat's* cultural visibility while denying it juridical equality.

This dynamic resonates with what Tewolde identifies in post-Apartheid South Africa as the paradox of conditional inclusion, where Coloured communities, though reclassified as "Black," remain "not Black enough." Their recognition within the legal order sustains structural subordination under the rhetoric of equality.⁷⁵ Likewise, Ferolla Vallandro do Valle shows that structural discrimination operates across contexts, as legal and institutional systems present neutrality while reproducing inequality.⁷⁶ Whether through race, migration, or customary law, these cases reveal a shared architecture of power, where inclusion functions as control and recognition becomes a means of governing the margins rather than equalizing them.⁷⁷

This asymmetry manifests clearly in Central Maluku. In Haruku, where *Sasi Adat* remains strong, local enforcement through the *kewang* continues to command compliance even without statutory support. Yet in neighbouring Titawaai and Tulehu, *Sasi* has weakened or collapsed following the erosion of *raja* authority and the administrative absorption of customary offices. This process reflects a broader pattern in post-decentralisation Indonesia, where bureaucratic incorporation of traditional leaders

reconfigures local legitimacy into state-centred authority.⁷⁸ With the state recognising only the *desa* (village) head as the legitimate representative, the *raja* and *saniri* lost both fiscal resources and legal standing to enforce customary prohibitions. What Table 1 records as a *leadership vacuum* is therefore not merely internal fragility but a product of the state's selective recognition of delegitimised non-bureaucratic authority. Such institutional erosion exemplifies external discrimination: the suppression of local legitimacy through administrative substitution. These contrasting trajectories demonstrate that *Sasi*'s viability is inseparable from its juridical position within the state–customary hierarchy, thus confirming *Proposition 1* of the conceptual framework.

Statutory and bureaucratic regimes further entrench this subordination. Sectoral laws such as the Village Law (2014), Cultural Advancement Law (2017), and Fisheries Law (2009) routinely invoke “local wisdom” (*kearifan lokal*) but offer no binding legal mechanism for enforcing *Sasi* prohibitions. Provincial marine spatial plans (*RZWP3K*) and district licensing often designate *Sasi* closure zones as general-use areas. In Kailolo, for instance, a marine zone long governed under *Sasi Laut* was rezoned as an open-access fishery, legally permitting commercial operations that violated local prohibitions. Similarly, plantation concessions in Laimu and Pelauw overlap with areas of traditional closure, effectively nullifying *Sasi*'s ecological logic. These conflicts reveal an epistemic divide: the state conceptualises land and sea as divisible commodities, while *Sasi* frames them as moral-ecological commons.⁷⁹

The same hierarchy operates through conservation and development programs. Government and NGO initiatives frequently appropriate *Sasi* as a participatory model but transform it into project-based management. When ritual closures are synchronised with seasonal bans under fisheries regulations, community authority shifts from collective consensus to bureaucratic compliance. This domestication of the commons mirrors what von Benda-Beckmann and Turner⁸⁰ term “state capture of local legality,” where recognition entails redefinition. In Boo⁸¹ and Porto,⁸² for example, *Sasi Adat* has been incorporated into tourism and conservation agendas that emphasise monitoring and data collection rather than ritual sanction. Such interventions reproduce dependency, as customary institutions become implementers of state or donor programs rather than autonomous regulators.

These patterns resonate with debates on commons governance. Hardin predicted that unregulated commons would succumb to over-exploitation,⁸³ whereas Ostrom demonstrated that communities could craft sustainable self-governing institutions.⁸⁴ Yet both frameworks assume relative equality among legal orders. In Central Maluku, *Sasi* institutions operate within a discriminatory hierarchy where state recognition can override communal rules at any moment. The contrast between resilient cases like Haruku and eroded ones like Titawaai and Tulehu cannot be explained solely by local compliance or rule design; it depends on whether the state acknowledges the authority of customary law. This empirical pattern reinforces the theoretical proposition that the viability of commons governance is inseparable from its juridical position.⁸⁵

Market-mediated forms of *Sasi* also reveal how recognition and exclusion intertwine. In Noloth and Kailolo, *Sasi Kontrak*, through auctioning resource rights to the highest bidder, produces revenue but shifts authority from collective decision-making to individual economic actors. As shown in Table 1, these arrangements often exacerbate

inequality and ecological strain. What appears as economic innovation is also a response to legal marginality: without formal jurisdiction, communities monetise temporary control over resources they cannot legally defend. This dynamic exemplifies Blomley's insight that property regimes are technologies of power: when law defines value through ownership, recognition without equality turns autonomy into compliance and the commons into rent.⁸⁶

We also found that *Sasi* lacks effective channels to defend its normative claims. There is no procedural mechanism for *raja* or *saniri* to contest government permits that contradict *Sasi* closures. Administrative courts apply only statutory law, rendering customary claims inadmissible. Even when the state recognises *Sasi*, for instance, through cultural-heritage registration or eco-label certification, such recognition is symbolic rather than juridical. *Adat* leaders remain without enforceable authority. They exist on the *abyssal* side of the legal order: visible as culture but invisible as law.

Sasi's position within Indonesia's plural legal order epitomises *external discrimination*. Its recognition is conditional, its authority derivative, and its law subordinated to state-defined rationalities. The contrasting trajectories of Haruku, Tulehu, Titawaai, and Kailolo demonstrate that sustainability and resilience depend less on internal cultural strength than on the degree of juridical equality. This evidence confirms *Proposition 3* of the conceptual framework: recognition without juridical equality reproduces structural dependency and transforms pluralism into hierarchy.⁸⁷ Within the current hierarchy of recognition, *Sasi* functions as *living law* without legal parity, enduring through social legitimacy where formal law fails. Its survival thus reveals both the adaptability of indigenous institutions and the structural limits of pluralism under the state's monopoly of legality.

The patterns of external discrimination analysed above reveal how state law and bureaucratic rationalities shape the conditions under which *Sasi* can exist as a commons institution. Yet discrimination is not produced only from above. Within *Sasi* itself, authority, participation, and benefit distribution are also structured by internal hierarchies of gender, class, and social status. To understand how these internal dynamics interact with external pressures, the following section examines the social organisation of *Sasi*, particularly the concentration of authority in male-dominated institutions such as the *kewang*, the exclusion of women and poorer households from decision-making, and the differentiated access created by market-based *Sasi Kontrak* arrangements.

Internal discrimination within *Sasi*

While external discrimination reflects the subordination of *Adat* law to state frameworks, internal discrimination emerges within the very structures of *Sasi* itself. This dimension is equally critical, for it demonstrates that indigenous institutions, though resilient, are not immune to reproducing patterns of exclusion and inequality.

Despite women's central role in post-harvest nutmeg, coconut, and small-scale fisheries, *Sasi* governance bodies remain almost entirely male. In Haruku, for example, the *lompa* harvest depends heavily on women's labour, yet decisions about closure and opening are taken solely by the *raja*, *saniri*, and *kewang*, positions monopolised by men.⁸⁸ This gendered exclusion exposes a tension at the heart of *Sasi*: while celebrated as participatory, its practice sidelines half the community. The absence of women's voices

not only reflects patriarchal norms but also weakens the legitimacy of *Sasi* in meeting broader standards of equity.⁸⁹

Such exclusion directly contradicts international standards. Article 22 of the UN Declaration on the Rights of indigenous Peoples (UNDRIP) obliges states to guarantee indigenous women and children full protection and freedom from discrimination.⁹⁰ Yet, *Sasi*'s governance structures remain deeply patriarchal: decision-making authority is concentrated in male-dominated bodies such as the *raja*, *saniri*, and *kewang*, while women's roles are largely confined to ritual support or compliance. This structural imbalance illustrates a gap between the international commitment to gender equality in indigenous governance and the persistence of customary norms that marginalize women's participation. It also complicates the notion of *Sasi* as a model of local empowerment. If recognition by the state is conditional, participation within the community is likewise selective.

This tension reflects a central question in discourse on indigenous rights: how collective self-determination can be exercised without reproducing internal discrimination. UN human rights practice does not treat these principles as competing claims. Rather, recognition of indigenous jurisdiction is understood as compatible with internal accountability, particularly with respect to gender equality. Reports of the UN Special Rapporteur on the Rights of indigenous Peoples stress that indigenous autonomy should not operate as a shield for exclusion, but as a framework within which inclusive governance can be realised.⁹¹ Indigenous feminist scholarship goes further in challenging the assumed divide between collective and individual rights. Kuokkanen demonstrates that this tension is largely artificial: collective autonomy and individual equality are mutually constitutive dimensions of self-determination, not opposing values.⁹² Similarly, UNDRIP's gender provisions emphasise that women's participation is not an external limitation on indigenous self-rule, but a condition of its legitimacy.⁹³ From this perspective, addressing gender exclusion within *Sasi* should not weaken customary authority, but strengthen its claim to operate as a living legal order capable of reflexive and inclusive self-governance.

Gender- and class-based inequalities within *Sasi* governance should not be read as anomalies internal to customary institutions, but as institutional expressions of broader social hierarchies in Central Maluku. Male-dominated decision-making structures and elite-oriented arrangements reflect wider patterns of patriarchal authority and socio-economic stratification that shape access to power beyond customary law. Indeed, such class exclusion is particularly visible in *Sasi Kontrak*.⁹⁴ In Noloth and Kailolo, harvesting rights over trochus, sea cucumber, lobster, and nutmeg are auctioned to the highest bidder.⁹⁵ While this generates revenue for the *Negeri*, its distributive logic privileges those with capital and excludes small-scale fishers and poorer households. The result is not simply commodification, but capture by elites that weakens both social equity and ecological sustainability.⁹⁶

Sasi therefore operates as a governance arena where inequality is reproduced, negotiated, and occasionally contested. Situating internal discrimination within this wider socio-legal context strengthens the argument that discriminatory outcomes arise from the interaction between customary governance and broader legal, political, and economic hierarchies, rather than from custom in isolation.

These gendered and economic exclusions illustrate the layered nature of discrimination within plural legal orders. Externally, its legal authority is subordinated to the state; internally, its social organisation reproduces inequality through patriarchal and economic hierarchies. The result is a compounded vulnerability: *Adat* law is subordinated from above, while reproducing inequities from within.

Taken together, the external and internal dimensions of discrimination demonstrate how *Sasi* operates within a double bind of marginalisation. It also resonates with what Turner and Wiber describe as *asymmetrical co-production*: governance arrangements that appear participatory but operate within unequal distributions of authority and knowledge.⁹⁷ Within *Sasi*, both the external recognition by the state and the internal exercise of customary authority are shaped by who controls access to decision-making. The result is a complex layering of discrimination that binds gender, class, and legality together.

The empirical evidence therefore confirms *Proposition 2* of the conceptual framework: that commons governance, even when autonomous from the state, can reproduce internal discrimination through existing social hierarchies. In the case of *Sasi*, exclusion is not an aberration but a structural feature of its institutional reproduction. This finding cautions against romanticised depictions of indigenous systems as inherently egalitarian. Like formal law, customary law reflects power relations that determine whose knowledge counts, whose labour is visible, and whose interests prevail.

Recognising these internal inequalities does not diminish *Sasi*'s cultural or ecological importance. Rather, it opens space for reflexive transformation. Addressing gender and class inequities within *Sasi* is essential not only for social justice but also for the legitimacy and resilience of the commons itself. Emancipatory legality requires confronting hierarchies both within and beyond the law. A *Sasi* that aspires to endure as living law must therefore evolve toward inclusiveness, ensuring that those who sustain it materially also shape it normatively.

Intersecting legal frameworks and the recognition of Sasi

The governance of *Sasi* cannot be understood solely through local institutions or state law. Its legitimacy is shaped by overlapping frameworks of recognition that operate across international, national, and local scales. Together, these regimes form a layered field in which *Sasi* gains visibility yet remains legally precarious.

At the international level, several conventions and declarations articulate rights directly relevant to *Sasi*. The 2007 UN Declaration on the Rights of indigenous Peoples (UNDRIP), although non-binding,⁹⁸ affirms the right to self-determination (Art. 3), the preservation of indigenous juridical systems (Art. 34), and protection from gender discrimination (Art. 22). These provisions provide a normative framework for recognising *Sasi* as a form of commons governance. In addition, several binding treaties ratified by Indonesia reinforce related obligations.⁹⁹ The International Covenant on Civil and Political Rights (ICCPR) protects minority cultural practices;¹⁰⁰ the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires the elimination of gender-based discrimination;¹⁰¹ and the Convention on Biological Diversity calls for respect for traditional ecological knowledge.¹⁰²

33 The International Covenant on Economic, Social and Cultural Rights (ICESCR) is primarily framed in terms of individual entitlements. However, its authoritative interpretation recognises that the enjoyment of rights to food,¹⁰³ health,¹⁰⁴ and an adequate standard of living may depend on collective access to land and resources in indigenous contexts.¹⁰⁵ The ICESCR Committee has emphasised that these rights cannot be realised where communities are dispossessed of the material conditions necessary for subsistence. The Covenant does not establish explicit collective property rights, but it acknowledges that individual rights are often exercised through collective socio-ecological relations.

60 63 At the national level, however, the vacuum is glaring. As indicated earlier, the Indonesian 1945 Constitution acknowledges customary communities “as long as they are still alive,” while sectoral laws such as the *Village Law* (2014), Environmental Protection and Management Law (2009), and Cultural Advancement Law (2017) refer to *kearifan lokal* (local wisdom) but stop short of granting juridical parity to customary law. The long-pending *Customary Law Communities Bill (RUU Masyarakat Adat)* aims to correct this imbalance but remains unratified. Civil society networks such as *Aliansi Masyarakat Adat Nusantara (AMAN)* have been central in promoting legal recognition and in linking local struggles, including those surrounding *Sasi*, to national and international advocacy on indigenous rights. Yet despite their growing influence, such efforts remain constrained by a legal system that subordinates living law to statutory interpretation.¹⁰⁶ The absence of such a law keeps *Sasi* and other indigenous systems legally precarious.

49 65 At the regional and local levels, regulations also reveal the same contradictions. Maluku Provincial Regulation No. 16/2019 on the Structuring of *Adat Villages* affirms the position of adat communities as legal entities with authority over land, dispute settlement, and customary order.¹⁰⁷ This provides a legal basis for strengthening institutions such as the *raja*, *saniri* and *kewang* that sustain *Sasi*. However, the Central Maluku Regency Regulation No. 10/2022 reduces adat governance to “administrative villages,” embedding adat authority within a bureaucratic framework of local government. By labelling customary communities as “administrative units,” the regulation risks subordinating living law to state administration.¹⁰⁸

Seen as a whole, these international, national, and local frameworks expose a deeper paradox in Indonesia’s legal order. For generations, Moluccan communities have governed land and sea through *Sasi* in ways that resonate with contemporary principles of environmental stewardship and collective responsibility. However, this resonance should not be mistaken for automatic compliance with modern standards of equality or human rights. As the analysis shows, the state celebrates *Sasi* as heritage while undermining its juridical standing. This contradiction captures the reality of discriminatory legal pluralism: indigenous law persists, but only within boundaries drawn by a state that withholds equality.

57 Viewed across these international, national, and local regimes, three critical insights stand out. *First*, recognition across scales remains conditional and fragmented. Normative commitments at the international level do not translate into enforceable rights at the national level. *Second*, even where international and national frameworks appear aligned, implementation gaps persist, leaving communities like those practising *Sasi* dependent on project-based or symbolic recognition. *Third*, local innovations demonstrate the viability of plural governance but remain vulnerable without institutional protection and juridical equality. These dynamics

confirm Proposition 3 of the conceptual framework: recognition without equality reproduces dependency. *Sasi* thus occupies a paradoxical position: internationally endorsed, nationally acknowledged, and locally vibrant, yet never legally secure.

This multi-scalar tension also provides the foundation for the broader analytical synthesis that follows. The following section draws these insights together to explain how *Sasi*, situated at the intersection of law, culture, and governance, embodies both the potential and the limits of plural legal recognition. By tracing these interdependencies, the discussion highlights how juridical equality, rather than symbolic inclusion, remains the decisive condition for achieving sustainable and just commons governance.

Analytical synthesis: The commons within discriminatory legal pluralism

The preceding analyses have demonstrated how *Sasi* functions as a dynamic yet constrained system of commons governance. Across its different typologies, *Sasi* continues to regulate access to resources and sustain social cohesion, even as its authority is shaped by hierarchical relations within and beyond the community. This section brings together the insights from the previous subsections to articulate the theoretical implications of these findings and to clarify how *Sasi* exemplifies the commons within discriminatory legal pluralism.

Proposition 1. The viability of commons institutions depends on their juridical position is confirmed by contrasting trajectories of *Sasi* practices across Maluku. In Haruku and Booi, where *Sasi* Adat retains moral and ritual authority, resource closures remain socially enforceable despite limited state recognition. In Tulehu¹⁰⁹ and Titawaai,¹¹⁰ however, the administrative absorption of raja authority and the dominance of statutory procedures weakened customary enforcement, leading to institutional decline. These differences show that effective commons governance relies not only on internal design principles but also on the external legal environment that defines its legitimacy. The juridical position of *Sasi* thus determines its capacity to function as a collective institution rather than merely a cultural practice.

Proposition 2. Commons governance can reproduce internal discrimination is illustrated by the gendered and class-based hierarchies embedded within *Sasi* institutions. Decision-making bodies such as the raja, saniri, and kewang remain male-dominated, while women's contributions to harvesting and post-processing activities are rarely accompanied by authority or recognition. Likewise, auction-based arrangements such as *Sasi* Kontrak generate revenue but exclude poorer households from access to resources. These patterns reveal that *Sasi*, while locally grounded, reproduces inequalities that mirror broader societal structures. Internal discrimination, therefore, limits both the inclusiveness and sustainability of the commons.

Proposition 3. Sustainable and just commons governance requires juridical equality is supported by the interplay of recognition regimes discussed in Section 4.4.

International conventions endorse indigenous self-governance and equality in resource management, yet these principles are weakly institutionalised at the national level. Local practices such as Sasi are often acknowledged as heritage or best practice but remain subordinated to administrative authority. The result is a hierarchy of recognition in which Sasi is valued culturally and economically but not juridically. Without equality between living law and state law, recognition becomes a mechanism of control rather than empowerment.

Taken together, these propositions reveal the broader logic of discriminatory legal pluralism. Sasi persists not because it is legally protected, but because it is socially legitimate. Its survival depends on adaptive negotiation within a system that tolerates difference without granting equality. In this sense, Sasi embodies a form of stratified commons governance, a plural order in which local norms, market logics, and state legality coexist but operate on unequal terms. Legal pluralism, in this context, does not neutralise power but reorganises it, converting diversity into hierarchy.

This synthesis demonstrates that plural legal orders do not automatically support inclusion or sustainability. Their emancipatory potential depends on the presence of juridical equality and the capacity of communities to participate meaningfully in legal and policy decisions. Sasi thus offers a lens through which to understand how living law survives under conditions of structural subordination. It endures as a moral and ecological institution even when deprived of formal recognition, revealing the resilience and the limits of commons governance within discriminatory legal pluralism.

Conclusion

This study has examined Sasi in Maluku, Indonesia, as an evolving institution of commons governance situated within a stratified legal order. By analysing its typologies, internal hierarchies, and multi-scalar regimes of recognition, the paper demonstrates that Sasi survives through social legitimacy rather than juridical equality. Its persistence reveals both the resilience of living law and the structural limits of pluralism under a state-centred legal regime.

The findings confirm that the sustainability of the commons depends not only on institutional design but on its juridical position within plural law. Recognition that is conditional, symbolic, or programmatic stabilises diversity while reproducing hierarchy. Sasi thus illustrates discriminatory legal pluralism, a system that tolerates difference yet organises inequality across legal, economic, and moral domains.

Beyond Indonesia, these insights invite a re-examination of how law mediates the relationship between community autonomy and state authority. They suggest that sustainable governance of the commons requires more than participatory rhetoric. It demands equality between normative orders and the procedural means to claim it. For scholars of legal pluralism, Sasi shows that the crucial question is not whether pluralism exists, but how it is structured and whose power it serves.

By reframing Sasi within this analytical lens, the paper contributes to comparative debates on indigenous rights, environmental governance, and post-colonial legality. It

argues that juridical equality, rather than mere recognition, is the essential condition for transforming pluralism from coexistence into justice.

Acknowledgements

The author gratefully acknowledges the *Saniri Negeri* councils and *Raja* from 188 *Negeri* across Central Maluku Regency who participated in the survey and completed the questionnaires forming the foundation of this research. Deep appreciation is extended to the 44 *Saniri Negeri* representatives who took part in the Focus Group Discussion and provided essential insights during in-depth interviews, as well as to the *tua adat* (customary elders) who offered valuable guidance on the interpretation of *Sasi* practices and customary norms. Sincere thanks are also extended to the Government of Central Maluku Regency for institutional support and facilitation, particularly the Head of the Governance Division, who coordinated the dissemination of the survey, the Assistant Secretary for Governance and People's Welfare, the Head of the Office for Indigenous Village Empowerment, and the Head of the Legal Division, all of whom contributed important perspectives and data for this study. The author further expresses deep gratitude to Professor Tony Pariela, a leading sociologist of Maluku society, Professor Aholiab Watloly, an eminent scholar of Maluku cultural philosophy, and Dr Abidin Wakano, an Islamic scholar and academic expert on Maluku, whose interpretive insights profoundly shaped the theoretical and cultural dimensions of this research. Special appreciation is also due to Ms Angeline Jong for her dedicated assistance in conducting interviews with church councils and congregations of the Protestant Church of Maluku (GPM) in Teon Nila Serua, Hatuhenu, Haruku, and Sameth. Their collective engagement, across community, governmental, and academic levels, made this research possible and greatly enriched its understanding of *Sasi* as a living and evolving legal practice in Maluku.

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Informed consent

Informed consent was secured from all individual participants. Data were anonymized and used exclusively for scholarly purposes.

Ethical approval

The research complied with customary and academic ethical standards. Prior permission was obtained from *Raja* and *Saniri Negeri* in each participating community.

Author contributions

Dewi led the overall research design and manuscript preparation. Dewi and Pandiangan conducted fieldwork. Dewi, Samsura, Pandiangan, Kwik, and Simarmata contributed equally to data analysis, interpretation, and writing. All authors approved the final manuscript.

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Funding

The authors disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This research was primarily conducted independently. Partial support from the Indonesian National Research and Innovation Agency (BRIN), through the RIIM Ekspedisi grant scheme (Decree No. 91/II.7/HK/2025), was received at the final stage of the research, including support for final verification and reporting.

Declaration of conflicting interests

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Data Availability Statement

The qualitative data supporting this study, including field notes, interview transcripts, and survey results, were collected with prior consent from *Raja*, *Saniri Negeri*, and local government officials. Due to the confidential nature of the information and community-based access agreements, these data are not publicly available. Summarized or anonymized excerpts may be made available from the author upon reasonable request and with permission from the relevant *Negeri* authorities.

Notes

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how government officials we interviewed viewed the situation. They acknowledged the cultural importance of Sasi but consistently framed it as “local wisdom” rather than binding jurisdiction. Interviewees described adat authority as acceptable only when aligned with statutory permits and planning frameworks.

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