Issues and Strategies for Ensuring Justice for Indigenous Peoples as a Vulnerable Group in Indonesia

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The Asian Conference on Cultural Studies 2024
Official Conference Proceedings

Abstract
This research aimed to provide an overview of various legal issues and injustices faced by indigenous peoples as a vulnerable group in Indonesia. Various problems such as conflicts over customary rights, and land or forest claims between companies and indigenous peoples have marginalized the position of indigenous peoples. This study attempted to propose concepts and strategies that can promote justice for indigenous peoples in Indonesia. It employed a normative juridical research method focusing on literature review with case studies and legal comparison approaches, along with data analysis using deductive methods to draw conclusions that depict various forms of justice-related issues faced by customary law communities in Indonesia, as well as strategies and solutions proposed in this study. The study concluded that indigenous peoples in Indonesia still face various legal, human rights, and other injustices. Hence, consistent efforts and solution-oriented strategies are needed to protect the rights of indigenous peoples. This paper concluded, firstly, the importance of promoting the legal recognition of indigenous peoples' rights, including the enactment of the draft Law on the recognition of indigenous peoples and their rights. Secondly, there is a need for the Indonesian government to actively involve representatives of indigenous peoples' institutions in investment policies aligned with the principles of Free, Prior, and Informed Consent (FPIC), drawing comparisons from several countries. Lastly, the necessity of empowering indigenous peoples through a paralegal concept aimed at building capacity and knowledge among indigenous peoples in Indonesia.

Keywords: Strategy, Justice, Human Rights, Indigenous Peoples, Vulnerable Groups

1. Introduction

Indonesia, with its cultural and ethnic diversity, harbors a wealth of indigenous peoples scattered across various regions. Indigenous peoples or in the Indonesian language is known as ‘masyarakat adat’ (Nyoman Widastra, Ngurah Anom Kumbara, Bagus Wirawan, & Gede Mudana, 2020), play a significant role in preserving the diversity and cultural heritage of the nation (Salim, 2016). However, behind this beauty and uniqueness lies a dark layer overshadowed by injustices against the rights of indigenous peoples. In Indonesia, data shows that indigenous peoples are among vulnerable groups at high risk of human rights violations (Kaendo, Gabriella, Angellina, & Maryam, 2022).

Indigenous peoples are considered vulnerable and at higher risk than other groups for human rights violations, mainly due to their frequent interaction and victimization in the exploitation of natural resources, as seen in Indonesia. Additionally, disparities in opinions and legal understandings regarding Indigenous Peoples contribute to this vulnerability (Yuliantoro, 2015). Various data and facts indicate that the promised implementation of legal norms often fails to reflect justice, hindered by numerous factors.

Quoted from the Amnesty International website, the current situation regarding the fulfillment of indigenous peoples' rights in Indonesia faces serious challenges, as nearly 48 million people inhabit forest areas in Indonesia, among whom approximately 800 thousand indigenous peoples live in impoverished conditions. Poverty is caused not only by overlapping claims and inequalities in resource ownership but also by poorly formulated regulations regarding the recognition of indigenous territories. In the context of development, often carried out without involving indigenous peoples, this leads to the usurpation of indigenous territories, resulting in the loss of homes, farmland, and livelihoods (Amnesty International, 2020).

The issue of justice for indigenous peoples in Indonesia is complex and profound, reflecting significant challenges faced by this vulnerable group. Limited access to justice for various vulnerable groups paints a picture akin to the tip of the iceberg phenomenon, where the existing facts do not match the numerous cases that remain unrecorded or even uncovered. This also leads to many victims whose root problems remain undetected (Huang, n.d.).

Indigenous peoples in Indonesia, as part of vulnerable groups, face a number of issues such as violations and discrimination. Available data depicts that indigenous peoples, especially in resource-rich areas, often encounter conflicts over land and natural resource rights. Development projects and the exploitation of natural resources carried out without consideration for indigenous peoples and their rights have the potential to encroach upon their ancestral lands (Muazzin, 2014), threatening cultural identities and resulting in drastic changes in traditional lifestyles that have been preserved for centuries (Ariyadi, Hasan, & Muzainah, 2022).

Another exacerbating problem is the lack of representation of indigenous peoples during policy formulation and decision-making processes regarding development in Indonesia. Although efforts have been made to involve indigenous peoples in decision-making, in reality, their rights are often ignored or even confronted with structural barriers that are difficult to overcome. Inequality in political participation poses a significant obstacle for indigenous peoples in defending their rights (Karawaheno, 2022).

Furthermore, the issue of protecting Human Rights for indigenous peoples, such as violations of the right to education as a fundamental right, land rights, and cultural rights, often occurs without accountability. Physical violence, threats, and intimidation against members of indigenous peoples fighting for their rights are escalating, creating instability and insecurity in the environment for this group (J. Sembiring, 2018). The concept of the rule of law embraced by Indonesia should serve as a strong foundation for protecting Human Rights (HR) and ensuring the guarantee of HR protection as a fundamental core element (Katong, Junaedy, & Sendow, 2023). However, despite the clear mandate of HR protection in the constitution and legislation, the reality on the ground often does not align.

In this context, it is important to seek holistic solutions that address the root causes of problems and provide effective protection concepts for indigenous peoples through comprehensive studies. By delving deeper, it is hoped that a more complete understanding of the issues of justice for indigenous peoples and their rights can be obtained. It is also hoped that effective solutions and strategies can be formulated to create a fair, inclusive, and sustainable environment for all Indonesian citizens, without exception for indigenous peoples as an inseparable part of Indonesia's cultural and social diversity.

2. Method

This study employed the juridical-normative methodology, which includes examination and analysis of legal frameworks related to the existing issues (Tan, 2021). The research was conducted to solve legal problems through the identification of legal issues, legal reasoning, problem analysis, and problem resolution (Efendi & Ibrahim, 2021). The data for this research were collected through a systematic approach to national and international legal sources. This approach was chosen as a process of tracing and understanding rules, laws, and doctrines to respond to the encountered issues (Benuf & Azhar, 2020). Normative legal research, also known as library research, utilizes techniques of legal and case approach (Ali, 2021). Primary sources include laws, regulations, and court decisions, while secondary sources encompass working papers, literature, regulatory reviews, and comprehensive analysis of the latest statistical data regarding real-world situations. Data collected from the research were systematically collected and classified based on their subject matter, then analyzed qualitatively, referring to the quality of truth (Hayati & Ali, 2021).

3. Results and Discussion

3.1 Legal Issues of Indigenous Peoples as a Vulnerable Group in Indonesia

The concept of indigenous peoples, according to Murtadha Muthahari, refers to a group of people connected by shared traditions, systems, conventions, and laws, resulting in collective living (Muhhamad, 2018). The entity of indigenous peoples as a vulnerable group also places them in a weak legal position. Human Rights Reference, as cited by Iskandar Husein, included vulnerable groups such as the destitute, refugees, minorities, migrant workers, indigenous peoples, women, and children (Huang, n.d.).

Various policies and regulations in Indonesia, such as laws and various implementing regulations at the regional level, inadvertently legitimize environmental destruction (Elza Syarif, 2014). For example, these policies legitimize various mining permits and plantations such as palm oil, and in practice, result in the confiscation of public land (Setiyo Permadi, Rahman, & Zulkarnain, 2023).

The marginalized position of indigenous peoples weakens their bargaining power, as seen when they face forced eviction. There are many examples of forced evictions of indigenous peoples leading to conflicts between communities, the government, and businesses or investors, such as in Central Kalimantan Province, Indonesia (Konsorsium Pembaruan Agraria, 2020). One such case is the forced eviction and criminalization of the Penyang Village and Tanah Putih Village communities in Central Kalimantan in March 2020, where a community member named James Watt was arrested by the police and declared a suspect. This arrest was considered a form of criminalization and was seen as a scenario created by PT. Hamparan Masawit Bangun Persada to suppress community resistance.

Another agrarian conflict in August 2020 made headlines in various national print and electronic media in Indonesia, concerning a conflict between the indigenous Dayak Laman Kinipan community in Seruyan Regency, Central Kalimantan Province (I. Nugraha & Sapariah Saturi, n.d.). Additionally, issues regarding transmigration resettlement have also altered the social structure and land ownership model in several areas in Central Kalimantan, creating conflicts between land certificates and customary land, and contributing to land disputes in this region (Levang, 2003).

During the COVID-19 pandemic, indigenous peoples were greatly affected due to the lack of healthcare facilities, including the absence of Community Health Center. Consequently, indigenous peoples were heavily impacted and became victims of the pandemic due to the difficulty in accessing healthcare services (COVID-19). Another issue of injustice in the political realm related to the 2020 Elections in Indonesia was highlighted by the National Commission on Human Rights of Indonesia, particularly concerning vulnerable groups. Some of the notes made by the commission include insufficient election socialization and the challenges faced by indigenous peoples located in remote areas to exercise their voting rights (Ramadhan & Krisiandi, 2019). Furthermore, indigenous peoples faced difficulties participating in the elections due to issues with accessing electronic Identification Cards, particularly since a significant portion of them are illiterate (Ramadhan & Krisiandi, 2019).

The ongoing relocation of the National Capital City (IKN) of Indonesia has also resulted in conflicts and issues, such as the limited involvement of indigenous peoples and their exclusion from being considered affected parties in the Law related to IKN. According to records from the Agrarian Reform Consortium (KPA), in the past five years, there have been 30 agrarian conflicts due to land overlapping, affecting an area of 64,707 hectares (Hidayat, 2023).

Agrarian conflict data in Indonesia in 2023 showed the loss of approximately 638,188 hectares of agricultural land, fishing areas, customary territories, and affected settlements of around 135,608 households. This conflict data is even higher compared to six other Asian countries including Cambodia, India, Bangladesh, Nepal, and the Philippines (Alexander, 2024). The majority of conflicts in Indonesia occurred in North Sumatra Province, with 33 conflicts covering an area of approximately 34,090 hectares. Furthermore, South Sulawesi had 19 conflicts covering an area of 75,785 hectares. Riau Province ranked third in terms of the number of conflicts, with 16 conflict incidents covering an area of around 60,955 hectares. Other provinces affected include Jambi, East Kalimantan, Bengkulu, West Java, East Java, and East Nusa Tenggara (Wicaksono, 2024).

According to research by I Nyoman Prabu Buana, the lack of protection and recognition of indigenous peoples and their rights, such as natural resources and land rights, is due to the

lack of political will to address the issues faced by indigenous peoples. In general, most indigenous peoples reside in areas where the last remaining natural resources are yet to be exploited (I. Nyoman Prabu Buana, 2022, p. 395). This aligns with the findings of the National Inquiry Team, which revealed numerous human rights violations occurring in forest areas against indigenous peoples, including violations of social, economic, cultural rights, civil rights, and various cases classified as serious human rights violations (Saturi, 2014).

The various aforementioned factors indicate that indigenous peoples are vulnerable parties in issues such as conflicts related to agrarian matters (Ilyasa, 2020). This is also the reason why the presence of indigenous peoples in Indonesia is increasingly marginalized and lacks legal protection and justice. Therefore, efforts and proactive strategies need to be initiated to provide legal protection and achieve justice for indigenous peoples in Indonesia. Several strategies are outlined as follows:

3.2 Strategies for Protecting Indigenous Peoples as a Vulnerable Group in Indonesia

The various forms of discrimination against indigenous peoples in Indonesia are not in line with the meanings of various theories of justice. It does not align with the concept of justice by John Rawls, which has a significant influence on the value of justice. John Rawls argues that the struggle for justice is aimed at those who experience poverty and adversity and this struggle is directed at all citizens (Rawls, 2006). In this regard, indigenous peoples are certainly included because they are also part of the people in Indonesia. It should be recognized that the values of equality, justice, rights, and morality for seekers of justice are worthy of attention and development (Arliman. S, 2019). Rawls's theory of justice desires that social institutions uphold justice for the entire society, but in reality, there is still injustice, especially for weak and vulnerable groups like indigenous peoples.

Limbong states that a characteristic of a just society is that there is at least no dispute that cannot be resolved by political and social functions originating from the classes where they are born. According to this view, one of the government's functions is that it can succeed in maintaining the essence of social law as a guide to broader order; the government is said to be successful if it can achieve prosperity and peace within its jurisdiction (Limbong, 2019).

This perspective asserts that justice is a unity. Thus, justice does not become a consideration of conflicting interests in a case, such as the concept of the European Lady Justice, which symbolizes justice in a technical and formal sense and is grounded and evolved on highly developed concepts of individual interests (Purnamawati, 2021). Modern Legal Mechanism is intended as a social technique to fulfill specified procedures and is subject to these schemes (Sunaryo & Purnamawati, 2019).

As the concept of spreading modern law reaches various parts of the world, this dissemination also impacts culturally-based states, differing from Western concepts such as in Indonesia. The reconstruction of law and justice becomes determined by modern law, so the original concept centered on substance becomes formal and transactional (Srikusuma, 2021).

The rationality of modern society has even forced law to emerge from ethical and moral values, where the basis of justice resides (Wibowo, 2017). Modern law characterizes specific features and characteristics that become rational as manifestations of pseudo-social order within the walls of capitalism (*erzat social order*) (Purnamawati, 2021). The order of modern

society ultimately becomes mechanistic and dynamic, so that fair certainty and the fulfillment of human spiritual and material well-being are no longer functions and guarantees of law.

These various aspects lead to various legal issues, especially concerning the rights of indigenous peoples based on local values originating from the concept of justice. In this writing, several ideas for enhancing the assurance of protection and justice for indigenous peoples are proposed:

1. Strategies to Promote the Formation of Special Laws Governing Indigenous Peoples in Indonesia

Various Indonesian legislative regulations to date still demonstrate efforts to restrict, reduce, hinder, and even attempt to revoke the traditional rights and historical rights of indigenous peoples in Indonesia, without providing compensation. Retrospectively, this can be considered a violation of Human Rights (*Draft Report on Legal Study regarding the Mechanism of Recognition of Indigenous Legal Communities,* n.d.) Furthermore, regulations in Indonesia governing indigenous peoples are scattered partially across various regulations such as Indonesian Land Law, Forestry Law, Mining Law, and various other regulations. Consequently, there is overlapping and disharmony in regulations such as differences in the use of the definition of indigenous peoples, rights and criteria of indigenous peoples, methods of inventorying the existence of indigenous peoples, and even perspectives on how to treat indigenous peoples in Indonesia.

For example, the regulation in the Indonesian constitution in Article 18B paragraph (2) of the 1945 Constitution as amended states: "The State acknowledges and respects the unity of Indigenous Legal Communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated by law." This constitutional provision contains prerequisites for recognizing the existence of indigenous peoples. These requirements must even be fulfilled cumulatively, leading to various practical issues.

For instance, Rikardo Simamarta states that the meaning of Article 18B paragraph (2) of the constitution has a discriminatory nuance, especially towards cultural orientation. It is argued that, covertly, the authorities are attempting to transform and eliminate indigenous peoples, turning them into modern communities with an industrialized character (Simamarta, 2006).

F. Budi Hardiman adds that conditional recognition, which is paternalistic, subject-centric, monological, and asymmetric, such as the phrases "The State Respects, The State Acknowledges," "as long as ... in accordance with the principles of the Unitary State of the Republic of Indonesia," can be said to depend largely on the state's role in providing definitions, acknowledging, endorsing, and legitimizing the existence, or in other words, "domesticating" indigenous peoples by the State (Simamarta, 2006).

As also explained by Satjipto Rahardjo, the four requirements regarding indigenous peoples in the constitution serve as a form of hegemonic state power that determines the existence of indigenous peoples. This is done by the state through categorization *(indelingsbelust)*, and the perception of the holders of state power (Rahardjo, 2005). Many technical regulations of the Indonesian Constitution that regulate indigenous peoples are also contradictory to each other (*Draft Indigenous Peoples Bill (Various issues regarding the rights of indigenous communities over their customary lands in forest areas,) In the book Di dalam buku "Inkuiri*

Nasional Komnas HAM, 2016, page 8). At a more operational regulation level, Indonesian state policies, especially since the New Order regime prioritized the development of natural resource-based industries, have led to indigenous peoples losing both rights and access to natural resources (Academic Manuscript of Draft Law on Indigenous Peoples, n.d.).

Considering these factual descriptions, it is important to establish new regulations at the level of laws specifically governing Indigenous Peoples in Indonesia, as mandated by the Indonesian constitution in Article 18B paragraph (2) which states that one prerequisite is that Indigenous Peoples are regulated in the form of laws. Quoting as expressed by Jimly Asshiddiqie, former Chairman of the Constitutional Court of the Republic of Indonesia, the existence of indigenous peoples is very strategic, hence it needs to be comprehensively inventoried to enhance their empowerment through national regulations in the form of laws (Ashiddiqie, 2003, hal. 32–33) This is deemed crucial because addressing the interests and rights of indigenous peoples at the regional regulation level will lead to a risk of differing interpretations in each region by regional governments (Asshiddiqie, 2008, hal. 815).

Therefore, it is important to formulate and promote regulations on the Law on the Protection of Indigenous Peoples in Indonesia by looking at best practices in some countries, for example, in neighboring countries such as the Philippines, which is considered successful in protecting the rights of indigenous peoples both in the constitution and in its legislation.

The Philippine Constitution (1987) regulates the rights of indigenous peoples in Part 5 Article XII, Part 6 Article XIII, Part 17 Article XIV, and Part 22 Article 11.78. This is different from the 1945 Indonesian Constitution which regulates Indigenous Peoples and their rights only in two articles, including Article 18 B paragraph (2) and Article 28 I paragraph (3). The 1987 Philippine Constitution also explicitly regulates indigenous peoples and is implemented by the Philippine government by enacting Law No. 250 of 1997 concerning the rights of indigenous peoples (Sukirno, 2018).

In Malaysia, the enactment of the Aboriginal Peoples Act (APA) of 1954 stands as a significant measure to safeguard the rights of the Indigenous Peoples (Orang Asli) in Malaysia. The APA comprises 19 sections, including definitions of indigenous peoples, various rights of the Orang Asli, and the administration of the Department of Orang Asli Affairs (JAKOA). The primary objective of this law is to provide protection, welfare, and advancement for the Indigenous Peoples in Peninsular Malaysia (Yahya & Nordin, 2018).

Thailand, another neighboring country of Indonesia, has excelled in protecting the rights of its Indigenous Peoples by designing more than five regulations aimed at promoting, providing, and safeguarding the rights of ethnic groups and Indigenous Peoples in Thailand (Brache-a, 2020).

Therefore, the establishment of specific laws in Indonesia is undoubtedly an urgent matter because, to date, there has been no comprehensive legal regulation that provides guarantees to Indigenous Peoples.

2. Strategies to Strengthen the Principles of Free, Prior, and Informed Consent (FPIC) in Indonesia

The second strategy that can be pursued is to promote the strengthening of the concept of Free, Prior, and Informed Consent (FPIC) as stipulated in the UN Declaration on the Rights

of Indigenous Peoples (UNDRIP) of 2007, where the United Nations General Assembly adopted the Declaration, which is the first universal instrument of great significance for indigenous peoples as it protects their rights, including the right to self-determination (Feri, 2020). Indonesia is among the countries that have supported and signed the UNDRIP (Gómez Isa, 2019).

The concept of FPIC within UNDRIP initially emerged on March 1, 2011, in the FPIC guidance for REDD+ by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Center for People and Forests (RECOFTC). FPIC serves as a guiding principle and policy approach for development projects. Initially, FPIC was a guideline for projects involving forest degradation, deforestation, and emissions reduction. FPIC has even been established in development projects focused on oil and gas exploitation, resource extraction, and various other investments in indigenous territories (Pham et al., 2015).

"Free" implies that consent is given voluntarily and without coercion from indigenous peoples. "Prior" means that consent must be obtained before the activity commences with consideration of decision-making by indigenous peoples. "Informed" means that indigenous peoples have received comprehensive information, and "Consent" refers to approval in a collective decision-making process (U.N.-R.E.D.D., 2013).

In practice, FPIC is often interpreted as a process whereby indigenous peoples exercise their rights in negotiating programs or policies that will be implemented and directly affect them (Anderson, 2011). Principles in UNDRIP such as FPIC are deemed crucial, as indicated in research by Wa Ode Zamrud et al., which suggests that the FPIC concept and Benefit Sharing are solutions to resolving customary land issues, elevating the dignity of indigenous peoples as full-fledged human beings (Zamrud & Salam, 2022).

FPIC also proves beneficial in efforts to halt human rights violations resulting from development projects carried out without consultation, which adversely impact indigenous peoples (Colchester, 2006). The right to participate in determining their fate is crucial in safeguarding indigenous peoples against development activities in their territories (Forest Digest, 2022).

The essential concept within the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which accommodates indigenous peoples, is outlined in Article 10 of UNDRIP. Additionally, provisions in Articles 18 and 19 of UNDRIP further elaborate on this notion. Article 19 of UNDRIP explicates the concept of Free, Prior, and Informed Consent (FPIC), emphasizing the necessity for states to engage in cooperative efforts to protect the plans and policies concerning Indigenous Peoples. FPIC is also elucidated in the FPIC Operational Guidelines of the Accountability Framework Initiative, defining it as the collective human rights of Indigenous Peoples and Local Communities (IP/LC) to approve or disapprove any activities that may affect their rights, lands, resources, territories, livelihoods, and food security. This right is exercised through representatives elected by the communities themselves and in accordance with their customs, values, and norms. FPIC is designed to promote, protect, and ensure the full enjoyment and implementation of various fundamental human rights, including the rights to property, culture, and self-determination (Accountability Framework Initiative, 2019).

In practice, FPIC has been implemented in Japan, where the government mandates community approval before commencing any projects. Crucially, important stages such as

discussion and negotiation between the community and project proponents are undertaken to ensure that development projects are conducted appropriately and do not violate human rights (Forest Digest, 2022).

The Philippines serves as an intriguing case study on the implementation of FPIC (Free, Prior, and Informed Consent). The country has adopted FPIC into its domestic legislation, a rare occurrence among nations. Although not identical in practice to the UNDRIP declaration, each article of Philippine law aligns with the international declaration. The Indigenous Peoples' Rights Act of 1997 (IPR Act 1997) The Philippines is even regarded as the most comprehensive provision regarding indigenous rights ever enacted worldwide (Bello, 2020).

FPIC is enshrined in the Indigenous Peoples Rights Act (IPRA; Republic Act No. 8371, Republic of the Philippines, 1997) and referenced in Executive Order No. 79 (Office of the President of the Philippines, 2012), which pertains to the Mining Act of 1995. Provisions regarding the Free, Prior, and Informed Consent principle within the IPRA of the Philippines are also present in the Draft Law on the Recognition and Protection of Indigenous Peoples' Rights (PPMA) in Indonesia, specifically in Article 9 paragraph (1), which essentially stipulates that indigenous peoples have the right to fair compensation for the territories, lands, and natural resources used, taken, or controlled without free and informed consent.

In practice, the principles of UNDRIP encounter what can be termed the "Asian Controversy", wherein many countries, especially in the Asian region, agree to and ratify UNDRIP but do not recognize the existence of indigenous peoples within their territories. This controversy can be explained through several arguments. Firstly, the rejection of the concept of indigenous peoples arises from states claiming that all their inhabitants are indigenous peoples who have long resided within their territories, rendering this norm inapplicable. Secondly, there is a discrepancy between the definition of indigenous peoples and the constitution of the state, except for a small proportion of the population who are migrants. Thirdly, the implementation of UNDRIP does not align with the internal policies of the state ("The Concept of Indigenous People in Asia," 2008).

In Indonesia, the concept of Free, Prior, and Informed Consent (FPIC) is still partially recognized and not explicitly implied. Generally, the dissemination of information only involves communities that agree with the direction of investment policies and only present positive impacts. Unfortunately, suggestions, opinions, and responses are not decisive factors in policy-making (Winarsih, n.d.).

This aligns with Arifiana TPW's research on the application of the FPIC principle in Indonesia and Australia in the context of protecting the customary rights of indigenous peoples in both countries, indicating that Australia and Indonesia currently lack specific regulations governing the FPIC principle, and the implementation of the FPIC principle in both countries also does not adhere to the FPIC principles (Arifiana, n.d.).

3. Strategies of Empowering Indigenous Peoples Through Paralegal Programs

In addition to the aforementioned strategies, a third strategy is deemed necessary, namely, empowering communities through paralegal programs. The term "paralegal" has been utilized in Legal-Activism literature on development-oriented legal aid for the past 30 years (Diokno, 1982). In 1982, Senator Diokno wrote about "barefoot lawyers" or paralegals. As also defined

by the National Federation of Paralegal Associations (NFPA), a paralegal is an individual who meets the qualifications to perform substantive legal work through training, education, or work experience, possessing knowledge of legal concepts but not exclusively conducted by lawyers (Shedd II, n.d.).

The concept of paralegals has evolved, as seen in Indonesia. However, this program has not been widely implemented, exemplified by its adoption primarily by Non-Governmental Organizations (NGOs) such as the Indonesian Forum for the Environment (WALHI), a non-profit organization focusing on environmental issues in Indonesia. WALHI has implemented the paralegal concept, where communities are generally trained in basic law and skills such as education, mediation, and community organizing. The overarching goal of these paralegal initiatives is to develop evidence-based intervention strategies in resolving conflicts related to land and the environment. This project also aims to empower local communities to achieve environmental justice by promoting compliance with regulations and institutional accountability in addressing the impacts caused by changes in land use (Walhi & Namati, 2019).

In addition, another Non-Governmental Organization (NGO), the Indigenous Peoples Alliance of the Archipelago (AMAN) in North Maluku, Indonesia, provides paralegal training to indigenous peoples in the Dodaga, Banemo, and Sawai regions of North Maluku, Indonesia. AMAN North Maluku builds the capacity of these communities to protect their land rights through activities such as Field Assessments, Basic Training, and Developing Case Action Plans. Furthermore, this program facilitates participants in advocating for their communities in the event of land rights violations. The objective is to enhance the overall knowledge of indigenous peoples about their land rights and the avenues to seek redress when these rights are violated (Aliansi Masyarakat Adat Nusantara - AMAN, 2015) In the strategy to achieve access to justice for indigenous peoples through the paralegal concept, more initiatives from the Indonesian government are needed for indigenous peoples, who fall into the category of vulnerable groups (Paiva de Araujo et al., 2023).

When comparing paralegal services in several countries with specific specializations, for instance, the Paralegal Advisory Service in Malawi focuses on the criminal justice system and the rights of prisoners. In Bangladesh, the Madaripur Legal Aid Association focuses on alternative dispute resolution. In other places like South Africa and the Philippines, paralegal schemes take a more holistic view of access to justice by combining community-based and human rights-based approaches. This approach is often referred to as legal empowerment. Africa over the years, in six Sub-Saharan African countries: Kenya, Uganda, Tanzania, Rwanda, Cameroon, and the Democratic Republic of Congo, minority rights groups have helped support and build strong paralegal networks, to support communities through knowledge transfer, skill development, and legal empowerment (Open Society Foundations, 2010).

A well-designed paralegal training curriculum, such as in Malawi, introduces participants to the legal population of Malawi. Some areas within this curriculum include land disputes, inheritance property seizure, popularly known as 'property grabbing,' child custody and abuse, unfair labor practices, police brutality, and sexual harassment and violence against women (Malawi, 2004). In some countries, paralegal programs are even embedded within trade unions, political parties, and bar associations. Human rights groups and community-based organizations often engage with populations in need of legal services. Paralegal

initiatives added to existing institutions can deepen and broaden the work already undertaken by these institutions (Malawi, 2012).

Based on Kathryn Choules' research, which draws from the experiences of the Regional Rights Resource Team (RRRT) in the Pacific, community paralegal programs have proven to be an effective means of developing skills, knowledge, and human rights actions within communities. A three-tiered or layered approach is considered most effective in producing change as it can build capacity and engagement across all levels of society in human rights and can foster demands for social change from the grassroots level while eliciting responses from higher levels. At the lower level (micro), the RRRT works with individuals and communities with the aim "to strengthen marginalized groups and civil society capacity by advocating for, affirming, monitoring, and defending human rights and good governance." At the intermediate level (meso), the RRRT collaborates with institutions to enhance their capacity at the implementation level while promoting good human rights principles, human resources deployment, and good governance practices. At the top level (macro), the RRRT engages with policymakers and lawmakers to enhance policy-making capacity in adopting good governance practices and implementing human rights principles (Asia-Pacific Human Rights Information Center, 2011).

Therefore, the ongoing paralegal programs must be continuously enhanced and sustained with several constructive improvements by developing new concepts that internalize human rights values into paralegal training. This approach aims to enhance indigenous peoples' understanding of their rights by incorporating best practices from paralegal programs in various countries, elaborating on these programs with human rights values within a well-standardized curriculum framework.

4. Conclusion

Based on the discussion, several conclusions have been drawn. To date, numerous legal and human rights issues, along with various forms of injustice, are still experienced by indigenous peoples in Indonesia. Therefore, ongoing and consistent efforts are required to protect the rights and existence of indigenous peoples. The first strategy involves promoting the establishment of regulations in the form of a specific law on Indigenous Peoples in Indonesia by advocating for the ratification of the Draft Bill on Indigenous Peoples. The second strategy is to promote the strengthening of the Free, Prior, and Informed Consent (FPIC) concept by observing best practices in other countries. The third strategy is to encourage the development of concepts such as the paralegal program, which aims to enhance the role and capacity of indigenous peoples. The hope is that indigenous peoples will no longer be considered a vulnerable group, as they are an essential part of the Indonesian nation.

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