

Local Beliefs: Between ECOSOC Rights and The Politics of Legal Pluralism in Indonesia

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Abstract

In the past nine years, since 1999 Indonesia has followed several international developments regarding indigenous peoples' demands. Demands that are quite apparent are the legalisation of indigenous peoples' rights in international regulations. There are several options for the Indonesian government with regard to these demands: *first*, to create national regulations to accommodate customary rights; *second*, to create local regulations to further regulate recognition and protection of indigenous people at the regional level. Both these options came into existence due to strong pressure from civil society groups and indigenous communities.

Several field findings show that options to accommodate Indigenous Peoples' interests through legislation actually threatens ECOSOC rights, mainly their due to several factors: (1) legal recognition has no connected indicators to human rights standard that will open widely the game to revitalize the identity-based politics; (2) the existence of legislation that ignores cultural identity of minority groups and tend to be sunk by major ethnic groups.

This paper addresses questions on the extent and potential impact of state laws which is tend to formally recognise indigenous peoples' rights in Indonesia.

Keywords: social pluralism, legal pluralism, customary law, state law, indigenous people(s)