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**THE DYNAMICS OF RECOGNITION OF THE RIGHTS OF INDIGENOUS PEOPLES IN TRAP OF COLONIAL LAW LEGACIES AND SOCIAL CHANGE**  
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Although the Republic of Indonesia’s constitution recognizes the existence of indigenous peoples and their original rights, what happened in the following period was precisely the denial and / or violation of the rights of indigenous peoples (Zakaria, 2000). The 1998 reforms seemed to bring the wind of change. That recognition is increasingly confirmed through Article 18B paragraph (2) and two other articles. After that, there were also 5 Decisions of the Constitutional Court which confirmed that recognition.

Even so, for example, the total area of customary forests that have been officially recognized has not yet reached 25,000 ha. In fact, the Indigenous Peoples Alliance of the Archipelago (AMAN) claims that there are at least 40 million ha. What happened?

So far there have been several studies that show that this has happened because of the weak commitment and institutional capacity of the existing policy implementers. Unlike the argument, this paper shows the main problem lies in the logic of law itself. The legal logic used is trapped in the logic of positivism in understanding customary law that growing and developing since the colonial period, so that it is unable to accommodate social changes that are necessarily faced by indigenous communities.

At the end of the article the author voiced the need for a breakthrough in building a new legal framework / logic that would be used to regulate the recognition of indigenous peoples' rights as mandated by the constitution. Mainly by using socio-anthropological understanding, so that the constitutional mandate can be fulfilled more optimally.

**RELIGIOUS FREEDOM AND THE RESTRICTION TO IMPLY RELIGIOUS FREEDOM**  
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Although religious freedom has been recognised in Indonesia, religious minority groups still struggle to practise their faith. Case studies reveal how religious minority groups experience

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obstacles in expressing their religion. Meanwhile, the policies that regulate the freedom to carry out worship have been established and are enforced.

This paper will investigate the policy of the Peraturan Bersama Menteri (PBM) and analyse these through the lens of the International Covenant on Civil and Political Rights (ICCPR) and its general comment No 22. Those documents delineate the requirements of human rights restriction, such as the restriction should be provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order, or of public health or morals.

This paper will show how the PBM are not in line with the requirements imposed on human rights restriction. As a result, there are a couple key issues within the policy design of PBM that pose a burden for religious minorities to regard to building houses of worship: the authority of the head of regency, the procedure of ‘90/60’, and the role of Forum Kerukunan Umat Beragama (FKUB). Ultimately, these issues lead this study to encapsulate that the PBM should be rejected due to human rights violations.

**Criminalization of Agrarian and Environmental Movement Activist in the Post New Order Era**

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In Indonesia, social activists often were victims of the state criminalization activities. The state apparatus, i.e. police or other enforcement officers, "manipulate the law" to target a specific opponent -- i.e. local leaders, members of civil-society organizations, or even academics -- who were critical to the government projects or state policies. Using the perspective that crime as a social construct, legal anthropological studies emphasis on the fuzzy boundaries between crime and resistance. Those people who were identified as a criminal, by state, might be, in fact, an activist who was campaigning against the environmental destruction caused by the government sponsor corporate industries. This presentation focuses on the recent use of "communist" stigma as a way to criminalize these social activists. The national laws that ban all the use of attributes and symbols related to the Indonesian Communist Party (PKI) are still pretty much persist as policy even after Suharto's militaristic New Order was ousted in 1998. In the agrarian sector, the communist stigma was often used by the New Order regime to silence those who opposed the implementation of the state sponsor projects. With the change of political climate after 1998, the use of "communist" stigma to criminalize those who were involved in the social protests was no longer enjoyed major public support. Therefore, it is interesting to ask why under the Jokowi's administration that the stigma of communism was used by the enforcement officers as one of the strategies to criminalize Tumpang Pitu local activists who were protesting the activities of the mining companies in their village. This paper explores how the legacy of the 1960s New Order legacy of the "anti-communist witch hunt" and the oligarch interests in the mining project intersect in Tumang Pitu case. The re-emerging strategy of the state use of the communist labeling stigma to undermine grassroot activisms is an attempt to delegitimize the agrarian and environmental movements in Indonesia.

Keywords: Criminalization, Indonesia, stigma, social movement