

Global Indigenous People Political Movement, in National Context of Indonesia

A Nationalism and Human Rights Approach

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Abstract—This paper goal is to analyze driving factor of indigenous people human rights restoration global movements, and how does its practical model becoming dynamics in Indonesia, using, Nationalism, and Transnationalism approach. In Indonesia itself, almost all of indigenous communities, are being overshadowed either with latent or manifest agrarian conflict, where they find out their sovereignty of their own land are becoming vulnerable, due to state policies. As time passes, regimes change, a number of local law regulation re-drafted, inserting some articles to guarantee the rights of indigenous people as priority. This fostering dynamics of Indigenous identity struggling, has stimulate the upcoming critical debates over the recognition process of their indigenous identity sticking with its various distinctive characters indigenous institutional and law system, or its social political economy determination. How it will synchronized within in boundaries of Indonesia Sovereignty as a state? Is this movement of recognition will strengthen Indonesia's unity, or in contrary will become a ripples of national disintegration.

Keywords— *indigenous people, movement, nationalism*

I. INTRODUCTION

The excavation of Indigenous People Rights protection issues, globally has been started to be discussed globally since the establishment of the United Nations Working Group Indigenous Population in 1982. Particularly as the part of pre-sessional working group of sub-commission on prevention of discrimination and protection of minorities Indonesia.

The presence of this issue is a manifestation of variety problems faced by the indigenous people all over the world. Nevertheless, later in 2007 The United Nations adopted United Nations Declaration on the Rights of Indigenous People (UNDRIP). The Declaration, mentioned about the types of Indigenous Rights which are includes, Customary land rights, territory, natural resources, self-determination [1], and guarantee on the rights of cultural integrity.

On her 2001 human rights commission working paper, Erica Daez elaborate some driving factors that stimulate the Indigenous People Protection movement discourse into a global phenomenon [6]. Erica agglomerate 3 main problems. First, high intensity of customary land dispossession. The Indigenous People had experienced for years, their customary

land are being cooptation into a state proprietary rights without any primary process of Free, Prior, Informed, Consent principles.

Second, is related to identity determination or often termed as Self Determination. Third, is the problem of chahracteristic reinterpretation about indigenous people itself. That still maintain in various definition. This self-determination rights, land rights and livelihood independency are some proper part of human right striving.

The indigenous people struggle in Indonesia start shaping its form, since 1999 in line with the momentum of reform. Those years are viewed as the early symbolic movement to affirm the state about the existence of indigenous people that cannot be neglected as a law subject of Indonesia. The momentum also begin as the first Congress of Indigenous People Of Archipelago was being held (KMAN I) [2]. The typical message was tucked into the Congress, which then became the slogan of the indigenous peoples of archipelago movement at the time. "If the State does not recognize Us, we do not recognize the country".

Approximately 350 million inhabitants of this world is mostly made up of indigenous peoples [3]. The slogans are pretty hard and invited critical thinking about indigenous movements that challenge or triggering the sovereignty of the nation and the life of nationalism.

This paper, will continue write about the dynamics of the Human Right struggling process of the indigenous people in Indonesia with as well as how the reciprocity relation between the indigenous movement struggles and nationalism ideology of Indonesia as a sovereign nation-state, approach by using the perspective of nationalism and Transnationalism.

II. RESEARCH METHOD

This paper was written with the literary research and with descriptive analysis method. This paper will attempt to answer about what has been and will be taken by the indigenous movement in Indonesia to meet the pillars of human rights fulfillment on the aspects of politics, economy and culture? And does the movement challenged to the disintegration of nationalism? Using a descriptive analysis, this paper tried to

dissect the relationship between paradigm of nationalism with the indigenous movement. Whether their movements would stimulate the disintegration of the nation will it be enriching to the national integration through their method of movement.

III. RESULT AND DISCUSSION

A. *Transnational Indigenous Problems*

Over 400 leaders of the indigenous communities are scattered from different parts of the archipelago gathered in Jakarta to discuss the importance of a movement more organized and solid to escort KMAN I in 1999 [4]. Discussing and seeks solutions to addressing the threats to the existence of indigenous peoples, including human rights violations, land grabs, abuse of indigenous culture, Self Determination violation and a variety of discriminative policies gearing indigenous peoples. the Congress also, being the first momentum the formation of the organization that was given the name Archipelago Alliance of indigenous peoples (AMAN).

Based on AMAN's data Indonesia has 2,318 indigenous people communities those spreaded all over the archipelago, with a huge amount of population.. The problems faced by indigenous peoples are basically very diverse. Nair [5] said in his paper (2010) analyze the driving factor of the rise of the dynamics of indigenous issues in the transnational is due to the pattern of power relations, where the State became a dominant actor and indigenous peoples/local or often called Indigenous People subordinate positions.

Statement of the results of the investigation of Erica Daez [6] contained in the Working Paper on Commission on Human Rights, supports some of the explanation for the discriminatory situations experienced by indigenous peoples in various countries:

...Information received in the preparation of the working paper have made it clear that land and resource issues, particularly the dispossession of indigenous peoples from their lands, are issues of the most urgent and fundamental nature. At the same time, there has been great .indigenous peoples would supposedly require that all the lands and resources ever taken from indigenous peoples be returned...

Erica underlined the affair of land. Indigenous communities are very tied to their land. They do not consider the land of ancestral legacy only within its function as a shelter and livelihood resources/economic role. But land also contain the existence of the spiritual aspects, must be protected and preserved for generations to come.

The situations also occurs around the world. We've heard about Indigenous resistance of Chittagon Hill Tracks to fight for the keep territory of the indigenous Jumma, against the discrimination and isolations from Pakistani political Government at that time. This resulted in discrimination of indigenous Jumma Masyarakat. [7].

Similar situations also occurred in Indonesia. But Indigenous People Movement in Indonesia, not just a social movement. KMAN I elaborated some cases conflict of tenure conflicts as well as the recognition of the indigenous religious

beliefs. Kajang indigenous land conflict with Lonsum Corp, polemics to the discrimination of ancestral beliefs such as Kaharingan, Sunda Wiwitan, Aluk Tedolo, where indigenous people have to choose to adhere to one of the five religions recognized by the State.

In addition, the dynamics of modern capitalism in the era of globalization increasingly open abyss for the marginalization of indigenous peoples. When capital flows are so strong, and the rotation of capital cannot be limited in time and space to our indigenous peoples who still occupy an area with abundant natural resources (timber, land, mining materials). The needs of the global market, regional and domestic services will be raw materials will continue to grow, and the resources available in the territory which becomes the space of life of indigenous peoples. This global capitalism needs, will still being continued on cycle, because the global capitalism does have natural nature to accumulate and to dispossessed the space [8]

Some indigenous communities, the ancestral religion or belief which is passed down from generation to generation, is still preserved. As well as the institutional characteristics of indigenous customary law, which is different from the conventional law of the applicable jurisdiction. This is situation represented the self-determination violation.

Some of the ancestral beliefs adherent such as Sunda Wiwitan, Kaharingan, Mappurondo, Parmalim often suffered discrimination in terms of health care and education because of the country's administrative system which only recognizes religions.

B. *The Awakening Movement of Indigenous People in Indonesia. An Overview Perspective of Nationalism and Transnationalism.*

The roots of nationalism cannot be separated from the revival of the nation State. Therefore, the dominance of European thinking will be a ubiquitous to refer in order to understand about nationalism. One of them was coming Kedourie:

A doctrine invented in Europe at the beginning of the nineteenth century. It asserts that humanity is naturally divided into nations, and on this basis claims to supply a criterion for the determination of the proper unit of population to enjoy a government exclusively its own, for the legitimate exercise of power in the state, and for the right organization of a society of states [9].

Smith interpret nationalism as an ideological movement to achieve and maintain cohesion and autonomy, the individuality of a particular social group that is recognized by some members to form one nation or determine the the real or potential of course. It is not natural, but rather is one symptom history, arising in response to political conditions, economic and social [10].

In Indonesia's own nascent nationalism and began growing in the early 20th century [11]. The structure of society in Indonesia were still defendants began with the emergence of tribal ideas of nationalism and integration are present from the similarities of sorrow like to emancipation from colonialism.

Undeniable, that the struggle for the liberation and justice brings its own indigenous identity often collided with violence, criminalization and suppression whenever it against capital and un-populist State policy. In other world hemisphere, indigenous people are also experiencing similar intimidation. the situation in other places can be easily known by entities in other areas beyond the limits of state border. This represents the dynamics of transnationalism.

Effort to resurrect the movement of indigenous peoples are already starting to appear on Denmark flourished 1968 by forming The International Work Group of Indigenous Affairs (IWGIA), And the most advanced being the UNDRIP is born in the year of 2007. In Indonesia, the Organization of indigenous peoples as indigenous peoples Alliance of the archipelago is also involved in international activities. The analysis unit of revolve around three level, i.e. local, national international woke up to in the process of this is what characterizes the movement of indigenous peoples as transnational movements.

The term transnationalism first appeared in the early 20th century to describe how a new understanding of the relationships between cultures [12]. It is a social movement that is growing due to increased interconnectivity between the people of the Earth's surface and the waning of the boundaries of the State. The development of telecommunications, particularly the internet, migration of the population and especially of globalization become drivers of development of this transnationalism.

Then who are the indigenous people itself? until now, there is no universally agreed upon definition of the term "indigenous peoples". This difficulty may be the result of the fact that indigenous peoples are very varied in culture and social structure [13].

To simplify, in this paper, the definition of indigenous peoples refers to Cobo's definition and collaborated to the outline of AMAN, that indigenous peoples as a group of people bound by the legal order of the custom as a shared legal alliance citizens because of the similarity of place of residence or on the basis of descent, who still have the sustainability of existence culture (still alive) and indigenous territory recognized by the people.

Based on historical fact, the existence of indigenous peoples began to marginalized by government intervention either since the days of feudalism, colonialism as well as by the Government of the Netherlands East Indies until the turn of the regime of the Republic of Indonesia Government of Indonesia. Necessary to understand that even though it has become an independent State stands with the basic formula of the Constitution, it cannot be denied that the law and the view over the territorial management in Indonesia is still the the legacy of the colonial legal system call Terra Nulius doctrine of possession.

Since hundreds of years, territory and a population has always become the main elements in the terms of establishing a State. Seeing the fact that in the independence era, the living are of indigenous is located in remoted area. The lands of the indigenous peoples was considered as a land empty land which

can be territorialized as the land under Republic of Indonesia's sovereignty. This is what Terra Nulius real meanings.

The idea of nationalism has appeal to unify and liberation. Emile Durkheim said that nationalism can be a "new religion" in modern society, for being able to be the integrator community relations as the pluralist integration communities are liquid. So it's not surprising, if indigenous communities unification into Indonesia's Republic becoming a commonsense framework national integration. In addition, hundreds years of colonization also has raised the spirit of independence to stand become a sovereign nation. In order to achieve the goals of independence that leads to prosperity and harmony integration unification is an un ignorable condition.

In the process, nowadays the idea of nationalism are experiencing rapid development. This is the case based on changes in the global political economy dynamics that occur from Decade to decade. Starting the 20th century B.C. the world of technology is starting to squirm and prove his massive power in the era of globalization. These technological advances co-existed with the changing world where interaction exist in the level of cross border becoming virtual. Resulting to the rapidly and quick exchange of ideas. Without having to go through the state bureaucracy.

Like a lot of debate and has become a classic one among academics. Discussing about whether globalization, which coincided with knowledge as its objects that moved in transnationalism era, will potentially shake the nationalism and sovereignty of the nation? This is due to the fact that transnationalism can also concern such matters as terrorism, the spread of radicalism, etc.

C. Indigenous Social Movement Patterns in Indonesia, A Threat to nationalism?

Davidson and Henley mentioned there are at least four factors of the Awakening movement in Indonesia [15]. First, as the contributions of the development discourse and the encouragement of international organizations. Second, pressure factors and oppression under the new order regime. Third, factor in the openness of the post-war new order. Fourth, the ideological heritage of indigenous legal thinkers in the colonial era, which distributes the discourse of legal pluralism, where customary law is a form of law that is worthy to respect it existence.

The slogan of the early revival of the indigenous people "If the State does not recognize us, then we will not admit the country" had impressed into the specter. At the Congress of indigenous peoples of the archipelago, indigenous peoples show with straightforward that the basic demands of the movements state official recognition of their whole package existence [16]. Recognition is widespread, proliferated not only recognition of the socio-cultural identity but also the natural assets, life, culture and political participation.

Indigenous peoples as an identity appear within a distinctive character. They have a customary institution that works as the "system of governance". This leads to presents critical thinking about what sort of positions of indigenous peoples into Indonesia's Republic? Are they going to be like a

country within a country? Or will they adopt the liberation movements such as those in Chiapas, Mexico

However, observing the development of the indigenous movement is more observant, we can see in Indonesia thus going a different approach. Social movement approaches generally use oppositional to policy framers, the political approach of legislation and law reform were taken as another alternative method of Indigenous People struggle

The Congress of indigenous peoples of the archipelago (KMAN) 1999 mandatory is to expand the political participation of indigenous peoples to the Center of State policy makers centrum. This decision was reinforced by 2007 and 2012 congress, which is decided that the AMAN should encourage, facilitate all of its political cadres who wants to fight for Indigenous People vision through political struggle. AMAN, entered the political arena is certainly not in the sense of simple as forming a political party, but rather is intended to bring the aspirations of indigenous autonomy as a political agenda.

The political agenda is done from starting level of the national, area of the village, even up to the international level. Therefore, the type of democracy that is about to be developed is participatory (participatory democracy). At the same time the political arena also offers the opportunity to do a rearrangement of the relationship between the organizers of the State (the Government and the House of representatives) with indigenous communities. The decision to fight in the area of political policies, electoral and legislative later viewed as a necessity considering the large number of indigenous communities by members in Indonesia

Based on AMAN electoral research books, Legislative elections 2014, AMAN has mobilized resources and community organizations to spread across 16 provinces and 60 District/City. A number of Indigenous, farmers and the environment activists becomes the candidates of legislative figure as the indigenous people delegations. Per December 2013 new 71 legislative candidates involved the consolidation of the political Mission of the national indigenous peoples. To support the efforts and aspirations, AMAN formed a resources structure in so-called 17.3.1999 Formations. The structure is expected to become the backbone of the AMAN electoral work.

The national election commission recap posted in may 2014. It has been recorded that 36 parliamentary AMAN candidates successfully gain seats on district/municipal legislative board, Provincial, and Regional Board of Representative. AMAN electoral works also contribute to mobilizing 28,828 recorded voices for DPRD District/City, 12,459 votes for Provincial, 34,893 votes for Parliament and 590,577 votes for Regional Board of Legislative.

The results of the study of AMAN electoral dynamics, shows that the largest potential political Envoy located precisely in the district/city level. In any district where the customary communities coordinates their voices, indigenous delegation successfully gain a seat on the Parliament.

Up to this point at the national level, slowly but sure the effort to encourage inception of Indigenous People Recognition

and Protection Act, has entered the stage of parliament discussion. The process of political reform and an electoral approach is also seen as an attempt to build a closer relations between the indigenous peoples with the states policy maker. Before the reform era, the principle of legal protection of the indigenous peoples is often only based on the basic Constitution of UUD 1945 article 18 B, paragraph 2 which are not comprehensively describe the recognition and protection as to what state should be granted to the indigenous peoples

This situation then becoming the driving factors to the emergence of legal reform movement in the struggle of indigenous peoples. One of the antecedent law reform momentum is the Class Action lawsuit against Forestry Act 1999 Article 61. This Class Action lawsuit, has led to the outward of Constitutional Court Decision No. 35 year 2012 (MK35) which stated that the indigenous Forest is no longer a State forest.

In its own development, the changing of the regime from year to year shows more concern for indigenous justice issues. It can be perceived approximately for these latest decade, with local diaspora articles related indigenous peoples spreaded in such various act. However, this localization also can summons a confusion in understanding. Therefore since the days of the Unified Indonesia Cabinet Vol. II, initiation to constitute a primary act of Indigenous People Recognition and Protection Act began. And got a positive response from the cabinet. Although not as extensive as Great Indonesia Cabinet headed by President Jokowi at this time.

The results of the Constitutional Court Also entrusted mandating that the ruling of MK35 2012 should be manifestation through local regulations. Until the end of 2015, Epistema Institute research results shows that there are 124 regional act concerning indigenous people contains the inaugural of indigenous peoples, indigenous institutions, judiciary, customary law, indigenous territories and indigenous forests. But from that 124 regional act products, only still 15,577 hectares of indigenous territories and forests that have been officially designated.

Momentum 2014 presidential politics, taken by indigenous Alliance as an opportunity to strengthen the struggle through political paths. Through a series of negotiations and lobbying, Jokowi announced in a derivative 6 points particular Nawacita on the protection of indigenous peoples. As for the Jokowi commitments, related to indigenous peoples, such as constitution of the primary protection and recognition act, establishment of a task force of indigenous peoples, review its various local regulations, former the national dispute settlement mechanisms, implement MK-35 and restore the criminalization victims.

IV. CONCLUSION

The struggle of indigenous peoples was originally established as a form of resistance over the discrimination and lack of systemic inequity which is a legacy of the colonial era that continued with a sovereign Indonesia country policy discriminatory. However, the transnationalism of Indigenous People movement encourages the birth of international attention and some agreements which demand countries around

the world to started to put forward the policy of Human Rights Restoration of Indigenous Peoples.

The movement of indigenous people in Indonesia do not threatened the nationalism also do not triggering the disintegration of the nation. Since the movement is trying to engage in a more open and participatory political spaces in electoral dynamic. Indigenous movements in Indonesia also undertook to work together with the Government to bear the legal products which support the efforts of the acceleration of the Recognition and Protection of Indigenous Peoples Rights.

REFERENCES

- [1] J. Bamba, "Masyarakat Adat di Dunia, Perjuangan Global dan Tantangan Lokal". Paper on Indigenous People National Training for Human Rights and Policy Process. Pontianak, 2002.
- [2] J. Dahl, and A. Parellada, Masyarakat Adat di Dunia, Eksistensi dan Perjuangannya. IWGIA dan Institut Dayakologi, Pontianak, 2001.
- [3] E.R. Terre, Menganyam Kiat Memperjuangkan Hak-Hak masyarakat Adat di Indonesia. Paper Presented at Economy, Social and Culture Rights Monitoring Traingin. Jakarta, 2002.
- [4] AMAN, 2017. A discussion of the history of Indigenous Peoples Alliance of the Archipelago (AMAN) Movement. Can be accessed via the link <http://www.aman.or.id/profile-kami/>. Date of access: 27/08/2017.
- [5] M.S. Nair, Defining Indigeneity. A paper presented at World Society focus Paper Series. A Series Edited by the World Society Foundation, Zurich, 2006.
- [6] E.I. Daes, Indigenous Peoples and Their Relations to Land, final working paper, the Commission on Human Rights, E/CN. 4/Sub 2/2001/21, June 11, 2001.
- [7] Asia Indigenous People Pact. 2014. Indigenous People Heroes & Martyr's.
- [8] D. Harvey, David. A Brief History of Neoliberalism. Great Calendon Street: Oxford University Press, 2005.
- [9] E. Kedourie, Nationalism. London: Hutchinson University Library, 1960.
- [10] A.D. Smith, Nationalist Movement. London: The Macmillan Press, 1979.
- [11] A. Marzali, Antropologi dan Perkembangannya di Indonesia. Jakarta: PT Fajar Interpratama Offset, 2009.
- [12] J. Horgan, The Social and Psychological Characteristics of Terrorism and Terrorists," in the Root Causes of Terrorism: Myths, Realities and Ways Forward, edited by Tore Bjorgo. London: Routledge, 2005.
- [13] World bank. 1993. Operational Directive OD 4.20: Indigenous Peoples, 1991. Ministerie van Buitenlandse see also Affairs, Indigenous in the Netherlands Foreign Policy and Development Cooperation.
- [14] J.R.M. Cobo, Study of the Problem of Discrimination against Indigenous Populations. Volume V. Conclusion, proposal and recommendation. United Nations Publications, sales No. E. 86. XIV. 3. New York, United Nations, 1987.
- [15] J.S. Davidson and D. Henley, The Revival Of Tradition in Indonesian Politics: The Deelopment of adat from colonialism to indifenism. Routledge: London and New York, 2007.
- [16] AMAN. 2016. Masyarakat Adat Mengarungi Politik Elektoral. Jakarta: Indigenous People Archipelago Allies and Prima Analytica.
- [17] Y. Arizona, Memahami Masyarakat Adat: Pendekatan Evolusionis and Pluralis. Paper presented on Focus Group Discussion on Indigenous People Constituional Protection. Held by Constitution Court center of P4TIK. Jakarta, 2016.