

Title : An Efforts to Fulfill the Rights of Indigenous Peoples in
Indonesia and Malaysia: State Development Challenges

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Institution : Sultan Ageng Tirtayasa University

Category : Article, Competition

Topics : History, Law, Culture

An Efforts to Fulfill the Rights of Indigenous Peoples in Indonesia and Malaysia: State Development Challenges*

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Abstract

State life always develops over time. Likewise, the social life of its people continues to develop and forces the state to carry out development. This does not always have a positive impact because there are various problems that must be faced. One of these problems is the existence of indigenous peoples' rights were violated. Indonesia and Malaysia as cognate countries have similar problems in their efforts to protect the rights of indigenous peoples. The method used in this study is a formal review method with a comparative approach. Data collection was carried out through literature study with reference to secondary data which was analyzed qualitatively. The rights of indigenous peoples that are often violated are changing the function of customary lands carried out by the state or by companies that have cultivation rights. The existing legal instruments seem unable to protect the rights of indigenous peoples. In addition, the existence of certain indigenous peoples and their traditional culture is possibly extinct. It takes the seriousness of the government to be able to solve this problem. Improvement of the rule of law is a mandatory step to be taken so that legal certainty can be guaranteed. Data collection on indigenous groups, the area of customary land, and their traditional culture must also be carried out immediately to protect its existence. The state as an authority organization that oversees indigenous peoples must be justice for them by protecting every right owned by indigenous peoples.

Keywords: State Development, Rights Issues, Indonesian Indigenous Peoples, Malaysian Indigenous Peoples, Indigenous Peoples' rights.

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A. INTRODUCTION

The urge for development is increasingly felt as the population increases. The state as the largest organ that has the authority to carry out development is forced to meet the demands for these needs.³ The development carried out will have a positive impact as an effort to achieve state goals in the form of community welfare.⁴ The development that undertaken by the state will provide easy access or fulfill the needs of life for the community in the form of housing for the population, industry for fulfilling basic commodities, supporting industries for secondary and tertiary needs, as well as building access roads and transportation modes that connect regions one to another.

However, the development carried out not only has a positive impact but also has a negative impact because there are other things that must be sacrificed in carrying out this development. This can be seen from the decreasing forest area over time to support the enormous development needs. Besides, did not rule out the use of customary lands owned and managed by indigenous peoples.⁵ The existence of an indigenous people in a particular area will be disturbed and its existence can be lost and turned into a modern society in general.

Development seems to be a double-edged sword in interpreting people's welfare. It can be said that if development is not carried out, it will sacrifice the needs of the wider community while if it is carried out it

³ According to Logeman, the state is an organization that has authority and functions in the form of positions. The authority and obligations attached to the position as well as the office holder who represents the position. Can be seen in Muhamad Rakhmat, 2014, *Konstitusi & Kelembagaan Negara*, Bandung: LoGoz Publishing, p. 16.

⁴ E. Utrecht stated that scope of duty of the state is to maintain security in the broadest sense for social security in all areas of public life. The government must participate in social interaction to realize social welfare for the whole community. In line with Utrecht's statement, Bagir Manan and Sjahran Basah argue that the state must participate in realizing social welfare for the prosperity of the people in achieving state goals through national development. Can be seen in Hayatul Ismi, 2017, *Tinjauan Hukum Atas Hak Ulayat Dalam Sistem Hukum Pertanahan di Indonesia*, Pekanbaru: Forum Kerakyatan, p. 10-11.

⁵ Daniel Jesayanto Jaya, *et al.*, "Categorization of Solution for Indigenous People in Customary Land-Use Conflicts in Indonesia", *Journal Sampurasun: Interdisciplinary Studies for Cultural Heritage*, Volume 07 Number 01, June 2021, p. 1.

will greatly affect the existence of indigenous peoples and cultural elements which are inherited from generation to generation and become a very valuable national wealth. Indigenous people who have been living in simplicity by utilizing food from nature are actually forced to accept the changes that occur. When looking to the facts that occurred, the increasing number of industrial modernization has resulting in people start to abandon cultural traditions that are increasingly threatened with extinction. This is compounded by the development undertaken by the state which forces indigenous peoples to leave their place of life and every noble value of their culture. It is very unfortunate if the existence of indigenous peoples is lost with the development by the state who argues for the welfare of the wider community.

The description of indigenous peoples in Indonesia has similarities with indigenous peoples in Malaysia. Indonesia and Malaysia are located in the *Nusantara* archipelago which causes the problems that occur tend to have similarities even though in a certain period of history between Indonesia and Malaysia have been colonized by different countries.⁶ The main problems are related to customary land and customary forests. The development of the state forced customary lands and customary forests began eroded gradually into mining, housing, and becoming a

⁶ Based on history, Indonesia was colonized by 6 (six) different countries for a very long period of time until finally getting independence. The colonization that occurred was not actually carried out throughout the territory of Indonesia as it is today, but occurred on some areas in the *Nusantara* archipelago. This happened because the *Nusantara* archipelago still consisted of several kingdoms while Indonesia had not yet been formed and the territory in the *Nusantara* consisted of various kingdoms. The countries that have colonized Indonesia include: a) Portuguese (1509-1595); b) Spain (1521-1692); c) Holland (1602-1942); d) France (1806-1811); e) England (1811-1816); and f) Japan (1942-1945). Can be seen in Ineu Nursetiawati, “6 Negara Yang Tercatat Sejarah Pernah Menjajah Indonesia”, accessed on <https://www.idntimes.com/science/discovery/ineu-nursetiawati/negara-penjahh-indonesia-exp-c1c2/6>, 16th August 2021, at 08:18 WIB. Malaysia was colonized by 4 (four) different countries and what is most evident with Malaysian culture at this time is the British colonial period. The four countries that once colonized Malaysia, were: a) Portuguese (1511); b) Holland (1641); c) England (1824); and d) Japan (December 8, 1941-15 February 1942). Can be seen in Malaysia 2017 (*Jabatan Penerangan Malaysia*), “Ringkasan Sejarah Malaysia”, accessed on <https://malaysia.gov.my/portal/content/30120?language=my>, 16th August 2021, 08:33 WIB.

metropolitan city that completely eliminated the existence of indigenous peoples. The issue of granting rights as citizens is also very sensitive because access to government assistance often does not reach these indigenous peoples. In addition to these two problems, there are several other problems that make the state development seem to be the reason for the loss of rights owned by indigenous peoples.

Various problems that occur should be a concern of the government to be able to find the complete solutions. The Indonesian and Malaysian governments must be able to move actively in understanding the social conditions of indigenous peoples. The problems of indigenous peoples here certainly cannot be generalized as a whole as the same thing because every indigenous people in certain areas may have other problems and are not always affected by state development. As a settlement step, Indonesia and Malaysia can compare the social conditions of indigenous peoples and the settlements that have been done. It is expected that there are positive things can be taken and applied to ensure that the rights of indigenous peoples are not violated along with development by the state.

Based on the above background, the author will be addressing the main issues regarding the challenges of state development in an effort to fulfill the rights of indigenous peoples. This research aims as a study material by comparing Indonesia and Malaysia which is expected to have implications for the fulfillment of the rights of indigenous peoples. The discussion on these issues will be divided into three parts, including indigenous peoples, the problem of fulfilling the rights of indigenous peoples in Indonesia and Malaysia, and solving problems as the state's obligation to fulfill the rights of indigenous peoples.

B. METHODS

This research uses a formal review method with data obtained from various appropriate and relevant sources so that it becomes a coherence in discussing efforts to fulfill the rights of indigenous peoples in Indonesia and Malaysia in facing the state development challenges. Data collected in this research conducted by the literature research to refer to secondary data

sources in the form of laws and regulations, books, journal articles, research papers, as well as sources on the Internet. The collected data will be analyzed qualitatively by interpreting and describing the data through words in the narrative with scientific logic. The approach taken by way of comparison the problems and challenges of indigenous peoples in Indonesia and Malaysia. From the comparison that has been made, a conclusion will then be drawn on the fulfillment of the rights of indigenous peoples that should be given by the state.

C. RESULT AND DISCUSSION

1. Indigenous Peoples

Indigenous peoples are subjects that cannot be separated from the existence of a state. This is considered not excessive because the existence of indigenous peoples existed long before the state was formed. According to Ter Haar, there are groups of people who live and living separately from society in general and influenced by indigenous peoples law in the life of their activities.⁷ Life separate from society in general does not mean the existence of indigenous peoples did not exist in the state. As part of a state, indigenous peoples have rights like other communities in general. Indeed there is no difference at all between the rights of indigenous peoples with other communities. The rights of the people in a state are the same, especially their rights as a human being which are naturally given by God.⁸ In addition there is the right of citizens to be provided in full by the state without exception to all citizens, including the indigenous peoples.

Indigenous peoples in Indonesia are known as the *Masyarakat Hukum Adat (MHA)*. *MHA* is one of the legal subjects and its existence is

⁷ Wahyu Nugroho, “Konstitusionalitas Hak Masyarakat Hukum Adat dalam Mengelola Hutan Adat: Fakta Empiris Legalisasi Perizinan”, *Jurnal Konstitusi*, Volume 11 Number 1, 2014, p. 114.

⁸ The conception of human rights has emphasized that the rights possessed by a person by nature cannot be reduced by any reason, including on the basis of differences in race, color, sex, language, religion, politics or different opinions, national or social origins, property rights, birth or other position. See article 2 of the Universal Declaration of Human Rights.

recognized based on the Constitution.⁹ In legal terms, indigenous peoples in Indonesia are defined as groups of people who have lived in certain geographic areas for generations because of their ties to ancestral origins, their strong relationship with their environment, and the existence of a value system that determines economic, political, social community, and law.¹⁰ The Indonesian Constitutional Court affirms that the existence of *MHA* must meet several elements, including:¹¹

- a. there is a community whose citizens have the feeling of the group (in-group feeling);
- b. the existence of indigenous government institutions;
- c. have assets and/or customary objects;
- d. there is a set of customary law norms; and
- e. especially for the unity of indigenous people's territorial there are also certain elements of indigenous territories.

Recognition of indigenous peoples existence in Indonesia must fulfill all existing elements. Terms of the element itself has some advantages and disadvantages in its implementation. The advantages is that the government can sort out between groups is an indigenous community and then provide protection against legal and constitutional protection. While weakness is there the possibility of indigenous groups that are not recognized because it does not fulfill one of the elements that have implications not accommodated the rights that should be accepted.

As a cognate country (*Negara Serumpun*), elaboration of indigenous peoples are not much different from those in Indonesia. Indigenous peoples (*Orang Asli*) are the 'indigenous people' of the Malaysian

⁹ Refer to Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states "The State recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia, regulated by law."

¹⁰ See Article 1 point 31 of the law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management.

¹¹ See Constitutional Court Decision of the Republic of Indonesia Number 31/PUU-V/2007.

peninsula.¹² *Orang Asli* consist of 18 sub-ethnics which are generally classified for official purposes under *Semang* or *Negrito*, *Senoi* and Proto-Malay.¹³ The term '*Semang*' is most likely derived from the northern Aslian word '*semaaq*', which means 'person' or 'human'. *Senoi* in Temiar and *Seng-oi* in *Semai* have the meaning of 'person'. *Semai* is the term used by Temiar for their southern neighbours, although *Semai* refer to their group as '*Sengoi*'. There are various terms that represent “*Semai*” but in reality they refer to themselves by the name of the village or region where they live.¹⁴ In legal terms, *Orang Asli* are defined more specifically, as follows:¹⁵

- a. any person whose father is a member of the *Orang Asli* ethnic group, who speaks the *Orang Asli* language and usually follows the *Orang Asli* way of life and the mores and beliefs of the *Orang Asli*, and includes descendants through that person's male *jurai*;
- b. any person of any race adopted in infancy by an *Orang Asli* who is raised as an *Orang Asli*, usually speaks the language of the *Orang Asli*, usually follows the *Orang Asli* way of life and the mores and beliefs of the *Orang Asli*, and is a member of the people's Indigenous community; or
- c. a child from any marriage between an *Orang Asli* woman and a man of another race, provided that the child normally speaks the *Orang Asli* language, usually follows the *Orang Asli* way of life and the mores and beliefs of the *Orang Asli* and is still a member of the *Orang Asli* Community.

¹² Article 160 Malaysia's Constitution of 1957, states “‘Aborigine’ means an aborigine of the Malay Peninsula”. Concise Oxford English Eleventh Edition Dictionary, Revised 2006 defines “Aborigine” as “Aboriginal Person” (*Orang Asli*).

¹³ Mohd Nur Syufaat bin Jamiran, Seow Ta Wee, “Socio-Economic Development of the Orang Asli in Malaysia”, *UTHM Institutional Repository*, downloaded at <https://core.ac.uk/download/pdf/42954305.pdf>, 15th August 2021, 22:15 WIB, p. 1.

¹⁴ Leonard Andaya, “*Orang Asli* and Melayu Relation: A Cross-Border Perspective”, *Jurnal Antropologi Indonesia*, Number 67, 2002, p. 47.

¹⁵ See in article 3 paragraph (1) of the law of Malaysia, Act 134, *Orang Asli* Act 1954.

Based on the two conceptions of indigenous peoples in Indonesia and Malaysia, it can be concluded that indigenous peoples are entities that have lived for generations in a certain area and live based on social institutions, customs, and legal rules that have existed since ancient times. Generally it can be seen that the indigenous peoples have always lived in groups that are territorial. Between one region and another, it is very possible that there are other indigenous peoples who are not the same indigenous peoples. Due to living based on mores, there are elements of culture that are passed down from generation to generation to their children and grandchildren. This culture is an important thing to maintain because it is part of the non-material wealth owned by a state.

2. The Problems of Fulfilling the Rights of Indigenous Peoples in Indonesia and Malaysia

State development has a very significant impact on indigenous peoples' rights issues. Indigenous peoples are a very vulnerable group when development is carried out.¹⁶ The neglect of indigenous peoples' rights often occurs in order to achieve state development goals. Indigenous peoples seem to be a forgotten subject by the state. In fact, indigenous peoples are also entitled to welfare rights which are the goals of state development. Precisely the existence of indigenous peoples is the initial milestone in the formation of a state. So that the state must protect and fulfill the rights that should be received by indigenous peoples.

Recognition of the existence of indigenous peoples should be implemented through the rule of law.¹⁷ Currently, both Indonesia and Malaysia have established a legal construction that regulates indigenous peoples. The constitution of each state has formulated article norms regarding the existence of indigenous peoples in it.¹⁸ The formulation of

¹⁶ Mohd Nur Syufaat bin Jamiran, Seow Ta Wee..., *loc.cit.*

¹⁷ Jenny K. Matuankotta, "Eksistensi Masyarakat Hukum Adat dalam Mempertahankan Sumber Daya Alam" *Jurnal Konstitusi PKK Fakultas Hukum Pattimura*, Volume II Number 1, June 2010, p. 10.

¹⁸ Can be seen in the 1945 Constitution of the Republic of Indonesia..., *loc.cit.* See also Malaysia's Constitution of 1957..., *loc.cit.*

legal regulations under the constitution is still a problem for Indonesia. Although there are many regulations that include indigenous peoples but there is not yet one specific rule that regulates indigenous peoples. This is different from Malaysia, which has formulated it in the *Orang Asli* Act 1954. As a state of law, Indonesia must immediately form rules that specifically regulate indigenous peoples.¹⁹ The establishment of this rule of law is the embodiment of the Indonesian state which seeks to protect every individual's rights based on the equality of the principles of justice and benefit for all its citizens..²⁰

The facts that occur are often not in line with existing legal rules. It can be seen the increasing erosion of forest area as well as customary land which changes its function according to the needs of the state.²¹ Customary lands and customary forests is a true indigenous rights owned by indigenous peoples, both individually and collectively (together) which is the residence and a place to make a living.²² This customary land issues are occurred both in Indonesia and Malaysia. The development carried out has caused problems for indigenous peoples who have always been the weakest party when faced with the state or companies that have cultivation rights.²³ The problem that occurs is more due to the absence of evidence of rights to the customary land.²⁴

In Indonesia, customary land ownership is still shackled by the state's right to control.²⁵ Indigenous peoples who still exist are only given

¹⁹ Refer to article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia which state "The State of Indonesia shall be a state based on the state of law".

²⁰ Diya Ul Akmal, "Indonesian State of Law is an Aspired Concept", *Jurnal Nurani Hukum*, Volume 4 Number 1, June 2021, p. 87.

²¹ Daniel Jesayanto Jaya, *et al...*, *loc.cit*.

²² Jenny K. Matuankotta..., *op.cit*, p. 12.

²³ Daniel Jesayanto Jaya, *et al...*, *op.cit*, p. 2.

²⁴ Daniel Jesayanto Jaya, *et al...*, *ibid*, p. 8. See also in Zainal Zuhilmi Zainal Abidin, Seow Ta Wee, "*Isu Konflik Tanah Adat Bagi Orang Asli di Malaysia*", *UTHM Institutional Repository*, downloaded at <https://core.ac.uk/reader/12008467>, 19th August 2021, 12:52 WIB, p. 578.

²⁵ See article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which state "The land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people".

the right to manage, not to own. If the Indigenous peoples no longer exists, the management of the customary land will be returned to the government.²⁶ In Malaysia also has similarities with those in Indonesia. Indigenous peoples are only considered as tenants of land owned by their ancestors and at any time this right can be revoked by the government. Its can be happens because the indigenous people do not have the legitimate property rights of the customary land.²⁷ Currently, Indonesia and Malaysia have implemented data collection on customary land. In Malaysia, customary land is always carried out data collection of land area every year. This data collection is due to the constantly changing land area as an implication of the transfer of rights. Customary land known as "*tanah simpanan melayu*" is only owned by Malays.²⁸ Meanwhile, in Indonesia there is also data collection and administration of customary land but it has not run optimally. Data collection is only carried out if there is a submission for administration of customary land.²⁹ Indigenous peoples should be given special rights certificates over customary lands. This is a prospect for asserting indigenous peoples' rights to customary lands. Economic policies in state development cannot in the slightest eliminate the rights of indigenous peoples because the formation of the state begins with the existence of these indigenous peoples.

As a result of the changed function of customary land and the loss of the existence of indigenous peoples in certain areas makes traditional culture also loses its existence.³⁰ It is inseparable from the existence of indigenous peoples who are required to adapt to the economic system and modernization after they lose the customary land where they have been

²⁶ Constitutional Court Decision of the Republic of Indonesia Number 35/PUU-XI/2012.

²⁷ Noraida binti Harun, Noor 'Ashikin binti Hamid, "*Akta Orang Asli 1954 (Akta 134): Sejauh Mana Melindungi Hak Orang Asli: Satu Kajian Perbandingan*", downloaded at <https://ir.uitm.edu.my/id/eprint/33470/1/33470.pdf>, 19th August 2021, 14:15 WIB, p. 7.

²⁸ Darwin Ginting, "*Politik Hukum Agraria Terhadap Hak Ulayat Masyarakat Hukum Adat di Indonesia*", *Jurnal Hukum dan Pembangunan*, Volume 42 Number 1, 2012, p. 35.

²⁹ See Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2019 concerning Procedures for Administration of Customary Land Community Units.

³⁰ Mohd Nur Syufaat Bin Jamiran, Seow Ta Wee..., *loc.cit.*

sheltering for so long. The mixing of various cultures has the impact of eroding the original culture which has been the hallmark of certain indigenous peoples. It is a very serious issue because traditional culture is a very valuable heritage of the nation's ancestors. Aside from being the identity of indigenous peoples, traditional culture has also become the nation's identity which is certainly not shared by other countries. Both Indonesia and Malaysia are experiencing this problem and it is exacerbated by the lack of interest of younger generation in learning traditional culture. Maximum efforts are needed so that each of these cultures does not become extinct as a result of the state's development.

Recognition and respect for the rights of indigenous peoples should not only be rhetoric but must be realized to achieve welfare goals.³¹ The government as the executor of state duties must be able to implement it in the social dynamics that occur. Each of the existing problems should be resolved immediately in order to guarantee indigenous peoples' rights and realize the expected implementation of the constitutional state.

3. Settlement of Problems as the State's Obligation in Fulfilling the Rights of Indigenous Peoples

State is an authority organization in carrying out its activities run by the office holders who represent the position.³² In carrying out its authority, the state must pay attention to the community because the essence of the formation of a state is based on the wishes of the community. People want a place to protect themselves and their rights. So that the society is one element of the formation of a state³³ Society as part of the citizens will be creating reciprocal links with countries such as the roles, rights, and obligations.

³¹ Jenny K. Matuankotta..., *op.cit*, p.13.

³² Muhamad Rakhmat..., *loc.cit*.

³³ Article 1 Montevideo Convention on the Rights and Duties of States 1933, states "The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states". Permanent population in which there are elements of society who live and settle in the area. The people will become citizens in the formation of the state.

When conceptualizing the obligations of the state and the rights of the people, the state is obliged to improve the welfare of its people, which is also a community rights that must be fulfilled. State development aims to realize this as an effort to increase the economy which is expected to have an impact on the welfare of the community. Society became the main subject of the fulfillment of rights so that there should be no distinction in realizing the welfare. Indigenous peoples as part of citizens are included in subjects whose lives must be prospered by the state. If in its implementation there is a problem, the state has an obligation to overcome it.

The state development experiences various problems and challenges to realize the fulfillment of rights for indigenous peoples. Customary land disputes still be a problem that most often occurs, and the indigenous people lost their homes and livelihood places. The more erosion of traditional cultural values is one of the impacts. The state seems to tend to ignore the problems that occur and only care about economic income, which is may not be perceived directly by indigenous peoples. The lack of legal instruments supporting the protection of the rights of indigenous peoples is a failure of the state to fulfill every right of its citizens.

By looking at every problem that occurs and doing a comparative between the existence of indigenous peoples in Indonesia and Malaysia, a solution to the problem can be constructed. Especially for Indonesia, with so many indigenous peoples that exist and spread throughout Indonesia, extra work is needed from the state to guarantee the rights of indigenous peoples. For Malaysia, some improvements are needed so that the rights of indigenous peoples can be guaranteed. As for what the state can do, including:

- a. Establish a legal instrument that specifically regulates indigenous peoples. In addition, it is necessary to renew any existing legal rules that still leave other issues;
- b. Required an active role by the government to collect data on indigenous peoples that still exist. If the government only act passively by waiting for the indigenous peoples to register themselves,

- there is a very high possibility that they will not understand how to carry out the required administrative registration;
- c. Required extensive collection of customary land and customary forest area. This data collection is carried out so that later if a company wishes to apply for a land use right in a certain area, it can transfer it to an area that is not an area of customary land or customary forest;
 - d. Indigenous peoples are issued with special rights certificates over their customary land. It can be a prospect that the government can do to protect the rights of customary land ownership. So far, indigenous peoples have always lost in court when dealing with companies or the state because they do not have legal proof of ownership of customary land; and
 - e. The government should conduct the data collection every traditional culture which is owned by indigenous people so that later its will not become extinct and can be learned by any person who interested in the culture or even the generations to come. It can be a wealth of objects and non-objects of wealth owned by the state.

The five instruments above are the first steps that the state can take. This will be a job that is not easy to be realized. Required seriousness of the government to gradually fix the existing problem. In the end, it is hoped that every indigenous people's rights can be fulfilled and the state can provide a sense of justice for all its citizens.

D. CONCLUSIONS

Indigenous peoples become a very weak party when faced with the state development. So far, the state has tried to protect the existence of indigenous peoples. The existence of indigenous peoples has been regulated within the applicable law. The problem is, the rule of law is not sufficient to protect the rights of indigenous peoples. By looking at the conceptions, challenges, and problems of indigenous peoples in Indonesia and Malaysia, it is increasingly clear that the interests of the state are above the interests of indigenous peoples. The pattern of state interests always places indigenous peoples as the second subject after the state. The

existence of indigenous peoples who live outside of society life in urban areas has resulted in the rights of indigenous peoples being not given much attention. Welfare is only defined as the progress of the state, not seen from the lives of indigenous peoples. An efforts to fulfill the rights of indigenous peoples should be carried out immediately because indigenous peoples are also a part of the citizens. Welfare should be interpreted more broadly as a joy of life in a state. The equalization of position between every citizen also should be paid more attention by the state in the future.

Problem solving cannot be done directly but must be done gradually and surely. State development policies that are correlated with economic policies must be able to unify the vision, especially with countries in the ASEAN region. The governments of Indonesia and Malaysia can be the pioneers in the framework of cooperation with ASEAN countries to protect the rights of indigenous peoples. So that each country can work together as well as improve every policy and make the government more sensitive to the problems of indigenous peoples. Based on the conception and the challenges faced, it can be understood that the issue of the rights of indigenous peoples does not only occur in Indonesia and Malaysia. It takes a pioneer country that understands every problem that occurs and wants to actively solve these problems. It is hoped that there will be no more discrimination in the rights of indigenous peoples, especially in Indonesia and Malaysia and generally for indigenous peoples throughout the world.

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