International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

Conditional Recognition: The Juridical Gap Between Normative Rights and Implementation Reality for "Indigenous Peoples" in Indonesia

Muhammad Juang Rambe

Email: muhammadjuangrambe@dosen.pancabudi.ac.id
Universitas Pembangunan Panca Budi, Indonesia

ABSTRACT
This research aims to comprehensively analyze the juridical relationship between the State and "Indigenous Peoples"-Masyarakat Hukum Adat/MHA in Indonesia, focusing on the gap between normative recognition and implementation reality. The method used is qualitative-descriptive normative legal research, employing statutory, historical, conceptual, comparative, and case approaches focused on Constitutional Court Decision No. 35/PUU-X/2012. The findings indicate that the legal relationship is trapped within a "conditional recognition" paradigm mandated by Article 18B of the 1945 Constitution. Despite significant normative progress, such as the Constitutional Court Decision No. 35/2012, which juridically removed customary forests from the state forest classification, implementation is systemically obstructed. These obstructions manifest in the disharmony of subordinative sectoral laws and the "decentralization of barriers" to regional governments, which require Local Regulations (Perda) that are often stalled by conflicting economic interests and a lack of political will. It is concluded that this fundamental gap is not a mere technical failure but a manifestation of a deep political-economic contestation over resources, perpetuating legal uncertainty for MHA. The implication of this research is the urgent need to pass the Bill on MHA as a primary legal umbrella to standardize criteria and rights protection mechanisms.

Keywords : Conditional Recognition; Implementation Gap; Indonesian Customary Law; Masyarakat Hukum Adat.

INTRODUCTION

A comprehensive understanding of the legal relationship between the state and Customary Law Communities (Masyarakat Hukum Adat/MHA) [1] in Indonesia necessitates an analysis that commences from a broader global context. The evolution of international law, the theoretical framework of legal pluralism, and comparative models of constitutional recognition provide a crucial conceptual foundation for situating and evaluating Indonesia's unique approach.

In recent decades, international law has undergone a fundamental transformation in its perception of "indigenous peoples". A paradigm shift has occurred, moving from a position where "indigenous peoples" were merely objects of state regulation to their recognition as subjects of international law, who possess rights and can assert claims against states and other international actors (Barrie, 2018).

The primary pillar of this evolution is the principle of self-determination. Initially understood in the context of decolonization leading to political independence, this principle has undergone significant interpretative development. In the discourse on indigenous rights, self-determination has become an effective platform for claiming rights to territory, land, and natural resources as essential elements of their existence (Barrie, 2018). Self-determination is not always interpreted as an aspiration for an independent state but is more often understood

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

as the right to autonomy or self-government in internal and local affairs, as well as the right to freely pursue their economic, social, and cultural development (United Nations, 2007).

The pivotal instrument in the crystallization of these rights is the 2007 United Nations Declaration on the Rights of "Indigenous Peoples" (UNDRIP). Although formally non-binding soft law, UNDRIP has had profound and far-reaching legal consequences. The Declaration is considered to reflect evolving norms of customary international law and has become a critical reference in the formation of domestic law in various countries (Macklem, 2008). Key articles in UNDRIP, such as Article 3 affirming the right to self-determination, Article 4 on the right to autonomy, and the series of articles mandating Free, Prior, and Informed Consent (FPIC) before states take actions affecting them (Articles 10, 11, 19, 32), have become global normative standards (Barrie, 2018).

The emergence of these collective rights inherently challenges the traditional doctrine of state sovereignty. Claims to group autonomy and collective rights to control land and natural resources challenge the supremacy and scope of state authority more fundamentally than classic individual human rights claims do (United Nations, 2007). The international human rights regime, evolving since the UN Charter, has gradually weakened the "sovereignty shield" that previously protected states from external scrutiny of their domestic affairs. The demands of "indigenous peoples", channeled through human rights mechanisms, have radically accelerated this process, forcing states to account for their natural resource development policies before international bodies (Anaya, 1998).

This development places a state like Indonesia in a dilemmatic position. On one hand, as a member of the international community and a signatory to UNDRIP, Indonesia is expected to respect these global norms. On the other, a strong emphasis on sovereignty and national unity (NKRI) makes the state resistant to claims perceived as threatening to central authority. Indonesia's response to this dilemma manifests in a unique juridical strategy: the argument that "all Indonesians are "indigenous peoples" (Climate Tracker Asia, n.d.). By equating the international concept of "indigenous peoples," which carries connotations of pre-state historical rights, with the domestic concept of "pribumi" as a general citizenship identity, the state effectively seeks to neutralize the power of claims to special collective and territorial rights inherent in indigenous status under UNDRIP. This strategy allows the state to appear compliant with international norms while simultaneously rejecting the substance of rights claims that could challenge its centralistic model of natural resource management. This represents a form of domesticating an international concept to maintain the state's power over land and resources.

To accurately analyze Indonesia's legal system, a theoretical framework that transcends the positivistic view of state law as the sole governing law is required. The theory of legal pluralism provides an essential analytical lens, as it acknowledges the coexistence of multiple normative systems—including state law, customary law (adat law), and religious law—within a single social and jurisdictional space (Miftah, 2023). In the context of post-colonial nations like Indonesia, legal pluralism is not an anomaly but a defining feature of its legal landscape, where the authority to create and enforce norms is not monopolized by the state (Kirunda et al., 2025).

The current condition of legal pluralism in Indonesia is a direct legacy of its colonial

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

history. The Dutch East Indies government, with a pragmatic approach, selectively recognized and codified parts of customary law (*adat*recht), not out of respect for local value systems, but for administrative convenience and control (Kirunda et al., 2025). This practice laid the foundation for a fragmented and hierarchical legal system where customary law was subordinated to European law. The post-independence state inherited this fragmented structure and has often failed to resolve its deeper normative contradictions (Kirunda et al., 2025).

The coexistence of customary law—generally unwritten, communal, and rooted in oral tradition—with state law—codified, individualistic, and formalistic—is an inherent source of normative conflict and legal uncertainty (Miftah, 2023). This conflict becomes particularly acute in courtrooms, where judges face the difficult task of navigating and reconciling often-conflicting norms. In practice, courts often engage in what might be termed "selective incorporation" or apply "strategic ambiguity." Customary norms may be validated, reinterpreted, or even fully subordinated to state law, depending on the case's context and judicial interpretation, which ultimately undermines the predictability and legitimacy of the judicial institution in the eyes of MHA (Kirunda et al., 2025).

METHODS

This study employs a qualitative normative legal research methodology, relying on the analysis of primary and secondary legal materials to examine the discrepancy between norm and practice (*das sollen und das sein*) in the regulation of Customary Law Communities. To achieve this objective, the research adopts a multi-faceted juridical approach, incorporating: a statute approach as its core analytical pillar; a historical approach to trace the evolution of legal policy; a case approach focused on the *ratio decidendi* of Constitutional Court Decision No. 35/PUU-X/2012; a comparative approach to examine models of recognition in other nations; and a conceptual approach grounded in the theoretical frameworks of legal pluralism and the Pancasila state under the rule of law. The collected legal materials are systematically analyzed using grammatical, historical, and teleological interpretation techniques to construct a coherent argument on the paradigm of conditional recognition and the challenges of its implementation within the national legal order.

RESULTS AND DISCUSSION

Results and Discussion

1. Comparative Models of Constitutional Recognition of Customary Law Communities

Approaches to the constitutional recognition of "indigenous peoples" rights vary significantly across the globe. A comparative analysis is instrumental in identifying key models and provides a framework for evaluating Indonesia's own approach. Broadly, two principal models can be identified on a spectrum, particularly when comparing post-colonial states with a common law heritage against the plurinational states of Latin America (Gussen, 2016).

The first model, often found in post-colonial nations such as Canada and New Zealand, can be characterized as a "narrow but dynamic" approach (Gussen, 2016). In this model, constitutional recognition does not seek to create a parallel legal system but rather attempts to integrate or accommodate indigenous rights within the existing majority legal framework. This

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

recognition is frequently dynamic, evolving through ongoing treaty negotiations and progressive judicial jurisprudence (Sullivan, 2019).

The second model, pioneered by plurinational states like Ecuador and Bolivia, adopts a "wide and static" approach (Gussen, 2016). The constitutions in these nations explicitly declare the state as "plurinational," thereby acknowledging the existence of multiple "nations" or political entities within it, including "indigenous peoples". This recognition is wide-ranging, encompassing the acknowledgment of customary legal systems, territorial jurisdiction, and political autonomy. However, it can be considered "static" in the sense that these rights are comprehensively enshrined in the constitutional text, which can sometimes create a significant gap between idealized constitutional guarantees and the challenges of practical implementation (Raj, 2025).

This comparative analysis is essential for contextualizing Indonesia's unique position. Indonesia does not fit neatly into either model. On one hand, its emphasis on the Unitary State of the Republic of Indonesia (NKRI) and a singular national law aligns it with the integrative model. On the other hand, the recognition of customary law in the Basic Agrarian Law (UUPA) and the 1945 Constitution display pluralistic elements.

2. The Legal Framework for Recognition and Protection of Customary Law Communities in Indonesia

Indonesia's domestic legal framework governing MHA is a complex structure, underpinned by a unique philosophical and constitutional foundation, yet fraught with historical ambiguities and contradictions that manifest in various sectoral laws.

2.1. Constitutional Foundation: Recognition of MHA in the Pancasila State Under the Rule of Law

The concept of the rule of law in Indonesia does not wholly adopt the Continental European *rechtsstaat* model, which emphasizes legal certainty, nor the Anglo-Saxon rule of law model, which focuses on a sense of justice. Instead, Indonesia has developed a hybrid concept known as the Pancasila State under the Rule of Law (Negara Hukum Pancasila) (Ginting et al., 2024). This concept attempts to synthesize legal certainty and justice, with the values of Pancasila serving as the fundamental norm (*grundnorm*) and legal ideal (*rechtsidee*) that animates the entire legal system (Nurbaningsih, n.d.).

Within this framework, the recognition of MHA is formulated in the Constitution. Article 18B(2) of the 1945 Constitution serves as the primary constitutional basis, stating: "The State recognizes and respects units of customary law communities and their traditional rights as long as they are extant and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law" (Miftah, 2023).

This formulation inherently creates a paradigm of "conditional recognition." This recognition is circumscribed by three cumulative conditions: (1) factual existence ("as long as they are extant"), (2) conformity with dominant social norms ("in accordance with the development of society"), and (3) adherence to state ideology ("in accordance with the principles of the Unitary State of the Republic of Indonesia"). A fourth and most crucial condition is the delegation of the details of this recognition to legislators ("shall be regulated

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

by law") (Climate Tracker Asia, n.d.).

This constitutional article is not a final guarantee of rights but an "arena of legal and political contestation." For MHA and their advocates, it is an anchor for demanding recognition. For the state, however, these conditional clauses serve as a powerful instrument to delay, limit, and control the recognition process. The requirement that recognition "be regulated by law" grants discretionary power to the Parliament and the Government to define who qualifies as MHA and which rights are acknowledged. The repeated failure to pass the Draft Law on Customary Law Communities (RUU MHA) is clear evidence of the political resistance to full recognition (Climate Tracker Asia, n.d.). The "NKRI principle" is often used as a pretext to reject claims deemed challenging to central authority. Consequently, rather than creating legal certainty, this article perpetuates it, leaving the status and rights of MHA dependent on dynamic and often unfavorable political interpretations. This ambiguity is exacerbated by inconsistent terminology within the 1945 Constitution itself, which also uses the term "traditional communities" in Article 28I (3) (Climate Tracker Asia, n.d.), creating further juridical confusion.

2.2. The Legal Politics Concerning MHA from the Colonial to Post-Independence Era

The contemporary legal relationship between the state and MHA is inseparable from its historical trajectory. During the colonial era, Dutch recognition of customary law (*adatrecht*) was based on administrative pragmatism rather than genuine respect. The objective was to create a dual legal order for effective control, which ultimately laid the foundation for the subordination of customary law (Zustiyantoro, 2025).

After independence, the new state prioritized economic development and national unity. Under the Old and particularly the New Order regimes, state law became the primary instrument for controlling natural resources, often at the expense of MHA's communal land rights (*hak ulayat*). Large-scale development projects were legitimized in the name of "national interest," a concept that effectively nullified local claims (Climate Tracker Asia, n.d.). During this period, MHA were often framed as "underdeveloped," and official terminology positioned them as passive objects of development rather than as subjects of law possessing rights (Climate Tracker Asia, n.d.).

The *Reformasi* era, beginning in 1998, opened new political and legal spaces, leading to the explicit constitutional recognition in Article 18B (2). The democratic space also allowed for the emergence of a strong civil society movement, such as the "Indigenous Peoples" Alliance of the Archipelago (AMAN) (International Work Group for Indigenous Affairs, n.d.). Nevertheless, the legacy of centralistic, exploitative policies remains deeply entrenched in the bureaucracy and sectoral laws (Zustiyantoro, 2025).

2.3. Overlapping Regulations on MHA Rights

The contradiction between normative recognition and the practice of subordination is most evident in sectoral laws governing natural resources. Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) is often regarded as progressive for its time. It acknowledges customary law as a primary source of national agrarian law (Article 5) and recognizes *ulayat* rights (Article 3) (Wangi et al., 2023). However, this recognition is highly ambivalent. Article 3 contains powerful limitations, stating that the exercise of *ulayat* rights

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

must align with the "national and state interest" and not conflict with higher laws (Pertiwi & Alhuda, 2024). These clauses became the juridical "backdoor" for the state to justify appropriating communal lands for development, placing "national interest" above traditional rights (Climate Tracker Asia, n.d.).

Law No. 41 of 1999 concerning Forestry (prior to a key 2012 court ruling) more blatantly subordinated MHA. It explicitly defined "customary forest" (*hutan adat*) as a part of "state forest" (*hutan negara*) (Climate Tracker Asia, n.d.). This definition had profound legal implications, granting the government full legitimacy to issue concessions on customary territories, often without consent, triggering thousands of agrarian conflicts across Indonesia (Climate Tracker Asia, n.d.).

3. Normative Recognition and the Reality of Implementation

The *Reformasi* era has witnessed key juridical developments, yet these normative breakthroughs face significant implementation challenges, highlighting the chasm between law in the books and law in action.

3.1. Constitutional Court Decision No. 35/PUU-X/2012: A Paradigm Shift or a Symbolic Victory?

Constitutional Court (MK) Decision No. 35/PUU-X/2012 was a significant juridical turning point. The Court ruled that the word "state" in the definition of "customary forest" within the Forestry Law was unconstitutional. The juridical implication was fundamental: it changed the legal status of customary forests from being part of state forests to being distinct rights-based forests (*hutan hak*) (Down to Earth, 2013). The decision affirms that MHA hold rights over their customary forests, providing a powerful constitutional basis to challenge state and corporate claims (Karjoko & Handayani, 2021). Consequently, the decision was celebrated as a historic victory (Down to Earth, 2013).

However, this juridical victory soon confronted a slow and obstacle-ridden implementation. Although the MK's decision is final and binding, its translation into policy has not been seamless (Climate Tracker Asia, n.d.). Formal recognition of a customary forest still depends on complex verification processes conducted by the government, which often require prior recognition of the MHA itself through a Local Regulation (Peraturan Daerah/Perda)—a new bottleneck (Perkumpulan HuMa, 2014). Years after the ruling, the area of officially recognized customary forests remains minuscule compared to the territories mapped by MHA, questioning whether the decision was a true paradigm shift or a symbolic victory.

3.2. Law No. 6 of 2014 concerning Villages: Hopes and Challenges of the 'Customary Village' Model

New hope emerged with Law No. 6 of 2014 on Villages, which altered local governance by legally recognizing two types of villages: the administrative village (*Desa Dinas*) and the "Customary Village" (*Desa Adat*) (Diamantina, 2016). This provides an opportunity for MHA to obtain formal legal status and authority, as well as access to state funding (Diamantina, 2016).

Nevertheless, the Village Law contains conceptual weaknesses. A primary criticism is

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

its imposition of an "integrated village" model, where a community must choose one status. This does not align with realities like in Bali, where administrative and customary villages have long operated under a "co-existence" model. Furthermore, designation as a Customary Village is also contingent upon a Perda, again making recognition dependent on local political will (Diamantina, 2016).

3.3. Implementation Problems: Translating National Recognition into Local Regulations

Both the MK Decision and the Village Law have inadvertently created a "decentralization of obstacles." Legal victories at the central level must now be validated through political processes at the regional level. The obligation to establish MHA existence via a Perda has shifted the veto point from the central government to hundreds of local governments (Karjoko & Handayani, 2021).

This shift has fragmented the MHA struggle. They must now lobby local officials, who are often more susceptible to the influence of local elites and business interests. This process is not a mere "implementation gap" but an effective political filtering system obstructing the realization of constitutionally acknowledged rights.

The enactment of these crucial Perda is impeded by several interconnected factors. A primary obstacle is a lack of political will at the local level, where governments are often reluctant to recognize MHA due to conflicts of interest, as their revenue frequently depends on issuing resource concessions (Climate Tracker Asia, n.d.). This reluctance is often compounded by limited institutional capacity and budgets, which prevent many local governments from undertaking the complex technical and financial process of identifying and mapping customary territories (Thontowi, 2013). The challenge is further exacerbated by the absence of clear national criteria from the central government, which has failed to provide binding guidelines for recognition, leading to subjective and inconsistent interpretations across regions (Thontowi, 2013). Finally, even where a Perda is successfully issued, its effectiveness is often undermined by insufficient socialization and participation, as many community members remain unaware of the protective policies, indicating a failure in participatory engagement (Allorerung et al., 2024).

CONCLUSION

A comprehensive analysis of Indonesia's legal framework reveals that the juridical relationship between the State and Customary Law Communities (MHA) is trapped within a paradigm of conditional recognition. This creates a fundamental discrepancy between normative recognition, fortified by the constitution and judicial jurisprudence, and empirical negation at the implementation level. The *de facto* supremacy of state law, driven by a resource-exploitation development paradigm, systematically subordinates customary legal pluralism, particularly in agrarian disputes. This gap is not a mere technical failure but a manifestation of a deep-seated politico-economic contest over resource control, perpetuating legal uncertainty and systemic injustice for MHA.

Transforming this paradigm into a guarantee of substantive legal certainty requires coordinated and imperative policy interventions. The most urgent step is the enactment of the Draft Law on Customary Law Communities to serve as an umbrella law standardizing criteria

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

and protection mechanisms. Simultaneously, this must be accompanied by the harmonization of sectoral laws through the absolute integration of the Free, Prior, and Informed Consent (FPIC) principle, a moratorium on new permits in indicative customary territories, the simplification of recognition procedures at the regional level, and the institutionalization of hybrid dispute resolution mechanisms that accommodate restorative justice principles within the national legal framework.

REFERENCES

Allorerung, F. L., Ismail, I., & Sore, U. B. (2024). Evaluasi Peraturan Daerah (Perda) Nomor 1 Tahun 2019: Studi Kasus: Pengakuan Dan Perlindungan Hak Masyarakat Hukum Adat di Lapangan Gembira Kabupaten Toraja Utara. *Paradigma Journal of Administration*, *2*(2), 130–137.

Anaya, S. J. (1998, January). Indigenous Peoples and International Law Issues. In *Proceedings of the ASIL Annual Meeting* (Vol. 92, pp. 96-99). Cambridge University Press.

Barrie, G. N. (2018). International law and indigenous people: self-determination, development, consent and co-management. *Comparative and International Law Journal of Southern Africa*, *51*(2), 171–184.

Batubara, S. S. (2022). The Effect of Work Conflicts on Employee Performance. *International Journal of Economic, Technology and Social Sciences (Injects)*, *3*(1), 1-4.

Climate Tracker Asia. (n.d.). *Indigenous people of Indonesia: Fight for their way*. Retrieved October 24, 2025, from https://climatetracker.asia/indigenous-people-of-indonesia-fight-for-their-way/

Diamantina, A. (2016). UU NO 6 Tahun 2014 Tentang Desa Sebagai Manifestasi Penegakan Pasal 18 B Ayat (2) UUD NRI Tahun 1945. *Masalah-Masalah Hukum*, *45*(1), 33–40.

Down to Earth. (2013, June 7). *A turning point for Indonesia's indigenous peoples*. http://www.downtoearth-indonesia.org/

Fatmawati, I., Fikri, R. A., Siregar, M. A., & Mawarni, S. (2023). The restorative method for development urgency of customary. Jurnal Ekonomi, 12(02), 1385-1391.

Fatmawati, I., Fikri, R. A., & Siregar, M. A. (2023). Peradilan Adat Dan Restoratif Dalam Penegakan Hukum Di Indonesia. *Penerbit Tahta Media*.

Ginting, B. P., Suganda, A., & Suasungnern, S. (2024). THE CONCEPT OF THE RULE OF LAW IN THE INDONESIAN CONSTITUTION. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, *3*(12), 1291–1300.

Gussen, B. F. (2016). A comparative analysis of constitutional recognition of aboriginal peoples. *Melbourne University Law Review*, *40*, 867.

International Work Group for Indigenous Affairs. (n.d.). *Indonesia*. Retrieved October 24, 2025, from https://iwgia.org/es/paises?view=category&id=185

Karjoko, L., & Handayani, I. G. A. K. R. (2021). The consequence of the decision of the constitutional court in forestry on the recognition of traditional forests in Indonesia. *Journal of Legal, Ethical and Regulatory Issues*, *24*, 1.

International Journal of Economic, Technology and Social Sciences
e-ISSN 2775-2976
International Journal of Economic, Technology and Social Sciences
url: https://jurnal.ceredindonesia.or.id/index.php/injects
Volume 6 Number 1 page 249-257

Kirunda, J., Nabirye, H., & Muwanguzi, R. (2025). Legal Pluralism in Postcolonial Nations: Reconciling Customary, Religious, and State Norms in Judicial Practices. *Rechtsnormen: Journal of Law*, *3*(2), 199–208.

Macklem, P. (2008). Indigenous recognition in international law: Theoretical observations. *Michigan Journal of International Law*, *30*, 177.

Miftah, M. (2023). THE ROLE OF CUSTOMARY LAW IN THE DEVELOPMENT OF NATIONAL LAW. *Fox Justi: Jurnal Ilmu Hukum*, *13*(2), 80–86.

Nurbaningsih, E. (n.d.). *Rule of Law and Its Development in Indonesia*. World Justice Project. Retrieved October 24, 2025, from https://worldjusticeproject.org/sites/default/files/documents/remarks_english_drenny.pdf

Perkumpulan HuMa. (2014, September 26). *Siaran pers: Restitusi negara atas pelanggaran hak konstitusional masyarakat adat atas wilayah/hutan adatnya*. https://web.huma.or.id/siaran-pers-restitusi-negara-atas-pelanggaran-hak-konstitusional-masyarakat-adat-atas-wilayah-hutan-adatnya/

Pertiwi, E., & Alhuda, N. (2024). Analisis Yuridis Perlindungan Yuridis Hak Ulayat Masyarakat Adat Ciptagelar Pasca Pengesahan Undang-Undang Ciptakerja (Uuck) Dan Pengakuan Unesco Terhadap Kawasan Geopark Ciletuh, Sukabumi. *Jurnal Hukum Lex Generalis*, *5*(3).

Raj, B. J. J. (2025). Indigenous Rights and Constitutional Recognition: A Comparative Analysis. *International Journal of Law, Management & Humanities*, *8*(2), 822–834. https://doi.org/10.10000/IJLMH.119174

Rambe, M. J. (2022). Legal Issues of State Financial Status in State-Owned Enterprises of the Holding Company Indonesian Mining Industry (MIND ID). *International Journal of Economic, Technology and Social Sciences (Injects)*, *3*(2), 332-338.

Sullivan, C. (2019). Constitutional Recognition or treaty?. *NEW: Emerging scholars in Australian Indigenous Studies*, *5*(1).

Thontowi, J. (2013). Perlindungan dan pengakuan masyarakat adat dan tantangannya dalam hukum Indonesia. *Jurnal Hukum Ius Quia Iustum*, *20*(1), 21–36.

United Nations. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*.

Wangi, N. K. P. S. S., Dantes, K. F., & Sudiatmaka, K. (2023). Analisis Yuridis Hak Ulayat Terhadap Kepemilikan Tanah Adat Berdasarkan Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria. *Jurnal Ilmu Hukum Sui Generis*, *3*(3), 112–121.

Zustiyantoro, D. (2025). Adat, Kelas, dan Indigenitas: Gerakan Masyarakat Adat di Indonesia, by R. Yando Zakaria. *Bijdragen tot de taal-, land- en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia*, *181*(2-3), 313–316.