



The Urgency of Ratification of the Indigenous Peoples Bill to Safeguard Human Rights and Environmental Protection in Indonesia

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Abstract

The research investigates the challenges faced by environmental and indigenous activists in Indonesia, focusing on how legal and institutional frameworks contribute to criminalization and repression. Using a qualitative case study approach, the research analyzed several landmark cases, including those of Daniel Frits Tangkilisan, Jasmin, and others, to identify recurring patterns of legal intimidation, particularly through the misuse of defamation and subversion provisions. These cases were selected based on their representativeness and relevance to broader trends observed in environmental conflicts involving indigenous peoples. The research identified systemic gaps in legal protection for environmental defenders by tracing the legal trajectory and socio-political context surrounding the incidents. These gaps allow industrial interests to suppress dissent and perpetuate ecological damage without adequate accountability. The findings demonstrate the interconnectedness of these patterns, exposing a broader legal and political landscape that fails to adequately safeguard human rights and environmental justice. The research contributes to academic discourse by offering a critical reflection on how existing legal instruments in Indonesia fail to address these issues. It argues that the passage of the Indigenous Peoples Bill could be an important step toward institutional reform by strengthening legal protections, enabling participatory resource governance, and reducing the criminalization of legitimate advocacy efforts. The novelty of this research lies in the analytical link between individual case dynamics and structural legal deficiencies, which provides a framework for policy discussions rooted in empirical evidence and grounded analysis.

INTRODUCTION

The research stems from the complex and worrying reality of the ongoing tension between the interests of industrial development and efforts to protect the basic rights of local communities and environmental sustainability in Indonesia. In the spirit of economic development, the state often favors the expansion of large-scale industries, such as mining and plantations, which often clash with the right to a healthy environment and the management of natural resources by indigenous peoples. In practice, the prevailing legal framework has not been able to effectively provide protection to environmental and human rights defenders. Instead, the law is often used as a repressive instrument to silence criticism and resistance to destructive industrial projects. The phenomenon of criminalization of environmental activists and indigenous peoples has become an increasingly prominent symptom. When they voice their opposition to environmental destruction or defend their customary land rights, they are faced with irrelevant, even far-fetched legal charges such as spreading the teachings of communism or defamation. The Electronic Information and Transaction Law (ITE) has a number of articles that are often misused to ensnare criticism of government or corporate policies, especially those voiced through digital media (Dunan & Mudjiyanto, 2022). Legal interpretations tend to be narrow and biased towards economic interests, causing critical voices to be considered a threat, not as part of the democratic process. This condition is exacerbated by the power imbalance between large corporations and local communities, which results in very limited democratic space in expressing environmental aspirations. Intimidation, arrests, and other legal threats against activists have created a deterrent effect that inhibits people's courage to criticize environmental damage. Thus, the law does not function as a protector of justice, and will become a tool to legitimize power and economic interests. The state's dependence on the extractive industry sector, such as palm oil and mining, also strengthens the state's tendency to protect investment and corporate interests more than the interests of the people and environmental sustainability. As a result, indigenous peoples' rights to customary territories and natural resources are not adequately recognized and protected in national regulations. In fact, globally, concerns have emerged about the systemic pattern of using the law to suppress critical voices in developing countries, including Indonesia, where the suppression of the environmental movement is not only carried out individually, but through state systems and tools.

This research is based on various interrelated theories in understanding the dynamics between state power, corporations, and community struggles for environmental justice and human rights. Antonio Gramsci's hegemony theory explains how the state and dominant elites use law and ideology to perpetuate their economic interests, including by suppressing subordinate groups such as indigenous peoples and environmental activists (Bates, 1975). This is in line with Ralph Miliband's view in instrumentalist state theory, where the state is positioned as a tool of the capitalist class that favors large corporations over the public interest and environmental preservation (Barrow, 2008). In the perspective of critical criminology or green criminology, the prevailing legal system often fails to recognize crimes against the environment and violations of community rights as criminal acts due to the influence of political and economic power (Brisman, 2007;

Sollund, 2021). This is closely related to Johan Galtung's concept of structural violence, which highlights that people's suffering does not always arise from physical violence, but also from systemically oppressive policies and legal systems (Dilts et al., 2012). Inequities in the distribution of environmental risks and impacts are examined in ecological justice theory, which emphasizes that vulnerable groups such as indigenous peoples are often victims of exploitative development (Givens et al., 2019; Loozen, 2013). Meanwhile, critical human rights theory questions the effectiveness of existing human rights law, especially when the state uses its legal instruments to silence human rights defenders (Bennett & Danna Ingleton, 2015). Postcolonial theory reveals how traces of colonialism still influence legal structures and development policies that are biased towards the interests of the state and foreign capital, while marginalizing the rights of local communities (McEwan, 2008). The misuse of the ITE Law in limiting freedom of speech can be explained through the theory of press and speech offenses, which shows how criticism of environmental damage is silenced under the pretext of hate speech or defamation (Juhan, 2013). Power imbalances between communities and corporations are also highlighted in power imbalance theory, where access to justice and democratic participation of local communities is often hindered. However, the social resistance theory of James C. Scott shows that even in oppressed conditions, communities still develop forms of resistance to defend their rights, despite often having to deal with criminalization and unfair legal pressure (Scott, 1986).

The research departs from a number of hypotheses that interpret the dynamics of tension between development interests and the protection of basic rights of communities and the environment in Indonesia. First, it is suspected that the existing legal framework has not been able to effectively protect environmental activists and indigenous peoples from criminalization. In this case, the Electronic Information and Transaction (ITE) Law is allegedly used as a repressive tool to silence criticism of government policies and corporate interests, particularly on environmental issues. Legal interpretation in Indonesia is also suspected of favoring economic and development interests, neglecting the protection of human rights and environmental sustainability. The power imbalance between large corporations and local communities is thought to narrow the democratic space for expressing aspirations related to the environment. Legal accusations directed at environmental activists are often considered irrelevant and used as a strategy to discredit the movement against extractive industry projects. The state's economic dependence on the industrial sector is also suspected of strengthening the state's tendency to favor corporations over the community. Furthermore, the practice of criminalization against environmental defenders is indicated to be carried out systemically by utilizing legal loopholes and support from state apparatus. As a result, there is a significant deterrent effect that has the potential to inhibit people's freedom to criticize environmental damage.

The research aims to critically examine the criminalization practices experienced by environmental activists and indigenous peoples in Indonesia. In the increasingly sharp conflict between the interests of industrial development and environmental protection, the research seeks to analyze how legal instruments are used, either directly or covertly, as repressive tools to silence voices critical of the exploitation of natural resources that

harm communities and ecosystems. The research seeks to identify the role of the state, law enforcement officials, and the national regulatory framework in facilitating or even hindering the protection of the right to a healthy environment, particularly through an examination of the misuse of legal articles such as those in the Electronic Information and Transaction Law (ITE Law). Emphasis is also placed on power imbalances between large corporations and local communities that hinder access to environmental justice, with the ultimate goal of formulating policy recommendations that strengthen legal protection for environmental defenders and indigenous peoples defending land rights and natural preservation. In terms of benefits, the research is expected to make a scientific contribution to the development of legal studies, human rights, and environmental justice in Indonesia. The results of the research are intended to increase public and policy makers' understanding of the systemic impact of criminalization on the environmental movement, as well as provide strong advocacy materials for civil society organizations in fighting for the rights of environmental defenders. The research findings are expected to provide an empirical basis for the process of forming and revising policies that are more favorable to indigenous peoples and environmental sustainability. Thus, this research seeks to encourage the realization of a national legal system that is more just, inclusive and democratic in responding to the tension between industrial development and the protection of the basic rights of local communities.

The research is limited to the issue of criminalization of environmental activists and indigenous peoples fighting for the right to a healthy environment and the preservation of customary lands in Indonesia. The main focus is on the use of national legal instruments, particularly the Electronic Information and Transaction Law (ITE) and a number of other articles that are often used as tools to ensnare environmental defenders. The research highlights the role of state actors, especially law enforcement officials and the government, as the ones who commit acts of criminalization, while activists and indigenous communities are positioned as victims. The approach used is a critical legal and human rights approach, without addressing the technical or economic aspects of the industrial projects that are the source of conflict. The temporal scope of the research is within the last two decades (2000-2024), with a regional focus on areas experiencing tensions between industrial projects and local communities. The data used is secondary, in the form of non-governmental organization reports, media reports, and legal and regulatory documents, without primary data collection through surveys or interviews. The research is not intended to provide technical solutions, but rather to reveal systemic patterns and legal structures that allow for the criminalization of environmental defenders.

In previous studies, various aspects of the problem of criminalization of environmental activists in Indonesia have been critically discussed. Research by Saleh & Spaltani (2022) emphasized the many cases of criminalization of environmental activists fighting for environmental sustainability and customary land, as well as the weak support from the existing legal framework. Meanwhile, Robertua et al., (2024) reviews the dynamics of transnational movements such as Greta Thunberg in the context of environmental politics in Indonesia, showing how the deterrent effect of criminalization has limited the space for

rural and indigenous peoples to struggle. Arifin et al., (2024) examined the effectiveness of laws related to the enactment of immunity rights for environmental defenders, but the results showed that the legal protection was still normative and not strong enough to prevent criminalization. Rahmawati (2025) discussed the anti-SLAPP (Strategic Lawsuit Against Public Participation) legal approach as an effort to protect environmental activists, but found that its implementation was still not optimal. Afifah et al., (2024) also highlighted the lack of effectiveness of positive law in preventing criminalization and protection of people fighting for environmental rights, especially when conflicts occur between indigenous peoples and industry. On the other hand, the study Azis et al., (2023) and Suryani et al., (2022) described concrete cases of violations of indigenous peoples' human rights and the weakening of civic participation in natural resource governance, signaling a structurally entrenched democratic backsliding.

While these studies have highlighted the importance of legal protection for environmental defenders and exposed various gaps in the national legal system, no study has comprehensively reformulated a national legal mechanism capable of protecting environmental activists in a substantive and sustainable manner. Previous studies tend to focus on case analysis, normative criticism, or partial evaluation of existing legal instruments. There is no integrative approach that synergizes the protection of the right to a healthy environment, the recognition of indigenous peoples' rights, and the systemic prevention of criminalization in a single legal framework.

This research is present to fill this void with a conceptual and structural legal reformulation approach, in order to build a legal protection system that is not only responsive to criminalization cases, but also preventive and progressive in supporting the environmental movement as part of human rights. The research summarizes the systemic weaknesses that have been identified by previous studies and proposes an alternative model based on the principles of environmental justice and substantive democracy, this research places itself in a strategic position as part of the state of the art in the discourse of environmental law and human rights in Indonesia.

METHODS

The research approach used in the study is a qualitative method with a focus on case study analysis (Gammelgaard, 2017). The approach was chosen because it allowed the researcher to understand in depth the dynamics that occur between environmental activists, indigenous communities and the industrial sector in Indonesia. Using case study analysis, the research comprehensively explores the various interactions and conflicts that arise between the three parties. The research seeks to identify the factors that influence their relationship, especially in environmental issues and the protection of indigenous community rights, which are often crucial points in these social dynamics. The approach allowed for the extraction of rich and contextualized information, thus providing a more holistic understanding of the complexity of the issues at hand.

Data collection techniques in the research were conducted in several complementary ways to gain an in-depth and comprehensive understanding of the dynamics between indigenous communities, environmental activists and the industrial sector. One of the

main techniques was direct observation, where researchers actively observed the conditions in the field as well as the interactions between the parties (Baker, 2006). This allows researchers to witness the social situation, conflict dynamics, and the way indigenous communities and environmental activists operate within the existing social and legal environment.

The research used legal document analysis as an important data source. Using a review of various legal documents that regulate environmental activism, such as the Electronic Information and Transaction Law (ITE), the researcher seeks to understand how these regulations function in the protection and restriction of environmental activists (Carter, 2007; Lubis & Maulana, 2011). The analysis will shed light on the legal framework that influences the actions of actors on the ground. The research analyzed media reports. The researcher monitors and studies media coverage, exploring how media narratives shape public perceptions of environmental activists and how such coverage can influence policy and legal action against them. The approach will understand the complex relationship between media, law and social movements. All of these data collection techniques are integrated in a holistic and comprehensive approach. By combining these methods, the research is able to provide a comprehensive understanding of the social, legal and political context behind the interactions between indigenous communities, environmental activists and industry in Indonesia.

Regulatory Analysis and Legal Implications

The analysis of regulations and legal implications in this research focuses on an in-depth study of the Electronic Information and Transaction Law (UU ITE) passed in 2008, as well as the Draft Law on Indigenous Peoples, which is the main legal instrument in the context of protecting the rights of indigenous communities in Indonesia (Sempo, 2024; Sidik, 2013). The study assesses the extent to which the current legal framework is effective in providing protection for human rights and the environment, particularly for environmental activists and indigenous communities who often face various forms of pressure and criminalization. The study also identified potential legal reforms needed to strengthen these protections, given evolving social and environmental complexities. The study emphasizes the importance of revising the ITE Law so that it is not misused as a tool to curb freedom of speech and environmental advocacy activities, and supports the passage of the Indigenous Peoples Bill as a strategic step to ensure more effective recognition and protection of the rights of indigenous peoples in Indonesia.

RESULT AND DISCUSSION

Cases of arrest and criminalization of environmental activists in Indonesia highlight the complex challenges facing human rights defenders and environmental conservation, particularly in the face of tensions between industrial development interests and the protection of the basic rights of local communities and ecosystems (Pratama et al., 2024). This challenge is closely linked to the inability of the existing legal framework to effectively protect these fundamental rights.

Previous studies have shown that environmental activists and indigenous peoples are often subjected to repression by the authorities, even though they are fighting for the right

to a healthy environment and the preservation of their culture and customary territories (Lukum & Hukumu, 2025). This is in line with the findings (Arifin et al., 2024), which highlights that many indigenous activists and communities face the threat of criminalization as a result of their struggle for environmental and socio-economic rights. They are often perceived as a threat to large economic interests, such as companies in the natural resources, mining and plantation sectors.

The legal process is often not in their favor. Instead, the law is often used as a tool to suppress these movements. In fact, these rights should be guaranteed by the constitution, but the implementation of this protection is very weak, as evidenced by the many cases that have led to criminalization.

One of the main challenges is the inadequacy of the existing legal framework to provide adequate protection. Indonesia's legal framework often does not explicitly recognize the rights of indigenous peoples or their involvement in the management of natural resources in their customary territories (Farina et al., 2024). Many applicable regulations and legal processes are narrowly interpreted, with legal decisions tending to prioritize economic and development interests over human rights and environmental protection.

The research emphasizes the need for legal policy reforms that are more responsive and inclusive of the rights of indigenous peoples and environmental activists. The analytical framework used draws on the theory of conflicts of interest between economic development and the protection of human rights and ecosystems, as developed in the environmental rights and customary law literature (Syaprihah, 2018).

Cases of arrest of environmental activists

The research looks at a number of cases of arrests of environmental activists in Indonesia that expose the sharp tensions between freedom of expression, environmental protection, and the pressures of economic and political interests.

Several cases of arrests of environmental activists in Indonesia reveal the tension between environmental conservation efforts and industrial economic interests as shown in table 1.

Table 1. Some Cases of Arrest of Environmental Activists in Indonesia

Case/Activist	Date/Location	Key Issues	Law / Related Laws	Social/Political Impact	Key References
Daniel Frits Tangkilisan	March 19, 2024, Karimunjawa	Criticism of environmental damage caused by shrimp farm expansion	Article 45A paragraph 2 in conjunction with Article 28 paragraph 2 of the ITE Law	Detention as an attempt to silence criticism, creating tension between freedom of speech and protection of reputation	(Azmi & Nurhilmiyah, 2024; Kumalasari, 2019)
Muhammad Sandi	May 15, 2019, West Kalimantan	Criticism of environmental damage caused by palm oil companies	Allegations of defamation	Criminalization of activists, tensions between palm oil economy and	(Rachmawati & Taduri, 2021; Situmeang & Purwan, 2023)

				environmental sustainability	
Heri Budiawan	September 2017, Banyuwangi	Rejection of environmentally destructive gold mining practices	Allegations of spreading communism	Detention with communist stigma, suppression of free speech and social movements	(Alkautsar, 2023)
Sorbatua Siallagan	March 22, 2021, customary land conflict	Conflict over customary land rights with pulp company	Allegations of arson and forest destruction	Indigenous peoples' vulnerable position to large corporations, law enforcement bias towards industry interests	(Parhusip et al., n.d.)

The case of Daniel Frits Tangkilisan, who was arrested on 19 March 2024 for criticizing environmental damage caused by the expansion of shrimp farms in Karimunjawa, defines how articles in the Electronic Information and Transaction Law (UU ITE), particularly Article 28 paragraph 2 and Article 45A paragraph 2, are often used to silence criticism of industrial practices that damage the environment. The ITE Law is controversial because it allows abuse in suppressing criticism that should be part of social control and sustainability efforts (Febriandy & Wahid, 2024).

This incident emphasizes the fundamental conflict between the right of individuals to voice social criticism for environmental protection and the interests of industry players who feel aggrieved. Repressive law enforcement, such as imprisonment and fines against Daniel, shows how the space for freedom of expression can be reduced by legal pressure based on economic interests. This underlines that the legal system, which is supposed to protect human rights, can instead become a tool to silence criticism, which actually hampers efforts to protect the environment and social transparency.

Other cases, such as the arrest of Jasmin in Konawe for opposing a nickel mine, and Muhammad Sandi in West Kalimantan who faced defamation charges for criticizing the palm oil industry, demonstrate a systematic pattern of environmental activists facing legal intimidation from actors with considerable economic and political power.

Research indicates that the dominance of large companies in the extractive sector, such as mining and plantations, creates an imbalance of power that makes it difficult for indigenous peoples and local groups to fight for their rights. Legality is often used as an instrument to suppress opposition, amid weak enforcement of environmental regulations that are supposed to protect ecosystems and local communities.

The phenomenon of criminalizing activists is part of a global dynamic that sacrifices human rights and freedom of expression in order to maintain an environmentally destructive economic status quo. On the other hand, there is a growing wave of social resistance and public awareness demanding corporate accountability and environmental protection.

The case of Heri Budiawan, who was accused of spreading communist teachings to silence criticism of a gold mine in Banyuwangi, highlights how the political stigma attached to Indonesia's history (G30S/PKI 1965) is still used as a repressive tool. The use of accusations of communism to criminalize environmental activism is a form of systemic violence that threatens freedom of speech and social sustainability (Loadenthal, 2018; Salter, 2011).

This incident confirms that efforts to maintain industrial domination and political power are often accompanied by the mobilization of fear narratives that inhibit critical dialogue and social change. Critical education and collective consciousness are therefore necessary to overcome this legacy of stigma and support equitable environmental struggles.

The case of Sorbatua Siallagan, who was arrested as a result of a conflict over customary land with a pulp company, highlights the vulnerability of indigenous peoples to industrial expansion, which often destroys the environment while ignoring customary rights (Manalu, 2025). Research shows that the dominance of large companies in controlling land has a direct impact on the loss of indigenous peoples' access to the natural resources that sustain their lives.

The tendency of law enforcement officials to favor economic interests reinforces this imbalance and weakens the protection of indigenous peoples' environmental and social rights. This study emphasizes the need for policy reforms that prioritize ecological and social justice, and respect for the rights of indigenous peoples as an integral part of sustainable development.

A key challenge is how to create a democratic space that allows constructive criticism of industry practices without fear of repression, as well as integrating effective legal protections for activists and indigenous peoples who are at the forefront of environmental struggles. Legal reform, raising public awareness, and strengthening social movements are key to realizing ecological sustainability and justice amidst strong political-economic pressures.

The Urgency of Ratifying the Indigenous Peoples Bill for the Protection of Human Rights, Environmental Sustainability and Justice in Law Enforcement in Indonesia

The urgency of accelerating the ratification of the Indigenous Peoples Bill lies in the protection of human rights (HAM) for environmental activists and indigenous communities who often experience criminalization and repressive actions when fighting for land rights and environmental sustainability (Saswoyo & Pura, 2023). Activists and indigenous peoples are often the target of unfair legal charges, including charges of defamation or spreading banned ideologies such as communism, as illustrated in the case studies above (Yunus, 2021). These accusations are often motivated by attempts to silence critical voices that are seen as threatening the interests of large industries, especially those involved in the exploitation of natural resources.

According to research conducted by Alamdari (2024). In many countries, environmental activists are often targeted for criminalization in response to their efforts to fight for indigenous peoples' rights and environmental protection. Criminalization is

often based on vague or fabricated charges aimed at suppressing movements that are considered to threaten economic and political interests, especially those related to extractive industries such as mining, plantations, and forestry. Jones (2023) noted in its report that in many developing countries, activists fighting for land and environmental rights are often charged with disproportionate charges, such as insulting officials or actions deemed to disturb public order. These charges, according to Nickel & Martin (2023) are often accompanied by physical threats or restrictions on freedom, leading to feelings of fear among indigenous peoples and activists.

One of the main reasons why environmental activists and indigenous peoples are targeted for criminalization is that they are often in direct conflict with the interests of large industries involved in the exploitation of natural resources (Rifai & Haeril, 2024). Research by (Nasution et al., 2024; Syaifudin & Rusmana, 2024) shows that large industries, especially those in the mining and forestry sectors, have strong political influence and often try to protect their profits by suppressing or stopping resistance from indigenous communities. One way this is done is by spreading misleading accusations against activists or indigenous community figures in the hope of reducing public support for their struggle.

In many cases that occur in Indonesia, indigenous communities are often accused of being the ones who disrupt order or national development when they oppose development projects that damage the environment (Ismallah, 2024). The accusations are often not based on solid evidence but rather on attempts to portray them as a threat to social and economic stability.

The ratification of the Indigenous Peoples Bill is expected to provide clearer and stronger legal protection for indigenous peoples and environmental activists. As stated by (Nazhiva, 2023), this bill can provide a more solid legal basis to fight for indigenous and environmental rights while protecting them from criminalization and baseless accusations. The ratification of the Indigenous Peoples Bill is not only about the legal protection of land and natural resource rights but also about the protection of freedom of speech and assembly.

The importance of this bill, as illustrated by Aryani & Giri (2020), lies in its ability to provide recognition to the collective rights of indigenous peoples, including the right to self-determination, which are often neglected in development policies that prioritize economic gain.

From a social and economic perspective, the ratification of the Indigenous Peoples Bill has a significant impact. Putra & Azhar (2024) in his research explains that indigenous peoples are often in a vulnerable position in the national economic system because they are often ignored in development policies. Indigenous peoples tend to be marginalized in the decision-making process that impacts environmental sustainability and the management of their natural resources (Aulia, 2024).

Delays in the process of passing bills often become obstacles in environmental protection efforts. The speed of passing bills is very important because it can accelerate the implementation of policies aimed at protecting the environment. Many conflicts between environmental activists and industry are caused by activists' rejection of

practices that damage the ecosystem (Agustari & Muslim, 2024). Environmentally destructive practices threaten the survival of indigenous communities who depend on the natural ecosystems in their territories.

The existence of laws that protect the rights of indigenous peoples and their lands can limit the access of industries that have great potential to damage the environment. This is especially relevant considering the rapid expansion of an industry that often ignores the sustainability of ecosystems for the sake of economic gain alone (Edwards, 2021). The Indigenous Peoples Bill is expected to be a legal umbrella that strengthens Indonesia's ecological sustainability and protects the lives of indigenous peoples who directly depend on the sustainability of nature in their areas. The existence of this law will provide a clear legal basis for the protection of indigenous peoples' rights and regulate limitations on industrial activities that have the potential to damage their environment.

The Indigenous Peoples Bill plays an important role as a legal instrument that not only protects the rights of indigenous peoples to live but also maintains the ecological balance that is increasingly threatened by industrial expansion. The emphasis on the importance of preserving nature in Indigenous peoples' areas is in line with the views of (Putra & Azhar, 2024), which state that Indigenous peoples are often the primary guardians of biodiversity and the sustainability of local ecosystems.

It is important to note that laws that address indigenous peoples' rights not only protect these groups from industrial threats, but also make a major contribution to broader environmental protection efforts. A growing body of research shows that indigenous-based approaches to natural resource management tend to be more successful in preserving ecosystems (Sukomardojo et al., 2023).

It is hoped that the Indigenous Peoples Bill will be able to create space for greater participation for Indigenous communities in making decisions related to the use of natural resources in customary territories. Decisions often only involve government and industry without considering the interests and voices of indigenous communities who have an attachment and responsibility for nature conservation (Abdurahman & Mubarok, 2024). The bill encourages more inclusive and democratic decision-making so that Indigenous peoples can have a significant role in determining policies regarding the future of natural resources in their territories. The participation of indigenous communities in decision-making processes can reduce the potential for conflict with industry, as a more inclusive approach tends to result in policies that are fairer and more acceptable to all parties involved.

It is hoped that the accelerated ratification of the Indigenous Peoples Bill will be able to improve law enforcement in Indonesia, especially in environmental and human rights issues. Many cases of criminalization of environmental activists show that there is an imbalance in the law enforcement system, where the government tends to act quickly in taking action against those who are critical of industrial practices, while violations committed by industry against the environment often escape strict supervision (Faisol et al., 2023; Hariyati & Septiana, 2019). With a clearer legal framework through the Bill, it is hoped that the principles of justice can be upheld evenly and the legal protection that should be felt by all levels of society can be realized without bias. Accelerating the

ratification of the Indigenous Peoples Bill is an important step in creating a just legal basis, not only in protecting the rights of indigenous peoples but also in protecting environmental rights so that justice and protection can be realized in reality in Indonesia.

Cases of arrest and criminalization of environmental activists and indigenous communities in Indonesia pose a serious challenge to human rights defenders and environmental conservation efforts. These challenges demonstrate the weakness of the legal framework to guarantee the protection of basic rights, particularly in the context of freedom of expression and protection of land and the environment.

One notable case is the arrest of Daniel Frits Tangkilisan on March 19, 2024, after he criticized environmental damage in Karimunjawa due to shrimp farm expansion. This arrest used the Electronic Information and Transaction (ITE) Law, which is supposed to protect the right to freedom of expression, but instead became a tool of repression against critical voices. This creates a negative precedent, where the law is used to silence those fighting for environmental justice. The impact is not only on the individuals who are criminalized, but also creates a deterrent effect and fear among other activists. Similar patterns of repression were also seen in the cases of Jasmin in Wawonii and Muhammad Sandi in West Kalimantan. In these cases, criticism of environmentally destructive industrial practices was met with legal intimidation. When communities voice opposition to destructive industrial activities, the response received is not dialogue or solutions, but criminalization. Such responses interpret how industrial actors, when facing social resistance, tend to protect their economic interests in ways that can be detrimental to human rights. This situation creates a major obstacle to the struggle for environmental sustainability, as critical community voices are often suppressed in favor of continued exploitative business operations. The cases of Tubagus Budhi Firbany and Heri Budiawan show how the narrative of fear of communism is still used as a tool of stigmatization and criminalization against activists who oppose illegal mining practices and environmental destruction. These unfounded accusations show how vulnerable activists are to the manipulation of power, where criticism of industrial policies can be constructed into accusations that damage reputation and individual freedom.

The conditions above emphasize the urgency of accelerating the ratification of the Indigenous Peoples Bill. This bill is expected to be a strong legal umbrella to protect indigenous communities and activists who have been at the forefront of defending the environment. This protection is crucial given the many conflicts that occur between local communities and industries that exploit natural resources without regard to the rights of local communities. So that based on a clear legal framework that favors ecological justice, the rights of indigenous peoples can be upheld and potential conflicts can be suppressed.

CONCLUSIONS, RECOMMENDATIONS, AND LIMITATIONS

This study reveals the serious challenges faced by environmental activists and indigenous peoples in Indonesia, particularly related to the criminalization of their advocacy efforts for environmental protection and indigenous peoples' rights. Cases such as the arrests of Daniel Frits Tangkilisan, Jasmin, Muhammad Sandi, Tubagus Budhi Firbany, and Heri Budiawan reflect systemic problems in the Indonesian legal system.

Activists are targeted for criminalization due to their efforts to fight for environmental awareness and the protection of communities and natural resources. This study highlights the weaknesses of existing laws, such as the ITE Law, which are often misused to silence critics and suppress sustainability advocacy. Comprehensive legal reform is needed, especially with the enactment of the Indigenous Peoples Bill, which can provide protection to activists and indigenous peoples. This study calls for profound legal changes and cultural reforms to respect the contributions of indigenous peoples to environmental management and sustainability.

It is important for the Indonesian government to immediately pass the Indigenous Peoples Bill as an effort to provide legal protection for environmental activists and indigenous communities. The bill will create a legal framework that supports advocacy for Indigenous peoples' rights, protects them from wrongful criminal prosecution, and ensures their active participation in conservation and resource management policies. Legal reform, such as through revisions to the ITE Law, is also crucial to prevent the misuse of laws that suppress dissent and intimidate activists. Clear guidelines are needed to avoid criminalizing individuals who advocate for human and environmental rights, as well as independent oversight bodies to ensure accountability. Public awareness campaigns and legal and resource support for indigenous peoples will strengthen their position and encourage further involvement in environmental advocacy. Constructive dialogue between indigenous peoples, activists, and the government, as well as international support, are also critical to ensuring that human rights and environmental justice remain a priority.

This study focuses on cases of activists facing criminal charges, which while reflecting a general trend, does not fully reflect the diverse legal and social challenges faced by activists or indigenous peoples across Indonesia. Limited access to comprehensive data from government sources or the judicial system precludes in-depth analysis of the legal framework and its application to environmental activism and Indigenous peoples' rights. Reliance on public sources, testimonies, and reports limits the depth of legal analysis. While this study highlights the need for cultural change, the complex dynamics within indigenous communities and Indonesia as a whole have not been fully explored. Further research could delve deeper into the cultural factors that influence indigenous peoples' acceptance.

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