

# The Legal Standing of the Anak Dalam Tribe in Initiating Class Action Lawsuits Regarding Land Disputes

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## ABSTRACT

*This article examines the persistent influence of legal formalism within Indonesia's civil justice system and its implications for the protection of Indigenous Peoples' customary land rights, particularly through class action litigation and the doctrine of legal standing. Land disputes involving Indigenous communities reflect structural injustice, as legal recognition remains heavily dependent on administrative validation rather than historical, social, and cultural realities. Consequently, Indigenous Peoples often face significant barriers in accessing justice, despite constitutional acknowledgment of their existence and rights. Using normative legal research, this study analyzes statutory frameworks, judicial decisions, and doctrinal approaches governing class actions and legal standing in Indonesia. The findings demonstrate that existing procedural mechanisms frequently marginalize Indigenous communities by imposing rigid standing requirements and evidentiary standards that are incompatible with their collective and customary social structures. Rather than functioning as instruments of empowerment, class actions often reproduce exclusion through excessive proceduralism. The study argues that Indigenous marginalization stems not from the absence of substantive rights, but from the dominance of formalistic reasoning that prioritizes administrative legality over substantive justice. To address this imbalance, the article proposes a normative reconstruction of civil procedural law, including the establishment of a *lex specialis* on class actions and Indigenous legal standing, the contextual reinterpretation of standing doctrines, the integration of ecological and social justice principles, and the adoption of participatory and culturally responsive judicial approaches. These reforms are essential to ensure equitable access to justice within Indonesia's plural legal system.*

**Keywords:** *Class Action, Customary Land Rights, Indigenous Peoples, Legal Formalism, Legal Standing.*

## I. INTRODUCTION

According to Díaz-Soto and Borbón (2024), class actions constitute both a procedural device in civil litigation and a constitutional mechanism through which marginalized communities may seek redress for structural inequities

(Díaz-Soto & Borbón, 2024). This mechanism enables a group of individuals who have suffered a similar injury to consolidate their individual claims into a single lawsuit, typically advanced through representation by one or several class representatives (Jephson, 2021).

By enabling the aggregation of claims, class actions simplify the accessibility of justice to individuals facing the same problem and disempower the individuals who, due to the lack of financial resources or legal representation, are unable to assert their rights (Piché, 2021). Even when not directly impacted, organizations with ethical and legal standing can advocate for human rights and environmental issues through class action lawsuits (Anele, 2019). This method seeks to enhance judicial efficiency by reducing time and costs and ensuring uniformity in decisions across many cases (Yeung et al., 2022).

The origins of Class actions can be traced to the 17th-century English bill of peace, which allowed people with similar interests to bring a joint lawsuit. The United States created a similar form of collective action with the introduction of Federal Rule of Civil Procedure 23 in 1938, which enabled Class actions to protect additional rights (Marcus, 2018). Collective action systems exist in many countries. They have been integrated into civil law systems such as France, Sweden, and Argentina, as well as common law systems such as the United States and the United Kingdom (Shandurskiy, 2018). In some respects, Class actions exist in Brazil and China to combat and compensate victims of systemic human rights violations (Coelho, 2023). With the expansion of capital markets, class actions in China have become more significant for the private enforcement of the law (Wang, 2024).

In Indonesia, class actions were first introduced through Law No. 23 of 1997 on Environmental Management and Supreme Court Regulation No.

1/2002 (Perma No. 1/2002). While the majority of their use is associated with environmental concerns, the use of the term remains problematic (Afriansyah et al., 2019). Complexity and recent deployment need careful scrutiny and fine-tuning (Wantu, 2023). Many claims fail due to inadequate representation, the absence of evidence of collective harm, or difficulties in establishing standing. Consequently, class actions may sometimes impede and disadvantage the very parties they are intended to assist.

The challenges faced by Indigenous Peoples highlight this problem. Constitutional Court of Republic of Indonesian Decision No. 35/PUU-X/2012 acknowledges Indigenous Peoples as having legal subjectivity and standing akin to other legal entities, but this remains a complex issue. Other decisions, such as Decision No. 31/PUU-V/2007, impose sets of requirements that are overly normative and vague, including proof of existence and formal recognition by law. Consequently, the legal status of Indigenous Peoples' communities that existed before the Indonesian independence era and were recognized by colonial rulers remains obscured.

An example is that since 1984, the community, MASADMKL, has been involved in protracted conflict with the Anak Dalam Tribe, Kubu Lalan Clan, Muaro Jambi Regency, due to the eviction and continued intimidation from PT Berkas Sawit Utama, a company that has been granted legal permits, yet effectively ignores MASADMKL's claim to the ancestral domain—territories that the community has accessed and managed for generations. This claim has colonial backing, specifically a document from 1929 in the Dutch East Indies, which made reference to the community in relation to the lands.

After years of what they considered unjust actions, the MASADMKL community filed a class action suit on September 19, 2024, before the Muara Bulian States Court (Case No. 18/Pdt.G/2024/PN Mbn) for recognition and the

restoring of their customary title to the lands they claim. Injustice, as it was, has been created by the Court, which has no alternative but to follow the rules of the game, and, as a result, the majority of MASADMKL's efforts go to waste. There is no doubt that the majority of the historical documents that support MASADMKL have been presented, but in the absence of an administrative framework that is legitimated and recorded, it will not be possible to evaluate the legal merit of the collections and the arguments of the entrepreneurs.

The truth is shown when you give importance to procedure over substance in regard to Justice for Indigenous people. The justices dismiss MASADMKL's case without reviewing any evidence of harm. They argue that there is no proof of official standing and no denial of legal standing. This paradox illustrates one of the most contested issues. The Indonesian judiciary appears to be over reliant on procedural legalism that completely ignores Indigenous people and in the process, disregards one of the most fundamental purposes of the law. This legalism, in Santos' opinion, is what disconnects law from the lived reality of the people and therefore, there is inadequate protection and recognition for Indigenous Peoples (Santos, 2002).

How, from the perspective of legal formalism and the pursuit of substantive justice, especially when protecting Indigenous people's customary land rights, does the use of the class action tool in Indonesia's civil justice system pose the most controversy? Among the principles and applications of legal standing in civil class actions in Indonesia, which most enables/disable justice for the most marginalized, and what kind of normative reconstruction provides justice, in the context of the Indigenous population, inclusive and situated?

## II. RESEARCH METHODS

The research method used in this study is normative legal research. Normative legal research consists of the analysis of laws from theory, history, philosophy, form, and, Comp focus is legal rules, principles and doctrines. Since law is perceived as a set of rules to be interpreted and applied, this approach is prevalent in legal research. (Hamzani et al., 2024). From different perspectives like theory, history, philosophy, etc, the study of the laws is called normative legal research (Putra et al., 2024).

The study employs a Statutory Approach and a conceptual approach within this system to examine legal issues. The Statutory Approach examines laws and regulations related to the topic. The conceptual strategy studies views and doctrines in legal science (Ansory & Nasution, 2022). The case approach reviews court decisions with binding legal force to identify their underlying legal reasoning (*ratio decidendi*).

This study's data and sources are classified into two principal categories: (1) Primary Sources, comprising documents and legal instruments such as statutes, Supreme Court regulations, case law, and ministerial decrees related to the legal status of customary law communities (Bachmid & Rachmitasari, 2022); and (2) Secondary Sources, which include publications and academic journals that analyze legal theories, principles, and case studies (Budianto, 2022). Furthermore, library materials, including books and reference resources, are utilized to furnish comprehensive information on legal theories and notions (Ferry Irawan Febriansyah & Lucky Andriansyah, 2022).

This method makes the investigation of MASADMKL's legal right to initiate a class action in farming instances more than just a theoretical discussion. It transforms into a systematic and comprehensive analysis. The research outlines gaps in the current legal system and critically analyzes

whether Indonesia's legal system provides justice to Indigenous people or formalistic law alienated from the social and historical realities of the people.

### III. RESEARCH RESULTS AND ANALYSIS

#### A. Class Action and Customary Land Rights: Between Legal Formalism and the Pursuit of Justice.

Regardless of jurisdiction, land cannot only be seen as a commodity; for many Indigenous Peoples in Indonesia, land is a source of life, and an integral part of their existence and beliefs (Fahmi, 2024). Unfortunately, for a system that prioritizes administrative legitimation, a customary land that has been in a family for generations is deemed 'vacant land' as it is not legally documented (Badu et al., 2021). This paradox continues to make agrarian justice in this country less effective.

Before the Republic of Indonesia was declared, there were already Indigenous Peoples. But they have to prove they exist in a modern state that only "recognizes" them if they follow bureaucratic rules. In other words, the state only accepts people who meet its own requirements. This makes the law contradictory. Indigenous Peoples are ensnared in a cycle of legality.

Kar et al. (2025) emphasize that Indigenous Peoples' customary land rights are most clearly indicative of their socio-spiritual attachment to the land (Kar et al., 2025). State recognition of these rights only occurs after communities engage in a protracted and bureaucratically tedious verification process (Jayanuarto et al., 2020). Sociological evidence of land ownership is generally not recognized by the law, as was the case with MASADMKL in Jambi. State issued documents and directives are the only ones that the law recognizes.

Indigenous people seek justice through class action lawsuits like MASADMKL vs. PT Berkah Sawit Utama, but they face problems with their

legal standing. Their traditional land rights appear to have been revoked without official recognition of their status as Indigenous Peoples. This remains valid even if individuals have inhabited that land for an extended period prior to the establishment of Indonesia. The Muara Bulian State Court, Case Number 18/Pdt.G/2024/PN Mbn, issued the following rulings in the matter between MASADMKL and PT. Berkas Sawit Utama:

“Considering that the Plaintiffs, who claim to be representatives of a group of 53 (fifty-three) household heads of the MASADMKL, in this case did not submit any evidence of recognition as an indigenous legal community, which should have been issued by the Governor of Jambi Province (Co-Defendant I) and/or by the Regent of Batanghari (Co-Defendant III), as required under Article 2 of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 52 of 2014 concerning Guidelines for the Recognition and Protection of Indigenous Peoples.

Considering the foregoing, the Panel of Judges is of the opinion that the 53 (fifty-three) household heads who claim to be members of the Indigenous Legal Community of the Suku Anak Dalam Orang Kubu (Marga Kubu Lalan), represented in this case by the Plaintiffs, cannot yet be formally recognized as an indigenous legal community, nor as falling within the definition of an indigenous legal community as stipulated in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 52 of 2014 concerning Guidelines for the Recognition and Protection of Indigenous Peoples, as well as in the definition contained in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Condominium Units, and Land Registration, since no decree has been issued by the relevant Regional Head recognizing the existence and status of the indigenous legal community of these 53 (fifty-three) households.”

The legal consideration above shows that there is a lot of flowery language in the Constitution about recognizing the rights of Indigenous Peoples. Such acknowledgment is contingent upon formal legalization by the state, implying that the existence of customary communities is rendered void without official recognition of their status as indigenous legal groups under positive law (Dwi, 2024). This illustrates an epistemological quandary afflicting our legal system, wherein sociological veracity must seek formal legitimacy, and ancestral legacy

is evaluated for validity according to administrative laws imposed subsequently (Dahlan, 2019).

The six classical elements of Indigenous Peoples' existence, namely genealogical or territorial unity, territorial control, ownership of resources, collective leadership, customary value systems, and shared identity, are often considered sufficient to establish customary existence within anthropological discourse (Zainurohmah et al., 2024). In Indonesian positive law, these aspects function just as "shadow prerequisites" that possess no legal significance unless officially validated by a decision from a regional head or the Minister of Home Affairs.

In this situation, the right to customary land has evolved from a tangible reality into a legal mirage. Customary land rights are not a state creation; rather, they have developed organically from the traditions of Indigenous groups. Ironically, the acknowledgment of these rights is constrained by administrative law, which designates the state as the exclusive source of legitimacy. Consequently, the validity of customary land is not only contested, but the collective existence of Indigenous groups also becomes a matter of legal contention (Arifin et al., 2025).

Consequently, it is unsurprising that when MASADMKL initiated a class action lawsuit against the corporate-driven eviction, the court instead scrutinized the official legitimacy of their designation as Indigenous people. They have inhabited and safeguarded the land since the colonial period and hold a recognition document from the *De Assistent Resident* dated 1929. Nonetheless, all of this is deemed inadequate without a formal directive from the regent or governor issued in the post-reform period.

In a state regulated by the rule of law that supports the ideal of equality before the law, class action lawsuits, at least in theory, serve as a collective

channel for vulnerable groups to access the judicial arena, which has long been more hospitable to power and capital. In practice, this approach often deteriorates into a narrowed passageway beset with procedural traps (Fatah, 2019). The potential for social justice is consequently compromised by rigid interpretations that often disregard the essence of justice itself (Edmundson, 2018).

Perma No.1/2022 has created mechanisms for collective representation to lawsuit streams, justified in the name of efficiency and legal certainty. This approach is programmed within the confines of technical structures: rigid formal criteria, the need to show 'similar facts' and 'one legal umbrella', along with the subjective judgement of the group's representative good faith. All these factors turn the judicial process from an arena for entitlement vindication to an administrative check place unfriendly to the grassroots.

The MASADMKL example exemplifies this dilemma concretely. Their case satisfied the quantitative criteria, including a sufficient number of members, common injury, and similar legal circumstances. The panel of judges acknowledged that the formal criteria outlined in Article 2 and Article 3 of Perma No.1/2022 had been duly fulfilled. Nevertheless, following the introduction of tangible proof, the "specter of legality" resurfaced. The ancestral land, handed through generations since the colonial era, was considered invalid due to the lack of land certificates and registration at the Land Office. A letter of acceptance from the village head, presented as evidence of possession, was deemed unilateral and not a legitimate deed issued by an authorized authority.

It is plain that our judicial system prioritizes formalism above substance. The contextual collective rights are dismissed as invalid unless there is an approval from the bureaucracy. Ironically, civil courts can only adjudicate customary land rights if the Indigenous group is first "authorized" by a

regional head's decree, as stipulated by Minister of Home Affairs Regulation No. 52 of 2014. The judiciary thus acknowledges only those Indigenous Peoples who have been "baptized" by the state, despite their longstanding habitation, protection, and defense of their customary land prior to the establishment of the Republic of Indonesia.

There is a systematic irony behind the lofty constitutional rhetoric about "recognition and respect for Indigenous Peoples" that undermines justice itself. The Constitution guarantees protection, but only to those who have successfully undergone the process of administrative approval. In the MASADMKL case, historical facts, communal ties, and ecological connections to their traditional territory are not only inadequate but are seen as virtually worthless. Without a decision from a regent or governor, their existence in the eyes of the law is nothing more than a cultural illusion.

Postcolonial states often continuing using colonial legal systems which result in a misalignment of enacted law with societal reality. In this case, positive law tends to govern reality, as social law is inclined to colonial underpinning formal legality constructs (Samalin, 2023). In responding to MASADMKL's claim of being recognized as an Indigenous community, the Court said that there was no such community because there is no local government order; as such, the Court has placed the bureaucracy as the paramount legal order on the community's identity. This, however, is no longer a legal blunder; it is a distinctive type of administrative colonialism, where the state, in a dominating manner, determines the identity of its own people.

The fundamental question is, is it just to wait for the establishment of the law before the law is applied? If the Constitution acknowledges Indigenous Peoples only as long as they "still exist," then their actual existence should be the fundamental criterion for recognition, rather than the recognition being

contingent upon their continued existence. Nevertheless, our judicial system continues to adhere more closely to Supreme Court Regulations than to the fundamental principles of the Constitution. As a consequence, Indigenous peoples who have lived in harmony with nature for decades or even centuries remain in an ambiguous and inadequately protected legal status (Turner et al., 2022). They are penalized not due to their culpability, but because they have not yet undergone "administrative processing."

The MASADMKL case starkly illustrates the disconnection between formal legislation in Indonesia and social realities. The state's denial of customary land rights due to the lack of a land certificate and administrative acknowledgment exemplifies a failure to effectively fulfill the constitutional promise in practice. In this legal context, both Indigenous Peoples and the integrity of the judicial system are compromised.

The extended conflict of the MASADMKL goes beyond the struggle of control over land as it reflects on the paradox of positive law and justice. The court's decision to annul community claims to customary land solely on the basis of the absence of the administrative recognition of the state is a clear example of legal formalism which ignores the reality of the society. This issue transcends the absence of a decree from a regent or governor; it pertains to the state's failure to recognize a social entity that has historically and anthropologically existed long prior to the proclamation of the Republic of Indonesia.

Article 3 of the Indonesian Basic Agrarian Law, which was originally intended to provide space for the recognition of customary land rights, has now turned into a formal trap that requires administrative recognition, which is often inaccessible to Indigenous peoples. The question is: why does the state require formal recognition from administrative authorities who are often the

very actors or facilitators of land dispossession? Is it not paradoxical that the institutions intended to confer legitimacy instead become the origin of delegitimization?

The urgency resides in fortifying the legal standing of class actions concerning Indigenous peoples. A class action lawsuit transcends basic litigation efficiency; it aims to reform the legal system to be more inclusive for marginalized groups. Recognizing that a transgression against one Indigenous group jeopardizes collective life, class action transforms into a tool for structural struggle rather than merely a procedural instrument.

Unfortunately, Perma No. 1/2002 remains partial in its commitment. Vague formal provisions, such as the absence of a minimum number of group members or the lack of objective standards for assessing the integrity of group representatives, create broad interpretive spaces that are vulnerable to being used as grounds for dismissing lawsuits. At this point, regulatory reformulation becomes a necessity. Indonesia needs a *lex specialist*, a specific law on class action, that not only provides legal certainty but also ensures alignment with the principles of restorative justice.

In other words, without regulatory transformation that favors marginalized groups such as Indigenous Peoples, the legal system will merely function as an instrument of repression that justifies structural injustice (Laub, 2018). In the context of customary land, the rejection of Indigenous peoples' lawsuits not only implies the loss of land rights but also the loss of identity, history, and collective dignity (Dei et al., 2022). This is not simply a matter of who holds a land certificate, but of who is recognized as a legal subject by a system that claims to uphold justice.

When the legal system fails to safeguard the vulnerable, it has effectively abandoned its fundamental purpose as an instrument of liberation and justice.

In the realm of class action lawsuits initiated by Indigenous groups like MASADMKL, the Indonesian legal system has a contrary inclination: operating as an instrument of exclusion rather than inclusion. The tragedy of our legal system resides here. A tool intended to facilitate access to the legal system for vulnerable populations has instead become a barrier that hinders their pursuit of justice.

Class action, as acknowledged within the common law system and incorporated in Perma No. 1/2002, is designed to resolve the issue of legal representation for groups subjected to collective harm. However, in practice, this mechanism is confined within a formalist legal framework that fails to recognize the socio-cultural complexity of Indigenous Peoples. The MASADMKL case demonstrates that a class action can only advance if it satisfies stringent procedural criteria, including clear identification of the group, the legal standing of representatives, consistency of legal and factual bases, and the validity of administrative documentation. Nonetheless, the attributes of Indigenous Peoples are distinctive: collective, oral, and rooted in social relations that are not always formally recorded.

This indicates a divergence between the legal framework in use and the social framework being considered (Doyle, 2024). This is where the fundamental problem arises: our legal system is too bureaucratic to accommodate the lived realities of Indigenous peoples (Gratton et al., 2021). In this situation, civil courts, which should be progressive and promote access to justice, instead perpetuate colonial legacies in a new form, namely, administrative positivism that treats certificates and official decrees as the only valid forms of recognition.

Looking ahead, reform of the legal framework for class action is absolutely necessary. Indonesia needs a "*lex specialist*" that not only clarifies formal

parameters but also guarantees substantive access for marginalized groups such as Indigenous Peoples (Arifin et al., 2025). Recognition must be based on social and cultural realities, not solely on official documents. The law must be able to adapt to the dynamics of a plural and diverse society. This involves recognizing the various normative orders, legal cultures, and legal awareness that exist in society (Arifin et al., 2025).

Sociological and anthropological methodologies must be incorporated into the evidentiary process in class action litigation concerning Indigenous Peoples (Viaene & González-Serrano, 2024). Evidence should not solely consist of records or certifications; collective testimony, oral histories, and cultural facts should be afforded appropriate consideration in judicial procedures. Judges should also receive specialized training to understand the context of Indigenous peoples, including the fact that their relationship with land and natural resources cannot be equated with the relationship of individuals in urban societies.

Furthermore, a paradigm shift is needed within the judicial system. Until now, procedural logic has dominated every litigation process. However, in cases involving communal rights such as customary land, substantive logic should serve as the primary guiding principle. A fair judiciary is not one that rigidly adheres to procedure, but one that is capable of delivering justice in its social and historical sense (Leben, 2019).

At this point, we must recognize that class action is not merely a legal procedure, but a representation of an ideological struggle over who is considered worthy of receiving justice. Will the law continue to side with those who possess administrative access, or will it begin to open space for those who live within social realities that are undocumented by the state?

The MASADMKL case is a serious warning that our legal system needs to be dismantled and rebuilt with a more humanistic and constitutional orientation. Otherwise, Indigenous Peoples will continue to be victims of a legal system that silences their voices, displaces their rights, and seizes their future in the name of exalted procedures and dogmatized legality.

### **B. Critique of the Application of Legal Standing in Civil Cases within the General Judiciary**

Legal standing, or legal ability, is a crucial component of the procedural legal system, applicable in civil, criminal, administrative, or constitutional disputes concerning the infringement of citizens' constitutional rights (Bradley & Young, 2024). In the context of civil procedure, the existence of legal standing is an absolute requirement that must be satisfied, as this element determines whether the plaintiff has a legitimate legal interest concerning the subject matter of the dispute. Both natural persons and legal entities seeking to initiate a legal proceeding must demonstrate a direct link that signifies a tangible and pertinent legal interest. In the absence of such an interest, the lawsuit cannot proceed and will be declared inadmissible by the council of judges.

In civil procedure, the concept of legal standing is often overshadowed by the broader notion of rights. This concept is distinct and separable, and it is essential for the rational development of civil law doctrine. Comprehending the distinctive features of legal standing facilitates the interpretation and resolution of disputes across various areas of civil law, including contracts, torts, unjust enrichment, and guardianship (Sudiarawan et al., 2022).

Within the Indonesian judicial system, the concept of legal interest serves as a fundamental prerequisite for the commencement of litigation, including class action proceedings. This approach aligns with the requirement established

in international law, as exemplified by Article 62 of the Statute of the International Court of Justice (ICJ), which stipulates that a third state must demonstrate a legitimate interest to intervene in a case (Bonafé, 2012). Perma No. 1/2002 regarding Class Action Lawsuits mandates that the representative of the group must demonstrate a legitimate and pertinent legal interest, both personally and on behalf of the group they represent, concerning the subject of the dispute (Christenson et al., 2021). In the absence of evidence demonstrating this shared legal interest, the court lacks the legal foundation to assess the merits of the presented claim.

The Supreme Court Regulation stipulates that a class action lawsuit may only be commenced when the element of commonality is demonstrated, specifically the existence of shared facts and legal grounds between the representative and the group members, coupled with a sufficiently substantial number of participants, making individual claims impractical for each member. This perspective aligns with the principle of "*d'intérêt, point d'action*," a principle emphasizing that having a significant legal interest is an essential prerequisite for the court to approve a lawsuit (Fu, 2023).

Nonetheless, the existence of this Supreme Court Regulation remains a source of unresolved issues, particularly regarding the procedural barriers faced by marginalized groups, including Indigenous Peoples, in affirming their legal status. Many Indigenous groups face challenges in meeting strict administrative requirements, such as the clear identification of representatives, accurate delineation of group boundaries, verification of collective suffering, and the development of exhaustive frameworks for compensation allocation. These obstacles have indirectly reduced the effectiveness of class actions from a potent legal instrument of empowerment to a mere procedural formality that continues to be exclusive.

The legal standing prerequisites for class action lawsuits, as outlined in Article 3 paragraph (1) of Perma No. 1/2002, mandate that the plaintiff disclose the complete identity of the group representative, delineate the group specifically without the necessity of enumerating each member, and elucidate the legal status of all group members, regardless of identification. It is essential to provide specifics regarding the damage incurred, a suggested framework for the allocation of compensation, and an internal control system for its execution. All of them imposed a considerable administrative burden on underprivileged populations that are either unfamiliar with or unable to effectively utilize contemporary legal mechanisms.

In these circumstances, the doctrine of legal standing in class action litigation has engendered a twin absurdity for Indigenous Peoples (Blackstock & Palmater, 2025). When litigating against the state, plaintiffs bear the obligation to provide formal evidence of their status as legal entities. Conversely, while litigating against companies, they must prove consistent individual harm within a society based on communal relationships. The two judicial systems intended to uphold justice instead transform into bastions of law that create alienation.

The essential inquiry that pervades this system is: for whom is the law established? If Indigenous Peoples, who have historically and culturally coexisted with their land for centuries, must still demonstrate their "true existence" to a modern state that is merely seven decades old, then what we observe is not the supremacy of law, but the supremacy of bureaucracy. Furthermore, when the state, via its judiciary and regulatory systems, systematically impedes Indigenous Peoples' access to legal protection, the law has shifted from a tool of justice to a mechanism of exclusion.

The irony intensifies while analyzing the disparate treatment of legal standing between formal institutions, such as private legal bodies, and communal groups, such as Indigenous Peoples (Tabbutt, 2025). Private legal bodies, possessing a singular deed of establishment and administrative legitimacy, might often be acknowledged as valid plaintiffs, despite having a comparatively brief and frequently contentious history of land control (Lambert, 2021). In contrast, Indigenous tribes that have inhabited their territory for generations are required to undergo a lengthy, intricate, and extremely subjective state certification process.

Empirical legal studies indicate a discrepancy between the constitutional acknowledgment of customary law and its implementation in judicial practice. Judicial bodies frequently overlook or marginalize customary standards, especially when such norms are at odds with national legislation. In numerous agrarian conflicts regarding customary land, judges frequently prioritize national agrarian legislation over the customary rules existing within the relevant community (Handayani & Suparno, 2023).

Ultimately, in the framework of Indonesian civil procedural law, a class action serves as a means to seek redress for infringements of collective rights (Kurniawan et al., 2025). When the legal mechanisms intended to facilitate access to justice for Indigenous Peoples instead hinder it, legal reform, both formal and substantive, becomes an urgent and inescapable requirement. Additionally, a regulatory overhaul is necessary in the form of a Law on Collective Lawsuits or Class Actions to reconcile the dichotomy between formal justice and substantive justice. Such legislation must afford Indigenous Peoples greater autonomy to function as collective legal entities without compromising their non-bureaucratic nature. This entails broadening the meaning of legal

standing and developing an evidence procedure that is inclusive and adaptable to local situations.

Developing the notion of legal standing in class actions that is broad and responsive to local settings transcends a mere procedural law concern; it embodies a substantive justice initiative grounded in the principles of recognition and equality. An equitable legal system transcends mere administrative compliance; it actively listens to, comprehends, and integrates the perspectives of historically marginalized groups into the legal framework (Askin & Stoll, 2024).

For Indigenous communities like MASADMKL, justice is not quantified by certificates or formal documents, but by the acknowledgment of their enduring life, spiritual connections, and ecological responsibilities that they have preserved for centuries across the land, forests, and rivers that form their collective identity. Consequently, when legal standing is construed in a more human-centric fashion, the law evolves from a tool of exclusion into a conduit for substantive justice.

To actualize this vision, the notion of legal standing must be fundamentally revised, not solely to benefit formal institutions like corporations but also to ensure equitable representation for communal entities. This reformulation can be based on three essential ideas.

1. The Principle of Inclusivity acknowledges the legal validity of non-formal communities founded on the social, cultural, and moral values inherent in society.
2. The Principle of Adaptivity, which embraces contextual methodologies of evidence by modifying legal instruments to align with the social, cultural, and geographical attributes of local populations.

3. The Principle of Ecological Justice positions the connection among humans, land, and the environment within a cohesive and sustainable legal framework.

In Indigenous societies, legal life should not be confined to administrative decrees from local governments or solely to the manifestations of positive law (Heinämäki & Xanthaki, 2017). Recognition must encompass historical, anthropological, and socio-cultural evidence that is perpetuated within the group. According to various decisions by the Constitutional Court, proof of spirituality, customary institutional structures, and hereditary territorial control must be treated as valid legal evidence on par with administrative papers. Thus, redefining the notion of legal standing in class actions to be inclusive and adaptable is not merely a normative innovation; it constitutes a constitutional advancement aimed at restoring the dignity of law, enabling it to serve as a genuine space of justice that accurately reflects the social and cultural intricacies of Indonesian society.

### **C. Policy Recommendations and Directions for Legal Reform**

Acknowledging the constraints of Indonesia's positive legal system in facilitating substantive justice for indigenous law groups, it is imperative to commence a reform process that is conceptual, structural, and practical in essence. This legal reform should not be seen as only making new rules; instead, it should be seen as changing the way people think about the link between law, social justice, and cultural variety, which are the building blocks of the Indonesian country. Law should not be limited by fixed normative borders; rather, it must evolve in response to changing social realities and embody the principles of humanity, community, and ecological sustainability.

The proposed law reform seeks to establish a system that is inclusive, participatory, and fundamentally just, especially for indigenous populations that have historically been among the most susceptible to structural disparities (Toombs et al., 2025). This reform can be actualized through five strategic avenues: the creation of a *lex specialis* regarding class actions and the legal standing of indigenous peoples; the conceptual redefinition and contextualization of legal standing; the incorporation of ecological and social justice principles into the judicial framework; the reform of capacities and paradigms among law enforcement personnel; and the enhancement of participatory and collaborative mechanisms in law enforcement.

The initial and most pressing measure is the creation of a *lex specialis* regarding class action lawsuits and the legal status of indigenous peoples. The lack of a definitive legislation governing class action procedures in Indonesia has resulted in legal ambiguity and inequity in court practice. To date, the normative basis for class actions has been exclusively dependent on Supreme Court Regulation No. 1 of 2002, which is administrative and confined to procedural technicalities. This framework has often been insufficient to guarantee equitable legal protection for the collective rights of indigenous peoples regarding land and the environment.

The proposed *lex specialis* must regulate the procedural elements of class action lawsuits and specifically acknowledge indigenous groups as collective legal entities with the rights and legal competence to initiate actions on behalf of their communities. This recognition is essential because, from both sociological and historical perspectives, indigenous peoples have unique social structures and legal systems that predate the formation of the modern state. This bill would confer formal legal standing, so eliminating the longstanding

legal discrimination that has regarded them solely as social entities rather than as legal subjects possessing authority over their own rights.

Furthermore, the *lex specialis* ought to implement comprehensive and flexible evidential frameworks that embody the traits of indigenous populations. The stringent administrative prerequisites for evidence, such membership rosters, formal ownership documentation, or government-issued recognition orders, have historically been a significant obstacle for indigenous peoples in obtaining justice. According to the new *lex specialis*, anthropological, historical, and spiritual evidence recognized by indigenous groups should be deemed valid and legally equivalent to administrative evidence (Lewis, 2025). Consequently, the law would transform from a tool of exclusion into a mechanism for acknowledging the actual socioeconomic realities of the populace.

The subsequent phase is the conceptual reinterpretation and contextualization of legal status. In Indonesia's legal framework, the notion of legal standing is carefully construed, restricted to persons or legal organizations have a direct and substantial stake in the case at hand (Soraya et al., 2025). This comprehension is grounded in a Western legal framework that prioritizes the individual inside the legal system. This method is inappropriate for Indonesia's diverse society, because several legal interests are collective and cannot be simplified to individual claims.

Legal standing should be redefined to encompass additional forms of legitimacy beyond formal administration, including moral standing and historical legitimacy (Zamulinski, 2022). Indigenous groups ought to attain legal recognition grounded in historical, anthropological, and spiritual evidence acknowledged by their community. This method is consistent with Article 18B paragraph (2) of the 1945 Constitution, which acknowledges state

recognition of indigenous communities and their customary rights. In this context, legal standing transcends a mere procedural right to litigate, representing instead the constitutional acknowledgment of indigenous tribes as a valid element of the national legal framework.

This reinterpretation necessitates a mindset shift among judges and law enforcement officials. Judges ought to perceive legal standing not as a procedural impediment to justice, but as a mechanism to enhance access to justice for socially marginalized populations. Judicial boldness is essential for the progressive interpretation of laws, considering substantive justice and the norms of living law recognized by society (Negara & Susilo, 2025). Judges should be amenable to recognizing several types of evidence originating from local traditions, including customary testimonies, community genealogies, participatory maps, and oral histories, as legitimate proof in assessing the legal status of a group.

The third phase, equally significant, is the incorporation of ecological and social justice concepts into the national judicial framework. Numerous agrarian and environmental cases have been evaluated exclusively from a legal-formal standpoint, neglecting the ecological and social aspects intrinsic to them. Environmental deterioration and the expropriation of indigenous lands are not just administrative infractions but also collective violations of human rights. The notion of ecological justice positions humans, land, and the environment as an interrelated and interwoven system of existence. Consequently, every policy or legal decision that disregards ecological sustainability also overlooks the right to life of communities reliant on these ecosystems.

Incorporating the notion of ecological justice necessitates a reevaluation by the judiciary of its understanding of the subjects of contention. Customary lands and woods must not to be regarded solely as economic assets subject to

ownership transfer, but rather as vital regions imbued with social, cultural, and spiritual significance. In this context, infringements on the environmental rights of indigenous peoples must be evaluated using a multidimensional framework that concurrently examines ecological, social, and cultural repercussions. By embracing this paradigm, Indonesia's legal system can progress toward a more comprehensive and sustainable model of justice.

The fourth step involves modifying the capabilities and framework of law enforcement officials, which is essential for transforming the court system. Regardless of the sophistication of regulatory improvements, without a concomitant shift in thinking and proficiency among legal practitioners, the law will remain ensnared in formalism. Consequently, it is imperative to realign legal education and judicial training to emphasize not only normative dimensions but also socio-cultural and anthropological comprehension.

Judges and lawyers must be educated to comprehend the local circumstances of indigenous legal cultures, encompassing their value systems, social structures, and interpretations of justice. Legal education, historically focused on legal certainty, must now incorporate the instruction of social justice, legal pluralism, and human rights. The Supreme Court can strategically influence the development of ongoing training programs focused on contextually relevant justice. By cultivating law enforcement personnel attuned to social variety, the judiciary can deliver rulings that are both legally sound and socially endorsed by communities.

The fifth step entails enhancing participatory and collaborative procedures within law enforcement. Legal reform will be ineffective if executed through a top-down method that excludes the communities who are the subjects of the law. The state must establish participatory mechanisms enabling indigenous peoples to engage directly in legislative processes, policy

development, and the enforcement of laws impacting their ancestral lands. This participatory method enhances the legitimacy of legislation and guarantees that policies accurately represent local needs and values.

Collaboration among governmental institutions, academics, civil society organizations, and indigenous groups is essential for formulating laws that authentically resonate within society. State agencies, including the Ministry of Law and Human Rights, the Ministry of Environment and Forestry, and the Supreme Court, could collaborate with research organizations and universities to undertake participatory legal studies that engage indigenous peoples as partners rather than subjects of research. This collaborative strategy would enhance the legislative process and reconcile state law with customary law.

Moreover, participatory processes must to incorporate community-based frameworks for the monitoring and evaluation of policies. Indigenous peoples must be afforded the opportunity to supervise the execution of legislation and to offer input on policies that impact their livelihoods. Thus, legislation serves not merely as a tool for social regulation but also as a mechanism for community empowerment to safeguard their collective rights.

This intellectual, structural, and participative reform represents a significant transformation in the comprehension of law itself. The law should not be perceived solely as an institution enforcing compliance with formal norms, but rather as a dialogical arena where state and societal values converge. This measure will reinstate public confidence in the judiciary and enhance the state's credibility as a guardian of social justice.

The future trajectory of legal change must be anchored in an ethic of recognition, which entails acknowledging the existence, identity, and values of various communities. For indigenous peoples, such acknowledgment must not be merely declarative; it must be converted into functional and accessible legal

frameworks. When the law acknowledges indigenous peoples as legitimate legal entities, permits socio-cultural evidence, and honors their spiritual connections with nature, it will fulfill its essential role as a humane instrument linking state regulations with social realities.

This reform encompasses not just a legal objective but also a moral and political dimension. It necessitates the audacity to relinquish the colonial past that regards local communities as mere subjects, and to progress towards a legal framework that humanizes and honors diversity as a source of strength. In a diversified culture such as Indonesia, justice cannot be enforced through a singular consistent model; it must evolve from the acknowledgment of many lifestyles and varying interpretations of law.

Consequently, legal reform achieved through the creation of a *lex specialis*, the redefinition of legal standing, the incorporation of ecological justice, the enhancement of law enforcement capabilities, and participatory mechanisms constitutes not only a technical legal enhancement but also a fundamental advancement toward a dynamic, humane, and substantively equitable legal system. Indonesia's law can only become a refuge for all its residents, especially marginalized indigenous communities, by following this road, thereby transforming into a tool of liberation rather than exclusion.

#### IV. CONCLUSIONS

Analysis of the dynamics regarding class action and legal standing within Indonesia's civil justice system indicates that Indonesian law is constrained by a paradigm of legal formalism, which limits access to substantive justice, especially for Indigenous Peoples. The class action mechanism, initially intended to enhance access to justice and empower vulnerable groups, frequently falls short of its objectives due to burdensome proof requirements,

the necessity for factual uniformity, and procedural stipulations that do not align with the communal and orally oriented social realities of Indigenous communities.

The application of legal standing in Indonesia remains limited and exclusive, prioritizing administrative legality over social and historical legitimacy. Indigenous communities that have resided for generations in their areas are frequently considered to lack legitimate legal status only due to the absence of formal governmental acknowledgment. This engenders a legal irony, wherein those most entitled to protection are often the ones who encounter the greatest difficulty in obtaining it. In instances like MASADMKL in Jambi, the law serves more as a barrier to legality than as a conduit to justice.

To address structural barriers faced by Indigenous communities in collective litigation, reform should proceed on five interrelated tracks: (i) adopting a *lex specialis* governing class actions and Indigenous legal standing; (ii) recalibrating the concept of standing to accommodate collective and historically grounded legal interests; (iii) integrating ecological and social-justice considerations into judicial reasoning for land disputes; (iv) strengthening capacity-building and context-sensitive training for judges and litigators; and (v) institutionalizing participatory mechanisms that involve Indigenous communities in the formulation and implementation of relevant legal standards.

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