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Halfway There: Indonesia's Adat Law towards Right of Nature Frameworks, Case-Based Reflections from Indonesia, the Philippines and Malaysia

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"Halfway There: Indonesia's *Adat* Law towards Right of Nature Frameworks, Case-Based Reflections from Indonesia, the Philippines and Malaysia"

by Linda Yanti Sulistiawati[1]

Abstract

Indonesia currently does not have legislation that explicitly recognizes the Rights of Nature (RoN). However, its 1945 Constitution acknowledges Adat (indigenous or customary) law, which regards nature as sacred and inherently endowed with rights. Foundational national laws—such as the 1960 Basic Agrarian Law and the 2009 Environmental Protection Law—also embed principles of environmental stewardship and indigenous rights. In practice, both Adat and national legal frameworks are employed to address regulatory gaps in environmental governance.

This paper explores Indonesia's Adat-based approach to RoN through selected case studies, and compares it with legal innovations in the Philippines (e.g., the recognition of resident marine mammals in the Tañon Strait Protected Seascape) and Malaysia (e.g., the Sabah Nature Conservation Agreement). The study highlights the potential of Indonesia's existing Adat framework to evolve into a more robust system of environmental protection. It recommends legal reforms to formally recognize ecosystems as legal persons, enhance the integration of Adat law into national legislation, and promote judicial capacity-building on RoN principles.

***Keywords**: Rights of Nature, Adat (Indigenous/Customary) Law, Indonesia Environmental Law*

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1. Introduction

To protect the ecosystem and biodiversity from the environmental damage caused by human and to combat climate change, the environmental activists advocating the "Rights of Nature" movement (Toledo, 2020; Challe, 2021). This concept of Rights of Nature (RoN) recognizes that ecosystems and natural communities are not merely property that can be owned, rather they are entities that have an independent and inalienable right to exist and flourish (Australian Earth Laws Centre, 2020). The root of this movement go back a long way, to the so-called animist cultures of Africa, South America, and Asia, where indigenous peoples considered that natural elements, such as forests and rivers, had a soul (Sama, 2022).

The concept of RoN has been adopted into law by many countries, like Ecuador through its 2008 Constitution and Bolivia in The Framework Law on Mother Earth and Integral Development to Live Well (Zeebroeck, 2022). However, up to this date, there are no Asian countries that have fully constitutionalized the concept. The most progressive countries in Asia that have taken steps toward recognizing nature's legal rights or granting ecosystem legal standing are India, which recognized the Ganga and Yamuna Rivers, and all its nature, as a "juristic/legal persons living entities" with all "the status of a legal person" and Bangladesh, which granted all its rivers the status of legal persons with the National River Conservation Commission (NRCC) acting as their legal guardian (Jahan and O'Donnell, 2025).

Within Southeast Asia, the Philippines is the only country with a strong stance on the RoN, the Philippine's Supreme Court drawn up Rules of Procedure for Environmental Cases, which became effective on 29 April 2010.[2] Indonesia currently does not have laws that explicitly acknowledge RoN in its national legal framework. Indonesia recognizes the existence of its indigenous people who use *Adat* (indigenous customary) law for their local affairs. The *Adat* communities and the *Adat* law have existed long before the arrival of Dutch traders in Indonesia. During the Dutch colonization, the Dutch also acknowledged the *Adat* communities and *Adat* law that were shown from how the Dutch distinguished the population into three groups based on race (Butt and Lindsey, 2018) and subjected each group to a different set of laws, which led to legal pluralism. The Dutch permitted the indigenous people to continue living under *Adat* law, which is their own system of pre-existing customary or traditional legal structures, while implementing colonial law for the Europeans.

Since Indonesia's independence in 1945, the Indonesian government has viewed a unified national law as necessary for legal certainty. However, *Adat* law is still recognized and respected by the 1945 Constitution. In many cases arising from natural resource exploitation, such as the conversion of indigenous land for commercial purposes (e.g., mining and palm oil plantations) and river pollution, both national law and *Adat* law have been used to solve the problems. These legal systems complement each other in addressing environmental protection and provide foundational principles for the potential recognition of the RoN.

This paper discusses RoN based on the *Adat* law in Indonesia to analyze the possibility of RON implementation on selected case studies in other Southeast Asian countries: Philippines and Malaysia.

[2] During the writing of this chapter in year 2025, the Philippines has forwarded a bill on RoN, and is waiting for enactment since year 2023.

2. Methodology

This paper is based on research that was conducted in a normative and case study methods, followed by descriptive analysis to address the research problems. This approach involved observing selected cases and the implementation of *Adat* law to fill the gaps caused by the absence of RoN in environmental protection cases in Indonesia and in the Philippines and Malaysia.

The materials studied comprised selected cases, primary legal materials in the form of laws regulations, journals, books, and literature relevant to the research topic. It is essential to study the legal approach to RoN and *Adat* law to provide more comprehensive environmental protection in Indonesia. Moreover, after data collection, this study uses the justice framework (Heffron, 2021) to analyze the implementation of Adat Law in Indonesia, and the possibility and needs for RoN to be added to the Indonesian Legal Framework. This chapter is using the justice framework which discusses: (i) Procedural justice and (ii) Recognition justice. Lastly, the study elaborates on possible challenges in asserting RoN into the Adat Law in the country, then ends with conclusion and recommendation.

3. Discussion & Analysis

3.1. The Role of Adat Law and its Approach to RoN

Adat is a word used in Indonesia to refer to indigenous culture, values, and traditions (Burns, 1989). It also refers to the rules or practices of social life, to feelings and a sense of propriety, and local ways of resolving disputes, rather than to substantive rules (Bowen, 2003). The component of this system that functions as a juridical framework is *Adat* law, a term first introduced by Christiaan Snouck Hurgronje (1857 – 1936), a professor of language and culture from Leiden, the Netherlands (Von Benda-Beckmann and Von Benda-Beckmann, 2011).[3] *Adat* law and the *Adat* communities' rights are acknowledged by the 1945 Constitution as stated in Article 18B (2). This article provides provisions that recognize and respect *Adat* communities' rights and *Adat* law provided that (a) they still exist; (b) in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia; and (c) shall be regulated by law.

The 1945 Constitution, in Article 28 H (1), also provides a constitutional basis for every people (including *Adat* people) that guarantees environmental rights and recognizes nature's intrinsic value, even though it does not explicitly grant legal rights to nature. Further, the Constitution in Article 33 (4) states that the State acknowledges that national economy must prioritize collective welfare, sustainability, and environmental stewardship.

The foundation laid down for *Adat, Adat* Law, *Adat* communities and their rights in the 1945 Constitution are acknowledged in various national laws. There are laws and regulations

[3] *Adat* law was further defined by C. van Vollenhoven (1874 – 1933), a Leiden scholar of *Adat* law who was also a follower of S.C. Hurgronje, as the rules of conduct within *Adat*, encompassing the more or less institutionalized sets of rules and procedures for marriage, property and inheritance, political authority, and decision-making processes, which have elements of legal nature. According to him, Adat law was distinct from *Adat* due to its law like features. VON BENDA-BECKMANN, FRANZ, and KEEBET VON BENDA-BECKMANN. "Myths and Stereotypes about Adat Law: A Reassessment of Van Vollenhoven in the Light of Current Struggles over Adat Law in Indonesia." *Bijdragen Tot de Taal-, Land- En Volkenkunde* 167, no. 2/3 (2011): 167–95. http://www.jstor.org/stable/41288760.

that specifically govern *Adat* law and provide protection to its communities, such as Law No. 39 of 1999 on Human Rights and Regulation of Minister of Home Affairs No. 52 of 2014 on Guidelines for the Recognition and Protection of Indigenous Law Communities. Similarly, along with mentioning of *Adat* law and *Adat* community by the Indonesia government, the influence of *Adat* and its role of protecting the environment is also found throughout the regulations. For example, the Basic Agrarian Law, the Environmental Protection and Management Law, the Basic Forestry Law, Spatial Planning Law, Villages Law, Local Government Law, and Plantations Law. These laws and regulations that recognize *Adat* law and its role in environmental protection in Indonesia demonstrate its deep recognition within the country's legal system.

Adat Law still exists and is practiced in many *Adat* communities in Indonesia. According to Indonesia's Statistics Bureau, there were around 1,300 ethnic groups in Indonesia in 2010 (Republic of Indonesia, 2017), updated data in 2025 from the International Work Group for Indigenous Affairs (IWIGIA) informs that the Government recognizes 1,331 ethnic groups (International Work Group for Indigenous Affairs, n.d.). Each of these groups has distinct traditional customary legal cultures that vary significantly from place to place. The lives and communities of Indonesia's indigenous people are governed by *Adat* law, particularly in matters of land ownership, social conduct, and resource management, including forests, water, and land within their territories. These groups view themselves as fundamentally connected to and dependent on the environment. This relationship creates an obligation to protect and maintain the health of their ecosystem against threats. Consequently, this bond imposes a duty to serve as stewards, ensuring the protection and sustainability of their ecosystem in the face of external threats.

Adat law and the practices of *Adat* communities in Indonesia closely align with the principles of Rights of Nature (RoN), which recognize nature as a legal subject with inherent rights equal to those of humans. Although Indonesia does not have specific laws or regulations explicitly codifying RoN, the *Adat* law approach is often considered by the judiciary when resolving environmental disputes involving indigenous peoples. However, its application can be inconsistent, particularly in cases influenced by economic or political interests. Especially with the enactment of the Job Creation Law (Law No. 6 Year 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 Year 2022 on Job Creation) that emphasizes objectives of investment facilitation and economic development. This law approach is mainly targeted into gaining more investment and business profits and overlook the RoN principles. It is putting the value of ecosystem largely in terms of their utility for human development. There are some provisions in the Job Creation Law that weakens the environmental protection, such as the replacement of the environmental permit requirement with a more limited 'approval' system, the Environmental Impact Assessment (EIA) is now required only for high-risk projects, etc.

Adat law is inherently eco-centric where ecosystems are not objects of exploitation but subjects that deserve respect and protection (Dancer, 2021). This is reflected in the East Manggarai – Ngada case, where land is not viewed merely as an economic resource, but as "Nusa" or "mother", a living entity that provides life. This worldview grants land and ecosystems a status that parallels RoN principles: they are not objects but integral parts of community existence. This concept of '*Nusa*' or 'mother' also applies to the examples of existing *Adat* communities and law in the country, such as those of Punan Batu Benau, Baineo, and Lembak tribes. Their community practices are closely aligned with the principles of RoN,

where nature is a legal subject possessing inherent rights equal to those of humans. Therefore, when applied consistently, *Adat* law not only safeguards community welfare, but also recognizes ecological integrity as a shared responsibility. In this way, *Adat* law bridges the gap between national law and the international trend toward RoN recognition.

Box. 1. Case Study #1: Adat Land Conflict in Manggarai and Ngada in Flores, East Nusa Tenggara

The East Manggarai Regency in East Nusa Tenggara Province was formally established through Law No. 36 of 2007 as part of Indonesia's district expansion policy, taking territory from Manggarai Regency and several villages from Ngada Regency. The region is inhabited by indigenous communities governed by Adat law, which grants them rights to manage and utilize natural resources within their customary territory. However, boundary regulations, later reinforced by the Ministry of Internal Affairs Regulation No. 55 of 2020, sparked protests from the Ngada people, who argued that the demarcation overlapped with their ancestral land (*hak ulayat*). They accused East Manggaraians of shifting borders by nearly 40 kilo-meters into productive land, while the East Manggarai community regards land as "Nusa" or mother, making territorial claims deeply personal and non-negotiable. These tensions have fueled decades-long disputes, at times erupting into violence, most recently in August 2025 in Bensur Village.

Adat law traditionally provides mechanisms for resolving land disputes through peaceful consensus led by elders, but many communities also appeal to national laws and government intervention when needed. This dual reliance on Adat and state law reflects both cultural values and pragmatic concerns, especially in the face of overlapping administrative boundaries and the presence of extractive industries like manganese and ore mining, which risk intensifying conflicts. While the 2011 Joint Statement by Manggarai and Ngada leaders emphasized unity within Greater Manggarai and coordination with government institutions, the unresolved border issue remains a flashpoint. In the absence of specific national regulations on the Rights of Nature (RoN), Adat law plays a crucial role in safeguarding ecological integrity and cultural heritage, offering a counterbalance to state-driven commercial interests and providing local communities with legal tools to defend their land and identity.

Sources: (Republic of Indonesia, 2020, 2007; Sulistiawati, 2019; Wogo, 2009)

On the other hand, while the Philippines does not explicitly invoke customary law, its indigenous traditions view ecosystem as sacred and integral to communal survival. The fisherfolk petitioners (FIDEC) reflects to indigenous stewardship, claiming exclusion zones deprived them of livelihood and violated their relationship with the sea. This resonates with Indonesian *Adat* law, where land, lakes, and forests are not mere property but ancestral heritage and source of life.

Box. 2. Case Study #2: The Philippines: the case of Resident Marine Mammals of the Protected **Seascape Tañon Strait, et al. vs. Secretary Angelo Reyes et. al., G.R. No. 180771 and 181527, 21 April 2015.**

Tañon Strait, the largest marine protected area in the Philippines, spans 521,018 hectares between Cebu and Negros Islands and was declared a protected seascape in 1998 under Proclamation No. 1234. Home to diverse marine life—including 70 species of fish, 14 species of dolphins and whales, 20 crustacean species, 26 mangrove species, and 18,830 hectares of coral reef—the Strait faced a significant environmental challenge when the Department of Energy (DOE) entered into a petroleum exploration contract (SC-46) with Japan Petroleum Exploration Co., Ltd. (JAPEX) in 2004. Following seismic surveys in 2005, JAPEX obtained an Environmental Compliance Certificate (ECC) in 2007 and began exploratory drilling in November of that year. This prompted two petitions before the Supreme Court: G.R. No. 180771, filed by the "Resident Marine Mammals" through legal guardians Gloria Estenzo Ramos and Rose-Liza Eisma-Osorio, and G.R. No. 181527, filed by fisherfolk groups led by the Central Visayas Fisherfolk Development Center (FIDEC). Both petitions sought to nullify SC-46, alleging severe ecological harm, reduction of fish catch by up to 70%, and lack of required public consultations.

The Supreme Court consolidated the cases and ruled that the Stewards of the Resident Marine Mammals had legal standing under the Rules of Procedure for Environmental Cases, which recognize citizen suits based on humanity's role as stewards of nature. The Court declared SC-46 null and void for violating the 1987 Constitution, as the President must sign service agreements with foreign-owned corporations and Congress must be notified. It also found the contract inconsistent with the National Integrated Protected Areas System (NIPAS) Act of 1992, which restricts resource exploitation in critical habitats like the Tañon Strait. This landmark decision, though not granting rights of nature to the marine mammals, set a vital precedent by opening judicial recognition to eco-centric litigation and strengthening the foundations for future Rights of Nature claims in the Philippines.

Sources: (Republic of the Philippines, 1998; the Department of Energy of the Philippines and JAPEX, 2004; Republic of the Philippines Supreme Court, 2015a, 2015b; Republic of the Philippines, 1992; Supreme Court of the Republic of The Philippines, 2010).

Hence, the community-driven ecological protection in Tañon Strait parallels the Indonesian Adat approach, where land is seen as "Nusa" (mother). Both frameworks reflect an eco-centric concept rooted in customary law, even if national laws lean toward anthropocentric exploitation. Moreover, in Malaysia, for the indigenous people of Sabah, land and forests are not merely economic assets, they are also ancestral heritage and living spaces with spiritual and cultural meaning. NCR under Malaysian law is grounded in these customary systems, recognizing indigenous communities' collective rights to land and resources.

The failure to consult indigenous leaders before signing the NCA constitutes a direct violation of *Adat* principles of collective decision-making, which demand that any external use of customary land must receive community approval. Furthermore, the fact that the NCA was negotiated in secrecy and later revealed to local communities reflects that they disregard indigenous self-determination and view nature as purely an object, rather than a subject.

In this sense, the NCA undermines not only international legal norms, but also the moral and cultural legitimacy of *Adat* law, which has historically ensured sustainable management of land and forests.

Box 3, Case Study #3: Sabah's Nature Conservation Agreement (NCA)

On 28 October 2021, the Sabah State Government signed the Nature Conservation Agreement (NCA) with Hoch Standard Pte. Ltd., granting the company exclusive rights to develop a Nature Conservation Management Plan and monetize natural resources through carbon credits. The agreement, brokered by Tierra Australia, promised benefits like jobs and social programs but was criticized for secrecy, lack of consultation with indigenous communities, and unclear terms. Concerns included jurisdictional ambiguity, an imbalanced contract favoring the foreign company, and HSPL's lack of experience. Indigenous leaders objected to the process, citing violations of Native Customary Rights and UNDRIP's requirement for Free, Prior, and Informed Consent (FPIC).

Following public backlash, the Sabah Attorney-General declared the NCA legally unenforceable due to the absence of a designated area and suspended its implementation pending due diligence. International scrutiny grew when UN experts raised concerns about transparency, impact assessments, and compliance with indigenous rights. Although the government defended its intentions, citing financial pressures for conservation, it acknowledged the need for revisions and stricter conditions before proceeding. The case now faces judicial review, highlighting broader issues of indigenous rights, governance, and the tension between monetizing nature and respecting cultural and environmental safeguards.

Sources: (Cannon, 2022, 2021; International Work Group for Indigenous Affairs, 2022; State Attorney General's Chamber of Sabah, 2022; The Government of The State of Sabah and Hoch Standard PTE. LTD., 2021).

3.2. The Development of Rights of Nature Approach in Indonesia, the Philippines, and Malaysia

While Indonesia has yet to formally adopt RoN principles, the *Adat* traditions already aligns with them. The *Adat* view, such as treating land as mother, lakes as living entities, and ecosystems as sacred spaces, resonates with global RoN developments such as Ecuador's 2008 Constitution. Hence, while awaiting legislative reform, Indonesia can strengthen environmental protection by empowering *Adat* law. Recognizing *Adat* communities as guardians of ecosystems and integrating *Adat* practices and norms into national decision-making can provide a functional equivalent of RoN in practice.

There is potential action as demonstrated in the Ciujung River case (Box 4, Case Study #4 below), where communities and environmental activists proposed granting the river a legal subject status. The hope is that more communities and activists will push for RoN principles to be regulated, leading to stronger environmental protection.

Box. 4. Case Study # 4: Pollution of Ciujung River, Banten

The Ciujung River, stretching 142 km through Banten Province, serves as a vital resource for agriculture, fisheries, water supply, and domestic use for surrounding communities, including the Baduy tribe. However, since the 1990s, it has suffered from severe pollution due to urban expansion and industrial growth along its banks. This led to significant environmental litigation, beginning with a 1992 lawsuit filed by residents against five factories accused of discharging liquid waste into the river. Represented by Indonesian Center for Environmental Law (ICEL) and the Jakarta Legal Aid Institute, the plaintiffs brought the case to the North Jakarta District Court, but it was dismissed on jurisdictional grounds. Despite this outcome, the Interlocutory Decision (Putusan Sela) No. 176/PDT/G/1995/PN.Jkt.Ut. marked the first official recognition of the Class Action mechanism in Indonesia.

Pollution persisted despite legal and governmental interventions. In 2018, WALHI and Ciujung River residents reported PT Indah Kiat Pulp and Paper (PT IKPP) for discharging waste into the river, affecting 17 villages in Serang Regency. Although the Ministry of Environment and Forestry (*Kementerian Lingkungan Hidup dan Kehutanan*/KLHK) sanctioned the company in 2015, enforcement was lacking, and river conditions remained dire. By April 2021, communities and activists began advocating for recognizing rivers as legal subjects, proposing a "one river, one management" governance model to safeguard river rights. Spot checks in November 2024 led KLHK to seal facilities of two suspected polluters, and by January 2025, one company was declared a suspect in the case. Yet, no substantial progress has been made, and communities continue to suffer from pollution. The Ciujung River case has nonetheless sparked greater awareness of the Rights of Nature (RoN), inspiring activists and communities to push for broader recognition to strengthen environmental protection.[34]

Sources: (Hukum Online, 2014; North Jakarta District Court, 1995; Santosa, 1997)

Meanwhile, in the Philippines, the Supreme Court's ruling on the Tañon Strait case is considered a significant step toward RoN principles. While it did not grant legal personhood to nature, the court's decision to grant standing to stewards of the marine mammals created a mechanism for ecosystems to have legal guardians.[4] This approach aligns with international RoN developments, such as legal recognition for ecosystems in Ecuador and Bolivia. Consequently, the Tañon Strait ruling is viewed as a jurisprudential link between traditional human-centered environmental laws and eco-centric RoN frameworks.

In Malaysia, the NCA shows a tension between monetizing nature and recognizing its intrinsic rights. The framing of forests as "natural capital benefits" to be sold in global carbon markets reduces ecosystems to commodities. The nature becomes an object for humans. While for RoN, the principle requires the recognition of forests as legal subjects with intrinsic rights to exist, flourish, and regenerate.

[4] Civil Societies in the Philippines are trying to enact an Act on RoN since 2022. Bills have been filed in both the Senate and House of Representatives, with proponents aiming to protect natural entities from harm by granting them rights like the right to exist, regenerate, and be free from pollution. The Bill is available online: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://rightsofnature.org.ph/wp-content/uploads/2024/07/SB-143-Rights-of-Nature-Bill.pdf Accessed by 23 October 2025.

3.3. Analysis on Rights of Nature (RoN) Approaches

The Justice Framework offers a structured, multidimensional approach to environmental sustainability. Developed by Raphael J. Heffron, it integrates legal, ethical, and environmental perspectives through five interconnected dimensions: distributive, procedural, recognition, restorative, and cosmopolitan justice (Heffron, 2021).

This chapter applies the framework to analyze Rights of Nature (RoN) and Adat law, arguing that it can serve as a conceptual bridge between the two because both share a vision of justice beyond anthropocentric systems. The discussion explores how Adat law and RoN can be harmonized and how RoN might be integrated into Indonesia's legal framework. The analysis focuses on two key dimensions: (i) Procedural Justice and (ii) Recognition Justice.

3.3.1. Procedural Justice

Procedural justice focuses on the legal process and on following all necessary legal steps. It concerns individuals and organisations equal and meaningful participation in decision-making processes (Carling, 2024). Several key issues of procedural justice are elaborated below and how these are applied in Adat law Indonesia.

a. Core Principles of Procedural Justice

Procedural justice is concerned with how decisions are made, not just what decisions are made. According to Tom R. Tyler, there are four core principles form the basis of procedural justice: voice (participation), neutrality (impartiality of decision-makers), respect (dignity and interpersonal treatment), and trust and transparency (Tyler, 2007). In relation to indigenous communities and their rights, these principles can be understood as follows.

Participation

In essence, Indigenous peoples must be meaningfully involved in decisions that affect their lives, lands, and cultures. *Adat* communities in Indonesia are guaranteed to observe their rights and conduct their activities under their *Adat* law based on 1945 Indonesian Constitution, Law No. 39 of 1999 on Human Rights and Regulation of Minister of Home Affairs No. 52 of 2014 on Guidelines for the Recognition and Protection of Indigenous Law Communities recognize *Adat* communities, their rights, and *Adat* law.

Neutrality

The legitimacy of a decision-maker depends on their impartiality. Therefore, decision-makers must be neutral and unbiased, applying rules consistently and transparently. We have seen this in many indigenous people's cases in the Adat dispute settlement mechanism, where the elders are making their decision based on their customary/adat law and impartial based on the facts.

Respect for Customary System

Indigenous legal traditions and dispute resolution-mechanisms must be recognized and respected. Recognition of *Adat* or indigenous norms and identity affirms to the indigenous people that they are viewed as important and valuable, and influences people's perceptions of justice. In Indonesia, we have seen that customary law is part of the legal pluralism acknowledge by the Indonesian Constitution of 1945. Article 33 (3) of the 1945 Constitution states that natural resources are controlled by the state for the greatest prosperity of the people. Likewise, Law on Environmental Protection and Management provides provisions on environmental management within the context of human development goals.

b. Integration with Indigenous Justice Systems

Procedural justice supports the harmonization of indigenous and state justice systems, ensuring that these systems are recognized under international law, such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169.

Integrating *Adat* norms and principles into state (national) law ensures that these norms become procedurally legitimate and enforceable. This integration empowers *Adat* communities in decision-making, ensuring that state recognition of nature's rights does not erase or subordinate indigenous ecological views. In the East Manggarai – Ngada case, disputes are resolved through community consensus, mediation, and arbitration by elders. These mechanisms are restorative, aiming to repair both social harmony and ecological balance. However, in practice, people often turn to the national government and its laws for help. They choose whichever system they think will benefit them most. Hence, *Adat* law and national law function complementarily. Communities rely on *Adat* law, which is rooted in the view of land as the source of life, to settle disputes, while simultaneously utilizing the national legal framework for support. Therefore, in the East Manggarai – Ngada case, the enforcement of *Adat* law is fully dependent on its *Adat* communities.

c. Access to Justice as a Procedural Right

For Adat/Indigenous peoples, access to justice involves recognition of their customary legal institutions and ecological framework as legitimate foundations for the protection of both human and environmental rights. Access to justice for them is both a substantive and procedural right. This involves having access to affordable and quality legal remedies, fairness or no discrimination, and the exclusiveness of the process through which justice is achieved (Wardana, 2012).

Equal Access to Legal Remedies

Ensuring equal access to justice for *Adat* communities, including truth and reconciliation, requires that they be able to pursue legal remedies through both customary and formal institutions in protecting their rights to their environment, including land, water, and ecosystem. This reflects legal pluralism, where *Adat* law operates alongside national law as a source of authority.

Procedural justice demands the communities to have institutional capacity to act as guardians to their environments. This is aligned with the principle of RoN, in which environment, as legal subjects, can be represented through indigenous custodianship. In practice, this applies also to the *Adat* communities' participation in environmental impact assessments, administrative hearings, and reconciliation processes, which shows that *Adat* communities are heard and respected as equal participants.

Addressing Systemic Discrimination

In Indonesia, although the 1945 Constitution recognized Adat law, its procedural integration into statutory frameworks remains limited and inconsistent. Therefore, addressing systemic discrimination and marginalization through inclusive legal frameworks is required.

For instance, *Adat* practices, like *musyawarah adat* (communal dialogue) must be incorporated into public decision-making mechanisms as an effort to have an equal procedural access. This aligns with the Free, Prior, and Informed Consent (FPIC) principle as stated in the UNDRIP and the ILO Convention 169, which require states to consult and obtain consent from indigenous peoples before adopting measures that affect them. By

implementing FPIC, procedural justice transforms consultation into a right of participation based on equality and respect.

Upholding the Rule of Law
Procedural justice serves as a bridge between the rule of law and respect for Indigenous autonomy (Hollander-Blumoff and Tyler, 2011). Recognizing Adat law within Indonesia's legal system strengthens the legitimacy of national law by grounding it in culturally accepted norms. This balance allows Adat autonomy and Rights of Nature (RoN) to coexist under one framework. When Adat communities act as guardians of nature, their participation in legal processes ensures that both human and ecological rights are protected through transparent and legitimate procedures.

3.3.2. Recognition Justice

Recognition justice, in the context of Indigenous rights and the Rights of Nature (RoN), is the ethical and legal duty to respect Indigenous identities, worldviews, and legal systems, as well as the intrinsic value of nature (Sharma and Sharma, 2025). It goes beyond material compensation or procedural fairness—focusing instead on affirming dignity, cultural integrity, and unique ontological perspectives. In practice, this means acknowledging Indigenous doctrines as legitimate sources of law and governance (Sharma and Sharma, 2025). This chapter will explore the core principles underpinning recognition justice in relation to Indigenous rights and RoN.

Acknowledge Nature as a Rights-Bearing Entity
Recognition justice extends beyond humans to include nature. Legal personhood can be granted to rivers, forests, mountains, and ecosystems—not for their utility to humans, but for their intrinsic value and agency, as seen in Ecuador's 2008 Constitution. Many Adat communities share this view, treating nature as part of life or even as an extension of the human body. This aligns with the Rights of Nature (RoN) approach, which regards nature as a living entity with inherent rights. While Indonesia lacks explicit RoN regulations, Adat practices and some judicial decisions reflect these principles, framing humans as stewards of nature.

Shift from Anthropocentrism to Ecocentrism
Recognition justice challenges the Western notion of nature as property and promotes a relational view of humans as part of nature. The RoN movement advances this shift by linking Indigenous worldviews with legal reforms that grant ecosystems standing, guardianship, and remedies for harm (Janssen, 2021).

Most *Adat* traditions in Indonesia acknowledge nature, like forests, rivers, mountains, as living entities with spiritual and moral essence. Within many Indonesian *Adat* traditions, these natural beings often treated as kin or community members, bound through reciprocal relationship of respect and responsibility (Triwibowo, 2023). This understanding resonates with the RoN movement, which similarly recognizes ecosystems as legal person possessing intrinsic rights to exist, flourish, and regenerate (Challe, 2021).

In the context of Recognition Justice, the East Manggarai–Ngada case (Box 1) illustrates how Adat communities view land as "Nusa" or "mother," reflecting Indigenous cosmologies. For these communities, land is not an economic asset but a living entity that sustains life, aligning with Rights of Nature (RoN) principles. Through *musyawarah adat* (collective deliberation)

and guidance from elders, they resolve disputes and restore harmony, showing how recognition of Adat law gives cultural legitimacy to land claims.

In contrast, the Ciujung River case (Box 4) reveals how industrial pollution and delayed state action undermine local stewardship and deny communities meaningful recognition. This highlights the need to legally value customary guardianship, as seen in advocacy for "one river, one management" and RoN integration into national law.

Similar tensions appear in the Philippines and Malaysia. The Philippines' Resident Marine Mammals case (Box 2) marked progress toward eco-centric recognition, while Sabah's NCA case ignored Indigenous rights, drawing UN criticism. These cases show that formal recognition of Adat institutions and RoN principles restores dignity, corrects historical marginalization, and embeds eco-centric law into practice.

3.4. Challenges

This paper identifies key challenges in integrating Adat law with the Rights of Nature (RoN) in Indonesia. The first challenge lies in legal hurdles within the national framework. Indonesian environmental law is anthropocentric, as reflected in Article 33(3) of the 1945 Constitution and laws such as the Environmental Protection Law and Job Creation Law. These laws protect resources but do not grant ecosystems inherent rights.

Second, the supremacy of state permits often overrides ecological protection. For example, in the Ciujung River case, industries received permits despite poor waste management, causing severe pollution.

Third, investment priorities dominate policy. The Job Creation Law weakens environmental safeguards, simplifies permitting, and shifts governance toward economic growth, sidelining sustainability. Similar trends occur in the Philippines and Malaysia, where governments prioritize foreign investment over environmental justice.

Finally, enforcement remains weak. Even when courts revoke permits, local governments often ignore rulings, citing economic interests. Violators face minimal penalties and rarely face prosecution, fostering impunity and ongoing environmental harm.

4. Conclusions and Recommendations

4.1. Conclusion

This study concludes that the Rights of Nature (RoN) paradigm is deeply embedded in the ecological values of several Adat law systems in Indonesia. While Adat law helps fill the gap left by the absence of RoN in national legislation, formal RoN laws are essential to prevent conflicts with state law, which often prioritizes exploitation. Indonesia should adopt bold reforms by officially recognizing RoN, inspired by judicial and contractual precedents in the Philippines and Malaysia. RoN can bridge Adat values and modern legal frameworks, transforming legal pluralism into a strong foundation for lasting environmental justice.

4.2. Recommendations

This study proposes four key recommendations. First, legal reform is needed to protect indigenous peoples and adopt the Rights of Nature (RoN) by recognizing ecosystems—such

as rivers, forests, and lakes—as legal persons with standing in environmental law. This includes harmonizing Adat and national law to create a fair pluralistic system and appointing legal guardians for nature. Second, judicial reform should ensure strict enforcement of court rulings on environmental violations and hold local officials accountable for non-compliance. Third, judges should receive training on RoN principles and Adat ecological wisdom. Fourth, policy and advocacy efforts must promote RoN, sustainable development, and Adat wisdom through public campaigns and mandatory due diligence. Businesses seeking natural resource permits should conduct rigorous human rights and environmental assessments, including Free, Prior, and Informed Consent (FPIC) with affected communities before agreements are finalized.

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