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Research Paper

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Human Rights of Indigenous People in Indonesia: A Constitutional Approach

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Abstract

This research will examine how the Indonesian constitution can effectively protect the indigenous people's rights to customary land when the land is under construction for infrastructure building. The authors will mainly discuss the relevance of justice for ensuring the rights to live and property of indigenous people under the Indonesian constitution. In this essay, the authors examine how constitutional and human rights protections interact with one another to ensure the security of customary land in Indonesia. The analysis will be carried out by two methodological approaches. One is the statute approach which is based on laws and regulations being specifically targeted. To implement the statutory approach, all Indonesian laws and regulations concerning the constitutional relationship and human rights to protect customary land will be reviewed. The other is the conceptual approach to identify the ideas that give rise to legal notions, the legal principles or legal arguments for solving the problem.

Keywords : Indigenous People, Indonesia, Constitution, Human Rights, Customary Land

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