



GEOGRAPHICAL ISOLATION IN PROTECTION OF INDONESIA'S REMOTE INDIGENOUS COMMUNITIES : CHALLENGES IN IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS LAW

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Abstract

Indonesia's extensive forests and mountainous terrain result in significant geographical isolation for parts of its population, particularly Remote Indigenous Communities (Komunitas Adat Terpencil/KAT). This study examines the relationship between geographical isolation and the implementation of international human rights law in protecting the rights of KAT in Indonesia, as well as the normative and practical obstacles faced by the Indonesian government. Employing a normative and descriptive legal research method based on secondary data, this research analyzes international human rights instruments, particularly the UDHR, ICCPR, ICESCR, and ICERD, alongside Indonesian legal frameworks. The study finds that geographical isolation substantially hinders the practical realization of human rights for KAT, including the rights to an adequate standard of living, social security, and political participation. Limited accessibility restricts public services, economic development, legal oversight, and democratic processes in remote areas. Normatively, inconsistencies arise from differing national and international conceptions of indigenous peoples, where Indonesian law emphasizes socio-economic vulnerability and empowerment, while international law frames indigenous peoples as vulnerable rights-holders entitled to self-determination. The research concludes that greater harmonization between national law and international human rights standards, combined with policies addressing geographical isolation through environmental protection and equitable economic development, is essential for effective protection of KAT in Indonesia.

Keywords: Geographic Isolation; International Human Rights Law; Isolated Indigenous Peoples; Uncontacted Peoples.

Abstrak

Kondisi geografis Indonesia yang didominasi oleh hutan dan wilayah pegunungan menyebabkan sebagian penduduknya hidup dalam keterisolasian geografis, khususnya Komunitas Adat Terpencil (KAT). Penelitian ini mengkaji hubungan antara isolasi geografis dan penerapan hukum hak asasi manusia internasional dalam perlindungan hak-hak KAT di Indonesia, serta hambatan normatif dan praktis yang dihadapi pemerintah Indonesia. Penelitian ini menggunakan metode penelitian hukum normatif dan deskriptif dengan sumber data sekunder, serta menganalisis instrumen hukum HAM internasional, khususnya UDHR, ICCPR, ICESCR, dan ICERD, dalam kaitannya dengan kerangka hukum nasional Indonesia. Hasil penelitian menunjukkan bahwa isolasi geografis secara signifikan menghambat pelaksanaan hak asasi manusia KAT secara praktis, termasuk hak atas standar hidup yang layak, jaminan sosial, dan partisipasi politik. Keterbatasan akses menyebabkan terhambatnya penyediaan layanan publik, pembangunan ekonomi, pengawasan hukum, serta proses demokrasi di wilayah terpencil. Secara normatif, terdapat perbedaan konseptual antara hukum nasional dan hukum internasional mengenai masyarakat adat, di mana hukum nasional Indonesia cenderung memandang KAT sebagai kelompok rentan secara sosial ekonomi yang perlu diberdayakan, sementara hukum internasional memandang masyarakat adat sebagai subjek hak yang rentan dan berhak atas penentuan nasib sendiri. Penelitian ini menyimpulkan bahwa perlindungan efektif terhadap KAT memerlukan harmonisasi yang lebih kuat antara hukum nasional dan prinsip-prinsip HAM internasional, serta kebijakan yang mampu mengatasi isolasi geografis melalui pelestarian lingkungan dan pemerataan pembangunan ekonomi di wilayah terpencil.

Kata Kunci: Komunitas Adat Terpencil; Hak Asasi Manusia; Hukum Internasional; Isolasi Geografis.

I. INTRODUCTION

Indonesia are among country with highest geographical diversity in the world, forrest made up to 63% of country's land territory while mountains made up to 60%, based on these data it can be assumed that sizeable portions of Indonesian population lives in area that can be

defined as geographically isolated.¹ Populations living in these isolated areas are referred to as isolated indigenous peoples (*komunitas adat terpencil*) in Indonesian legal framework.² Population of uncontacted peoples worldwide suffers gradual decline due to land grab, resource grab, and assimilation.³ Several legal instruments of Indonesia act as an obstacle to the normative implementation of international human rights standards regarding isolated indigenous peoples, while in practice, geographic isolation also act as an obstacle to the practical implementation of international human rights standards regarding isolated indigenous peoples.

The protection of isolated indigenous groups in Indonesia remains a complex legal and logistical challenge. This research specifically addresses How does geographic isolation and implementation of international human rights law correlate in protection of isolated indigenous peoples rights in Indonesia? And how is obstacle faced by Indonesian government in their application of international human rights law to protect the rights of isolated indigenous peoples?. By addressing these two dimensions, this study seeks to identify the systemic gaps in legal enforcement and propose strategies to ensure that geographic isolation no longer serves as a barrier to the universal application of human rights.

This research is a normative and descriptive research.⁴ The data are secondary data collected by method of library research of digital and non-digital media consists of primary legal source (international and national legal documents), secondary legal source (literature, journal, and analytics), and tertiary legal source (law encyclopedia and guide book).⁵ Datas are searched, identified, collected, and categorized.⁶ The method of data gathering are document analysis and the focus of the research is analysis of implementation of international human rights convention for isolated indigenous peoples njsn in Indonesia. There have been several previous research that seems to be in similarity with this research, titles of these several previous research are :

1. *Tinjauan HAM Internasional terhadap Perlindungan Hukum Masyarakat Adat (Studi Kasus Masyarakat Adat Seko Sulawesi Selatan)*
2. *Implementasi Prinsip Menentukan Nasib Sendiri (Principle of Self-Determination) sebagai Pelaksanaan dari Hak Masyarakat Adat di Sebuah Negara dalam Perspektif Hukum Internasional*
3. *Hak Masyarakat Adat (Indigenous Peoples) atas Sumber Daya Air Menurut Hukum Internasional dan Upaya Pengaturannya di Indonesia*
4. *Hak Konstitusional Masyarakat Adat Mentawai Menurut Undang-Undang Nomor 17 Tahun 2022 tentang Provinsi Sumatera Barat Perspektif Fikih Minoritas.*

Further investigations of these theses statement of problems prove no similarity of material and overall research goal with this research.

¹ Hunggul Nugroho et al, "A Chronicle of Indonesia's Forest Management: A Long Step towards Environmental Sustainability and Community Welfare" in MDPI Journals 12, no. 6 (2023): p. 3.

² Sugiyanto and Mochamad Syawie, "Mewujudkan Komunitas Adat Terpencil Sejalan dengan Masyarakat pada Umumnya" in *Informas : Permasalahan dan Usaha Kesejahteraan Sosial* 12, no. 2 (2007): p. 65.

³ Michael Lynch et al, "*Green Criminology and Native People, The Treadmill of Production and the Killing of Indigenous Environmental Activists*" in *Sage Journals* 22, no. 3 (2018): p. 17.

⁴ Sigit Nugroho et al, *Metodologi Riset Hukum* (Surakarta : Oase Pustaka, 2020), p. 29-35.

⁵ Febrial Hidayat, *Analisis Wewenang dan Tanggung Jawab Penjamin Emisi Efek Dalam Proses Penawaran Umum (Initial Public Offering/IPO) (Studi Kasus Proses Penawaran Umum Perdana Pada PT. Wahana Artha Harsaka Tbk.)* (Skripsi Mahasiswa Fakultas Hukum Universitas Indonesia, 2009), p. 10.

⁶ Hafaz Maksudi, *Penyelesaian Hukum Atas Kasus Pelanggaran HAM Berat Berupa Kejahatan Perang dalam Lingkup Mahkamah Pidana Internasional* (Skripsi Mahasiswa, Universitas Sumatera Utara, 2018), p. 11.

I. RESULT AND DISCUSSION

1. The Correlation between Geographical Isolation and the Implementation of International Human Rights Law for the Protection of Human Rights of Isolated Indigenous Communities in Indonesia

Geographical isolation hinders the Indonesian government from fulfilling the rights of isolated indigenous peoples (KAT) to an Adequate Standard of Living as stipulated in the UDHR by limiting access to government services and economic development. Isolation caused by geographical factors also impedes the Indonesian government's ability to protect the rights guaranteed under the ICCPR for KAT, particularly in the implementation of democracy and in land-related disputes. The Right to Political Freedom and the Right to Equality Before the Law are human rights principles under the ICCPR whose practical implementation for KAT in Indonesia is obstructed by geographical isolation. Poor accessibility resulting from geographical isolation hampers the realization of the Right to Political Freedom by creating undemocratic electoral systems, restricting access for the administration of democratic processes, causing political disengagement, and reducing governmental oversight of democratic implementation. Geographic isolation directly obstruct both the democratic procession and democratic transparency, Indonesian government agency for general election such as General Election Committee (Komisi Pemilihan Umum/KPU) has done many attempts for KAT inclusion in general election, even with these inclusion the geographic isolation still obstruct the democratic transparency of elections held in remote area. These conditions lead to the low political awareness of isolated indigenous peoples (KAT), making their Right to Political Freedom vulnerable to exploitation by irresponsible actors in the implementation of democracy. Geographic isolation hinders the principle of the Right to Equality Before the Law by limiting legal accessibility and protection for KAT, this weaken the legal standing of isolated indigenous peoples.

Geographical isolation caused by natural landscape factors also hinders the Indonesian government's ability to fulfill the rights regulated in the ICESCR for the social and economic welfare of isolated indigenous communities (KAT). The human rights principles in the ICESCR whose practical implementation is hindered by geographical isolation include the Right to Social Protection, the Right to Development, the Right to Health, and the Right to Education. Geographical isolation hinders the implementation of the Principle of the Right to Social Protection by causing poor accessibility, which in turn obstructs the operation of government empowerment programs for isolated indigenous peoples (KAT) aimed at reducing their poverty risks. The practical application of the Principle of the Right to Development for KAT is impeded by poor accessibility resulting from geographical isolation; this poor accessibility prevents KAT from developing their economy by hindering the construction of economic infrastructure, complicating distribution processes, and affecting both the demand for and the prices of KAT's products. Health facilities and educational facilities are forms of government services intended to fulfill the Right to Health and the Right to Education for communities. The fulfillment of these rights constitutes the implementation of the Principles of the Right to Health and the Right to Education. Geographical isolation causes poor accessibility that obstructs the government's ability to implement these principles for KAT in remote areas by hindering the provision of health and education facilities.

2. Challenges faced by the Indonesian Government in Implementing International Human Rights Law for the Protection of the Human Rights of Remote Indigenous Communities

Indonesia's national law interprets the term indigenous peoples as *masyarakat adat* (customary communities) and not as native peoples as understood in international law. *Masyarakat adat* in national law and indigenous peoples in international law are two completely different concepts. Indonesian national law emphasizes traditionality in defining *masyarakat adat*. The general definition of *masyarakat adat* in national law is a community group regulated by customary law in carrying out their socio-cultural life and occupying a particular territory over generations. International law, on the other hand, generally emphasizes the context of colonialism in defining indigenous peoples. International law through the lense of ILO 169 as a legally binding convention focuses on indigenous people, generally interprets indigenous peoples as groups with strong historical and cultural ties to a territory since before colonization; they are the original inhabitants of a region now dominated by migrant populations, such as the indigenous peoples of the Americas, Australia, Siberia, and New Zealand. ILO No. 169 also define tribal people as group that is different economically, socially, and culturally from the rest of the nation and are regulated by special custom either by them or state's law, this definition overlap with definition of indigenous people although without lense of colonialism.

International legal instruments recognize the rights of indigenous peoples as original inhabitants who have experienced land dispossession, criminalization, discrimination, and marginalization. International law stresses the importance of cultural preservation and recognition of autonomy for indigenous peoples, and therefore explicitly prohibits assimilation. National legal instruments in Indonesia, by contrast, recognize the rights of *masyarakat adat* as groups with a high degree of traditionality governed by customary law. National law does not view *masyarakat adat* as vulnerable groups in the same way that international law views indigenous peoples. National law only provides limited recognition of the Right to Self-Determination and the Right to Cultural Identity, adopting an assimilative stance toward *masyarakat adat*. The scope of indigenous peoples' rights protection in international law includes the protection of uncontacted peoples or indigenous peoples in voluntary isolation. International law generally interprets uncontacted peoples as original inhabitants or indigenous groups living in voluntary isolation without sustained contact with the outside world, maintaining their traditional lifestyles independently. Indigenous groups in Indonesia that meet these criteria include the Mentawai, Sakai, Anak Dalam (Kubu), Baduy Dalam (Tangtu), O'Hongana Manyawa (Togutil), Polahi, and around 40 interior tribes of Papua such as the Mek, Kombai, Korowai, Asmat, and Dani. The group most similar in characteristics to uncontacted peoples within Indonesia's national framework is the Komunitas Adat Terpencil (KAT – Remote Indigenous Communities).

However, there are conceptual differences between KAT under national law and uncontacted peoples in international law. Indonesia's national law interprets KAT as groups that are consistently vulnerable and require government assistance, as reflected in the definition of KAT in Presidential Regulation No. 186 of 2014 on the Social Empowerment of KAT. The definition of KAT in the Presidential Regulation on Social Empowerment of KAT appears in Article 1, which states:

Remote Indigenous Communities, hereinafter referred to as KAT, are groups of people of a certain number who are bound by a shared geographic, economic, and/or socio-cultural unity, and who are poor, isolated, and/or socially and economically vulnerable.

Just as there are conceptual differences between *masyarakat adat* and indigenous peoples, the concepts of KAT and uncontacted peoples also differ under national and international law.

International law fundamentally respects the autonomy and land rights of uncontacted peoples as Indigenous groups in voluntary isolation, and prioritizes their protection from contact with the outside world and from land dispossession. Indonesian national law, in contrast, through the definition of KAT, unilaterally assumes that every remote group in Indonesia accepts ongoing contact and assimilation, and experiences poverty as interpreted through a modern definition. The differing interpretations of the terms *masyarakat adat* and indigenous peoples in national and international law can cause national legal regulations to be normatively misaligned with the human rights principles in the UDHR, ICCPR, ICESCR, and ICERD related to the rights of Komunitas Adat Terpencil (KAT).

Geographical isolation physically hinders access to certain areas, resulting in remoteness. The majority of remote villages in Indonesia are recorded as lacking adequate road access. Remoteness is the largest contributing factor to the underdevelopment of most of the 13,215 underdeveloped villages in Indonesia. As many as 73.39% (9,697) of these underdeveloped villages are located in provinces with extensive mountainous and forested landscapes such as North Sumatra, Papua, West Papua, and the provinces in Kalimantan. Poor access leads to the discontinuity and ineffectiveness of the government's empowerment programs for the KAT (Komunitas Adat Terpencil/Isolated Indigenous Communities). The KAT empowerment program has been running since 1972, yet the majority of the KAT population has still not been empowered as of the latest data in 2018, with 139,767 (56.7%) KAT families remaining unempowered out of a total of 249,282 KAT families in Indonesia. Geographical isolation hinders the practical implementation of the Right to Social Protection, which ensures an adequate standard of living for vulnerable groups such as the KAT. The Right to Social Protection is regulated in the ICESCR under Article 9, which states:

“The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.”

Poor access caused by geographic isolation hampers the economic development of KAT by complicating economic distribution processes and obstructing the development of essential infrastructure such as markets, electricity, and clean water. The State Electricity Company (PLN) recorded that 4,700 villages in the Outermost, Frontier, and Disadvantaged (3T) regions had not yet gained access to electricity as of 2022, and the Ministry of Public Works and Housing (PUPR) noted that the majority of villages in Indonesia—57.15% (47,915 villages) out of a total of 83,843—did not have adequate access to drinking water as of 2022. Marjandi Dolok Village in Simalungun Regency is one of many remote villages in Indonesia; research on this village shows that geographic isolation contributes 79.66% to the socioeconomic conditions of KAT. Poor access also affects the self-sufficiency of KAT populations by complicating the distribution of goods and influencing both selling and purchasing prices. Geographic isolation led to the failure of the cattle-farming project by PT Chevron Pacific Indonesia to realize the self-sufficiency of the Sakai tribe in 2017, as isolation limited access to the materials needed for sustaining cattle farming. In the same year, another empowerment effort for the Sakai tribe also failed due to geographic isolation. The initiative, carried out by PT Arara Abadi by planting a 300-hectare rubber plantation for community empowerment, resulted in losses because of the low selling price in remote areas. Geographic isolation practically obstructs the implementation of the KAT Right to Strive for Development, a right regulated in Article 6 Paragraph 1 of the ICESCR, which states:

“The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Poor access caused by geographic isolation also hinders the availability of adequate infrastructure and health workers for KAT in remote areas. Poor access makes it difficult to develop health infrastructure and complicates the distribution of health personnel. Data from Statistics Indonesia (BPS) in 2022 shows that 17.8% of Indonesia's inland communities still do not have adequate access to health facilities, which results in low life expectancy and high maternal and child mortality rates. The availability of Health Human Resources (Sumber Daya Manusia Kesehatan/SDMK), such as doctors and nurses in remote areas, contributes more to health access than physical infrastructure. However, SDMKG distributed across Indonesia's remote regions only accounts for 14.4% of total SDMKG. The ratio of doctors in remote areas is only 3.3 per 10,000 people, showing inequality when compared to the doctor ratio in DKI Jakarta, which reaches 9.53 per 10,000 people. Examples of limited health infrastructure and health workers due to geographic isolation include the Mentawai tribe in the Mentawai Islands and the Asmat tribe in Papua. Poor access caused by geographic isolation hampers the provision of health facilities, the distribution of health workers, and medical equipment for the Mentawai KAT. In 2018, there were only 18 doctors, 12 community health centers (Puskesmas), and 465 health workers serving more than 70 thousand people in the Mentawai Islands. Geographic isolation also complicates the distribution of medical equipment, resulting in only 61.19% of medical equipment needs in the Mentawai Islands being fulfilled by 2023. Geographic isolation in the Mentawai Islands has resulted in an ineffective administrative approach. This approach involves transferring health policy authority from the district health office to each Puskesmas, with the aim of enabling remote Puskesmas to take quick action. However, this has led to differing policies and implementation among Puskesmas, affecting the effectiveness of health services. Similar to the Mentawai KAT, the Asmat KAT also faces limited access to healthcare due to geographic isolation. There is only one hospital and several inadequate community health centers around the Asmat tribe's area in South Papua, and these health facilities are also difficult to reach. This isolation hinders health interventions, leading to high rates of child and infant mortality due to malnutrition, malaria, and unassisted childbirth. Geographic isolation complicates KAT's access to health facilities. The ICESCR stipulates that KAT have the Right to Health. The Right to Health is guaranteed in Article 12 of the ICESCR, which states:

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

Geographical isolation also limits the Educational Rights of Indigenous and Remote Communities (KAT) by hindering the distribution of teaching personnel and the development of adequate educational facilities in remote areas. According to data from the Ministry of Education and Culture (Kemendikbud) in 2023, as many as 40,000 schools in rural Indonesia do not have internet access. A 2021 study by the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek) showed that more than 50% of children from KAT communities do not complete basic education due to long distances to school and the shortage of teachers. This study aligns with 2023 data from Statistics Indonesia (BPS), which indicates that 3.5 million children in remote regions of Indonesia are not attending school. A World Bank survey conducted between 2016 and 2017 on 270 elementary schools in five remote districts of Indonesia found that schools located as far as 149 km from the nearest town were constrained by limited access to electricity (29%) and limited internet access (17%). Data on teacher quality showed that 25% of classrooms in the 270 schools were left untaught due to teacher absenteeism, and 34% of teachers and 18% of school principals held only a high school education. Examples of how geographical isolation restricts access to education can be seen in several remote regions in Indonesia. Geographical isolation delayed the construction of a senior high school (SMA) in Bandalit Hamlet until 2003, causing many students to drop out after

junior high school due to the long distance to the nearest high school. Geographical isolation also hinders access to education for Asmat children, resulting in only 16.7% of the total child population being enrolled in elementary, junior high, and senior high schools. Geographical isolation restricts the government's ability to distribute and train teaching personnel and to ensure equitable development of elementary school infrastructure in remote areas of Sanggau Regency, West Kalimantan. The government manages 98% of elementary schools in Sanggau Regency, but resource allocation is uneven due to difficult accessibility. A 2023 study from the Basic and Secondary Education Data System (Dapodikdasmen) on Sanggau Regency showed that 79% (17,388) of the total 21,903 elementary school infrastructure units—including classrooms, laboratories, libraries, teachers' rooms, principals' offices, and toilets—were damaged. Geographical isolation hinders the government's efforts to fulfill the Educational Rights of KAT communities, a right contained in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which legally binds the Indonesian government. The Right to Education is regulated in Article 13(1) of the ICESCR, which states:

“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”

Geographical isolation also increases the vulnerability of KAT populations to natural disasters and other calamities by making it difficult to access aid or evacuate residents. Examples of cases where geographical isolation heightens disaster vulnerability can first be taken from outside Indonesia. Remote locations hinder flood and erosion mitigation in the village of Shishmaref in Alaska, United States, and remoteness also complicates access to assistance for the Indigenous Nawairuku community in Fiji, which is threatened by rising sea levels and extreme weather. The same vulnerability caused by geographical isolation is also experienced by Remote Indigenous Communities (KAT) in Indonesia. Geographical isolation results in limited disaster-mitigation knowledge among KAT, obstructs aid for affected KAT communities, and complicates evacuation efforts. Disasters have a greater impact on KAT compared to modern communities. The Suku Anak Dalam were forced to evacuate and leave their territory due to drought, and the haze from forest fires caused health problems in 2015. Several customary KAT areas in the Mentawai Islands and Aceh Province were severely affected by the 2004 tsunami and could not be rebuilt because of their remoteness. The survival of KAT in Papua, who depend on forests, is threatened by extreme weather pattern changes and deforestation. Additionally, COVID-19 lockdown activities in remote areas in 2021—worsened by geographical isolation—resulted in limited fulfillment of health, education, and food rights for KAT.

Geographical isolation as an obstacle to the practical implementation of the above ICESCR human rights principles results in poor living standards for Remote Indigenous Communities (KAT). The ICESCR human rights principles above include the Right to Social Protection, Development, Health, and Education, which are principles that guarantee an adequate standard of living. Based on this, geographical isolation also physically hinders the implementation of the UDHR human rights principle, namely the Right to an Adequate Standard of Living. The UDHR recognizes the Right to an Adequate Standard of Living in Article 25 paragraph 1, which states:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

In addition to affecting the practical implementation of ICESCR and UDHR rights, geographic isolation also affects the practical implementation of ICCPR rights. Geographic isolation creates remoteness that can hinder voting activities in the conduct of democracy. Remoteness also leads to low political awareness among isolated communities, which can trigger the misuse of democracy by irresponsible actors. In addition, remoteness results in limited government oversight of democratic processes. A 2024 study in 38 African countries shows that residents of areas located as far as 391 km from the capital city have higher levels of trust in political leaders, making them less responsive to corrupt leaders. This condition can prompt the misuse of the political freedom rights of remote communities by irresponsible actors. Government oversight of democratic practices is also hindered by geographic isolation. Data from the Election Vulnerability Index in Indonesia's Disadvantaged, Frontline, and Outermost Regions (3T) in 2014, 2019, 2022, and 2024 show recurring patterns of money politics, intimidation, facility destruction, mass mobilization, problems with the permanent voter list, and lack of neutrality. Geographic isolation also influences the formation of an undemocratic electoral system in Papua. Tribal chiefs represent residents in choosing government leaders through the Noken system. This system has been practiced in several remote regions of Papua from 2004 to 2024 due to geographic isolation, yet it violates political freedom rights because it is not secret, is vulnerable to manipulation, intimidation, money politics, and disputes. Geographic isolation hinders the Political Freedom Rights of Indigenous and Tribal Peoples (KAT) by complicating the voting process, limiting government oversight of democratic implementation, reducing the political awareness of KAT communities, and giving rise to undemocratic political systems. The Right to Political Freedom is regulated in ICCPR Article 25, which states:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c. To have access, on general terms of equality, to public service in his country.

Another ICCPR principle whose practical implementation is affected by geographical isolation is the Principle of Equality Before the Law. Geographical isolation physically limits the access of Indigenous Peoples (KAT) to legal facilities in cases of land dispossession, resource exploitation, and criminalization. The 2022 report of the National Human Rights Commission (Komnas HAM) noted that most complaints submitted by Indigenous communities related to land conflicts in remote areas could not be promptly addressed due to geographical isolation and the lack of legal advocacy. These limitations in legal facilities have caused several Indigenous Peoples in Sumatra and Kalimantan to lack legal standing to challenge land dispossession and deforestation through legal means. A 2023 report by the Indonesian Forum for the Environment (WALHI) stated that some Indigenous Peoples in Sumatra and Kalimantan have experienced loss of food sources due to deforestation by the plantation and mining industries, forcing these communities to migrate and resulting in the loss of their identity and

culture due to limited legal standing, legal facilities, and legal advocacy to resist. Geographical isolation physically hinders KAT's access to legal facilities and legal assistance, causing them to lack legal standing to defend their rights. The absence of such standing leads to Indigenous Peoples not being regarded as equal by legal instruments or legal bodies in comparison to companies that seize their land. The Right to Equality Before the Law is stipulated in Article 14(1) of the ICCPR, which reads:

“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.”

CONCLUSION

Geographical isolation is connected to the implementation of the UDHR, ICCPR, ICESCR, and ICERD for the protection of the human rights of Remote Indigenous Communities (Komunitas Adat Terpencil/KAT) in Indonesia because it hinders the Indonesian government's efforts to fulfill and protect the rights of KAT, which constitute the practical application of international human rights principles. Geographical isolation obstructs the Indonesian government in the practical implementation of human rights principles for KAT, such as the Right to an Adequate Standard of Living under Article 25(1) of the UDHR. Geographical isolation also hampers the practical implementation of the Right to Social Security for KAT under Article 9 of the ICESCR. In addition, geographical isolation hinders the practical implementation of Political Freedoms recognized in Article 25 of the ICCPR. Geographical isolation complicates and obstructs the availability of public services, economic connectivity and development, the administration and oversight of democratic processes, the political awareness of remote citizens, and the availability of legal services and support.

The challenges faced by the Indonesian government in implementing the ICESCR, ICCPR, and ICERD for protecting the human rights of remote indigenous communities include both normative and practical challenges. Conceptual differences lead to inconsistencies between Indonesian national law and international law regarding indigenous peoples' rights, and these inconsistencies are one of the reasons a comprehensive legal instrument on indigenous rights has not yet been enacted in Indonesia. In national law, indigenous peoples are normatively seen as non-vulnerable groups with high traditionalism, while in international law indigenous peoples are understood as original inhabitants of a territory dominated by newcomers who are vulnerable and whose rights are threatened. Remote Indigenous Communities (KAT) in national law are viewed as socio-economically vulnerable groups that must be empowered, while uncontacted peoples in international law are regarded as indigenous groups who voluntarily isolate themselves from modern society and therefore must have their right to self-determination upheld through non-contact policies. The practical challenges faced by the Indonesian government in applying international human rights law to KAT arise from geographical isolation, which causes poor accessibility to remote areas. Geographical isolation

hinders economic development, social services, and legal oversight for KAT in remote regions, and increases their vulnerability to both natural and non-natural disasters.

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