

Transforming Indonesia's Legal System: A Diversity, Equity, Inclusion, and Sustainability (DEIS) Perspective

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Abstract: Indonesia's legal system faces structural limitations in responding to complex global transformations, including climate crisis, digitalization, and intensified resource extraction, which expose the inadequacy of its predominantly formalistic and sector-based paradigm. This study critically examines the transformation of Indonesia's legal system through the lens of Diversity, Equity, Inclusion, and Sustainability (DEIS) as a normative and analytical framework. Employing a normative juridical method with statutory and conceptual approaches, this research interrogates constitutional mandates, sectoral legislation, and contemporary legal practices. The analysis reveals a persistent disjunction between constitutional guarantees particularly regarding indigenous rights and environmental protection and their implementation within extractive governance regimes. The Maba Sangaji case is deployed as a critical lens to demonstrate how legal instruments, such as Article 162 of the Mining Law, function to legitimize the criminalization of indigenous resistance while insulating corporate interests. This reflects a deeper structural bias embedded within the current legal paradigm. The study argues that integrating DEIS principles requires not merely regulatory adjustment but a paradigmatic shift that reconfigures legal substance, institutional practices, and legal culture. Such transformation is essential to realign Indonesia's legal system with constitutional justice, democratic participation, and ecological sustainability in the context of global change.

Keywords: legal transformation; DEIS; indigenous rights; extractive governance; Indonesia.

Indonesia.

Introduction

Indonesia's legal system is currently situated at a critical crossroads shaped by profound global and domestic transformations. The acceleration of climate change, the expansion of digital governance, the intensification of natural resource extraction, and the growing recognition of human rights discourse have collectively challenged the adequacy of conventional legal paradigms. In this context, the legal system can no longer function merely as a formal mechanism for norm enforcement; rather, it must evolve as an adaptive, inclusive, and justice-oriented institution capable of responding to multidimensional societal changes. The urgency of legal transformation becomes increasingly visible in contemporary Indonesia, where constitutional ideals often remain disconnected from regulatory practices and institutional implementation (Amril et al., 2025).

As a constitutional state, Indonesia formally guarantees justice, equality, and the protection of fundamental rights through the 1945 Constitution. Article 18B paragraph (2) explicitly recognizes and respects indigenous peoples and their traditional rights as long as they remain alive and in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia. Likewise, Article 28I paragraph (3) affirms the protection of cultural identity and the rights of traditional communities. These provisions establish a strong normative foundation for the recognition of diversity and inclusion within the national legal framework. However, the practical reality often reveals a significant gap between constitutional mandates and their realization in legal governance, particularly in sectors involving extractive industries and land-based conflicts. This disjunction highlights a deeper structural issue within Indonesia's legal system: its persistent reliance on a formalistic, sector-based, and state-centric legal paradigm. Such a paradigm frequently privileges economic growth, investment security, and administrative efficiency over social justice, ecological sustainability, and participatory governance. In many cases, law functions not as an instrument of emancipation but as a mechanism that legitimizes asymmetrical power relations between the state, corporations, and marginalized communities. This is especially evident in legal disputes involving indigenous peoples whose customary territories overlap with mining concessions, plantation permits, or infrastructure projects.

The emergence of the Diversity, Equity, Inclusion, and Sustainability (DEIS) framework offers a critical lens through which the transformation of Indonesia's legal system may be examined. DEIS is not merely a managerial or institutional concept commonly associated with corporate governance; rather, it represents a normative framework capable of reorienting legal systems toward substantive justice. Diversity emphasizes recognition of plural legal identities, including customary law communities and local knowledge systems. Equity requires that the law address structural inequalities and ensure fair access to rights and legal remedies. Inclusion demands meaningful participation of all affected communities in legal and policy-making processes. Sustainability extends the legal horizon beyond immediate economic interests toward long-term ecological balance and intergenerational justice.

Although Diversity, Equity, Inclusion, and Sustainability (DEIS) originally emerged within organizational and corporate governance discourse as a framework for promoting fair representation, participatory decision-making, and long-term institutional responsibility, its normative foundations extend beyond managerial settings. At its core, DEIS embodies principles of substantive equality, social inclusion, distributive justice, and intergenerational sustainability, all of which resonate with constitutional values and contemporary legal transformation agendas. The migration of DEIS into legal scholarship is therefore theoretically justified because constitutional law increasingly functions not only as a mechanism for regulating state power but also as an instrument for addressing structural inequalities and ensuring inclusive governance. In this sense, DEIS provides an interdisciplinary analytical framework capable of evaluating whether legal institutions, regulatory structures, and public policies adequately protect marginalized groups while balancing social, environmental, and economic interests.

Within the Indonesian context, the relevance of DEIS becomes particularly pronounced in the governance of natural resources. Indonesia's economic development

model has long been characterized by extractive governance, where mining, forestry, and plantation sectors are central to national growth strategies. While these sectors contribute significantly to state revenue, they also generate recurring socio-legal conflicts involving land dispossession, environmental degradation, and human rights violations. The legal instruments governing these sectors often prioritize licensing regimes and investment certainty, while insufficiently addressing indigenous rights and environmental protection. This structural bias reflects the limitations of the current legal framework in responding to contemporary justice demands (Widharu and Sunaryo, 2025).

A critical illustration of this structural problem is found in the case of the eleven indigenous residents of Maba Sangaji in East Halmahera in 2025. In May 2025, eleven members of the indigenous community were arrested and charged under Article 162 of Law Number 3 of 2020 concerning Mineral and Coal Mining for allegedly obstructing the mining activities of PT Position. The provision criminalizes actions deemed to interfere with lawful mining operations, carrying a penalty of imprisonment or a monetary fine. On 16 October 2025, the Soasio District Court convicted the defendants, sentencing community leader Sahil Abu Bakar to five months and eight days in prison and others to shorter custodial terms. Human rights organizations, environmental advocates, and legal scholars strongly criticized the ruling as a form of criminalization against indigenous resistance aimed at defending ancestral land and ecological livelihood systems.

The Maba Sangaji case is emblematic of how legal norms may operate as instruments of structural exclusion. Rather than functioning as a protective mechanism for constitutionally recognized indigenous rights, the law in this instance was deployed to safeguard corporate mining interests and suppress community resistance. This reveals a significant contradiction between constitutional principles and statutory enforcement. From a DEIS perspective, the case demonstrates failures across all four dimensions. Diversity is neglected through the marginalization of customary law claims; equity is undermined by unequal power relations in legal proceedings; inclusion is absent due to the lack of meaningful consultation and free, prior, and informed consent; and sustainability is compromised through ecological harm associated with extractive expansion. Moreover, this case raises broader theoretical questions concerning the nature of legal transformation in Indonesia. Legal reform cannot be reduced to incremental statutory amendments or procedural adjustments. Instead, it requires a paradigmatic shift encompassing legal substance, institutional behavior, and legal culture. Lawrence Friedman's theory of the legal system comprising legal structure, legal substance, and legal culture provides a useful framework for understanding why constitutional protections often fail at the implementation level. The persistence of sectoral legal fragmentation, institutional bias toward investment, and a legal culture that prioritizes formal legality over substantive justice collectively hinder transformative change.

The manuscript provides a useful illustration of the tensions between indigenous rights protection and extractive resource governance through the Maba Sangaji case; however, broader claims regarding systemic injustice in Indonesia's legal system require stronger empirical and legal substantiation. To support such claims, the analysis should include more detailed information regarding the factual background of the dispute, the specific mining permits and regulatory frameworks involved, the legal arguments

advanced by the parties, the responses of government institutions and courts, and the concrete impacts experienced by the indigenous community. By situating the case within a wider pattern of similar indigenous land and resource conflicts, the manuscript would more convincingly demonstrate that the issues identified are not merely case-specific but reflect recurring structural problems within Indonesia's legal and governance framework.

In this regard, the DEIS framework offers an important conceptual contribution by bridging constitutional ideals with contemporary governance challenges. It allows for a reconceptualization of law as a living institution that must respond to social plurality, power asymmetries, and ecological limits. For Indonesia, this transformation is particularly urgent given the increasing frequency of conflicts between indigenous communities and extractive industries, as well as the broader global demand for sustainable and rights-based development. Therefore, this study aims to critically examine the transformation of Indonesia's legal system through a DEIS perspective, with particular emphasis on the constitutional tension between indigenous rights and extractive governance. By using the Maba Sangaji case as an analytical lens, this research seeks to demonstrate how existing legal instruments reproduce structural injustice and why a paradigmatic legal shift is necessary. Ultimately, the study argues that the future legitimacy of Indonesia's legal system depends on its ability to integrate diversity, equity, inclusion, and sustainability as foundational principles of legal reform in the era of global transformation.

Literature Review and Theoretical Framework

Legal Transformation in the Context of Global Change

Legal transformation refers to a fundamental shift in the orientation, structure, and operational logic of a legal system in responding to dynamic social, economic, political, and environmental changes. In the Indonesian context, legal transformation has become increasingly urgent due to the complex pressures arising from globalization, climate crisis, technological development, and intensified extractive economic policies. The law is no longer expected to function merely as a formal mechanism for regulating social conduct, but also as a responsive institution capable of ensuring justice, participation, and sustainability. Indonesia's legal framework historically developed through a combination of colonial legal heritage, post-independence statutory reforms, and constitutional amendments (Bayani et al., 2025). While significant legal reforms have occurred since the Reformasi era, many scholars argue that the legal system remains strongly influenced by formalism and positivism, where legality is often equated with compliance to written rules rather than substantive justice. This creates structural limitations, particularly when legal disputes involve vulnerable communities such as indigenous peoples and those affected by environmental degradation.

The 1945 Constitution establishes Indonesia as a state based on the rule of law under Article 1 paragraph (3). More importantly, constitutional provisions explicitly recognize indigenous communities and their traditional rights through Article 18B paragraph (2) and Article 28I paragraph (3). These articles provide a normative foundation for plural legal recognition and social inclusion. However, the persistence of sectoral legal fragmentation especially in mining, land, and forestry law often undermines these guarantees. In the era of global change, legal transformation must address three major dimensions. The law must

adapt to socio-economic transformation, particularly the rise of extractive governance and investment-led development. Second, it must respond to ecological challenges, including environmental destruction and climate-related vulnerability. It must integrate democratic participation and human rights principles into legal institutions and policy-making processes (Arafat et al., 2025). Legal transformation in Indonesia should be understood not merely as legislative amendment but as a paradigmatic restructuring of legal substance, institutional arrangements, and legal culture. This transformation is necessary to bridge the gap between constitutional ideals and everyday legal realities.

DEIS as a Normative Framework for Legal Reform

The concept of **Diversity, Equity, Inclusion, and Sustainability (DEIS)** offers an innovative normative framework for analyzing legal reform in contemporary Indonesia. Although initially developed in governance and organizational studies, DEIS possesses significant theoretical relevance for legal scholarship because it emphasizes justice-oriented structural transformation.

1. **Diversity** within the legal context refers to the recognition of legal pluralism and the coexistence of multiple normative systems, including state law, customary law, religious law, and local governance mechanisms. Indonesia, as a plural society, cannot rely exclusively on a monolithic legal approach. Indigenous communities across the archipelago possess customary legal systems that regulate land, dispute resolution, and collective identity. The constitutional recognition of customary communities reinforces the importance of legal diversity.
2. **Equity** focuses on substantive fairness rather than merely formal equality. In many legal disputes involving land, mining, and resource extraction, indigenous communities often enter legal processes from structurally disadvantaged positions compared to corporations and state institutions. Therefore, equity requires the legal system to correct structural imbalances by ensuring fair access to legal remedies, representation, and protection.
3. **Inclusion** emphasizes meaningful participation in legal and policy-making processes. In the context of mining governance, this principle requires consultation, consent, and representation of affected communities before permits are issued. The absence of meaningful consultation frequently results in conflict escalation and legal marginalization. Recent studies on indigenous rights in mining law demonstrate that participatory mechanisms remain weak in Indonesia's legal framework.
4. **Sustainability** extends legal reasoning beyond immediate economic interests toward long-term ecological justice and intergenerational responsibility. This dimension is particularly relevant in extractive governance, where mining activities often generate irreversible environmental consequences. Sustainable legal reform requires balancing economic development with environmental protection and social rights.

Therefore, DEIS serves as a comprehensive theoretical lens for evaluating whether Indonesia's legal system remains centered on formal legality or has moved toward transformative justice.

Indigenous Rights and Extractive Governance: The Maba Sangaji Case

The tension between constitutional rights and extractive governance is clearly reflected in the case of the eleven indigenous residents of Maba Sangaji, East Halmahera. This case serves as an important empirical and theoretical example for understanding the structural weaknesses of Indonesia's legal system. In May 2025, eleven indigenous residents were arrested for allegedly obstructing mining operations conducted by PT Position. They were charged under Article 162 of Law Number 3 of 2020 concerning Mineral and Coal Mining. This provision criminalizes acts considered to interfere with mining business activities carried out by lawful permit holders. Subsequently, the Soasio District Court sentenced the defendants to imprisonment and fines. The decision triggered strong criticism from civil society organizations, human rights advocates, and legal scholars, who viewed it as a form of criminalization of indigenous resistance (Arafat, 2025).

From a DEIS perspective, this case illustrates a systemic failure.

- in terms of diversity, the legal system failed to recognize the customary rights and traditional land claims of the Maba Sangaji community, despite constitutional guarantees. The law prioritized formal permits over indigenous territorial claims, reflecting the dominance of administrative legality over living law.
- in terms of equity, the community faced an asymmetrical power structure in which corporate and state interests possessed significantly greater legal and institutional resources. This imbalance undermined the principle of substantive justice.
- inclusion was absent because the affected indigenous community was not meaningfully involved in the decision-making process regarding mining operations on their ancestral land. The absence of prior consultation contradicts participatory justice principles and weakens the legitimacy of state action.
- regarding sustainability, the conflict demonstrates how extractive governance frequently prioritizes short-term economic gain over ecological preservation and social continuity. Research on indigenous vulnerability in Indonesia confirms that resource governance often intensifies environmental risks and social exclusion.

The Maba Sangaji case therefore represents more than an isolated legal dispute; it reveals a broader structural problem in Indonesia's legal paradigm. The law functions as an instrument that protects investment certainty while inadequately safeguarding constitutional rights and ecological sustainability.

Structural Bias in Indonesia's Legal Paradigm

One of the most significant challenges in transforming Indonesia's legal system lies in the persistence of structural bias embedded within its legal paradigm. Although the constitutional framework formally embraces justice, equality, and recognition of indigenous communities, the implementation of law frequently reflects a disproportionate alignment with state authority and corporate interests, particularly in the governance of natural resources. This structural bias can be understood through the dominance of legal positivism and administrative formalism in Indonesian legal practice (Wibowo et al., 2025). Under this approach, legality is primarily determined by compliance with written statutory provisions and formal licensing procedures. As a result, legal institutions often prioritize permit validity, investment certainty, and procedural regularity over substantive justice and constitutional rights. In disputes involving indigenous land claims and extractive industries, the existence of a formal mining permit is often treated as sufficient legal

justification, even when the permit overlaps with customary territories or is issued without meaningful consultation with local communities. The Maba Sangaji case provides a compelling example of this structural bias. The use of Article 162 of the Mining Law against indigenous residents demonstrates how legal instruments can function as mechanisms of exclusion rather than protection. Instead of assessing whether the mining operations had violated customary land rights, environmental standards, or participatory obligations, law enforcement authorities focused on the formal legality of the mining company's permit. This legal orientation effectively transformed community resistance into a criminal act while insulating corporate activity from constitutional scrutiny.

Such a pattern reveals that the issue is not merely located in isolated statutory provisions but within the broader legal paradigm itself. The law, in this sense, operates within a hierarchical structure where state-issued licenses possess superior legal authority compared to customary claims and communal rights. Although customary law is constitutionally recognized, its practical status remains subordinate within the hierarchy of formal legal norms. This contradiction reflects what many legal scholars identify as symbolic recognition without substantive enforcement. The structural bias is also reinforced institutionally through legal enforcement mechanisms. Police, prosecutors, and courts often interpret conflicts involving indigenous communities through the lens of public order and economic stability rather than constitutional justice. This tendency reflects an institutional culture that places greater emphasis on maintaining investment confidence than on resolving rights-based disputes. Consequently, communities defending ancestral land are frequently framed as disruptors of development rather than rights-bearing subjects.

From the perspective of DEIS, this structural orientation directly undermines equity and inclusion. Equity requires the law to address imbalances of power and provide special protection to historically marginalized communities. Inclusion requires the legal process to actively incorporate affected communities into decision-making and dispute resolution. However, when legal institutions remain structurally aligned with formal permits and corporate actors, both principles become difficult to realize. This issue is further intensified by the fragmentation of Indonesia's legal framework. Mining law, environmental law, agrarian law, and constitutional law often operate in parallel without sufficient harmonization. As a result, sectoral legislation may contradict constitutional principles, creating legal uncertainty and opening space for selective enforcement. Studies on governance law in Indonesia emphasize that this fragmentation contributes significantly to the vulnerability of indigenous communities in resource conflicts.

Result and Discussion

Constitutional Guarantees versus Legal Enforcement Practices in the Protection of Indigenous Communities within Mining Governance

The findings of this study demonstrate a significant normative and practical gap between constitutional guarantees and their implementation within Indonesia's legal system, particularly in relation to the protection of indigenous communities affected by extractive industries. Although the Constitution of the Republic of Indonesia explicitly recognizes the rights of indigenous peoples through Article 18B paragraph (2) and Article 28I paragraph (3), the legal reality reveals that these guarantees frequently remain symbolic

rather than operational. In the context of mining governance, statutory and administrative frameworks tend to prioritize licensing validity and investment certainty over the constitutional protection of customary land rights. This disjunction becomes particularly visible in regions where mining concessions overlap with ancestral territories. In such situations, legal institutions often rely on the formal existence of business permits as the principal basis for decision-making, while insufficiently considering the historical, cultural, and collective rights of indigenous communities (Hafid, 2025).

The Maba Sangaji case in East Halmahera illustrates this contradiction clearly. The arrest and prosecution of eleven indigenous residents under Article 162 of the Mining Law reveal how the legal system may operate in a manner that contradicts constitutional principles. Instead of evaluating whether the mining operations had encroached upon customary territories or violated the community's right to participation, law enforcement mechanisms focused on the alleged disruption of mining activities. This reflects a legal orientation in which constitutional justice is subordinated to sectoral regulatory interests. The results indicate that the constitutional recognition of indigenous rights has not yet been adequately translated into enforceable procedural safeguards within sectoral legislation. Mining law, land law, and administrative licensing regulations often function autonomously from constitutional mandates, creating a fragmented legal landscape. As a consequence, indigenous communities remain vulnerable to dispossession and criminalization when defending ancestral land.

This gap also reflects a broader institutional issue. Courts and law enforcement bodies tend to interpret disputes involving indigenous resistance through a public order framework rather than a constitutional rights framework. Such an approach reduces complex socio-legal conflicts into matters of legal compliance and security, thereby obscuring structural inequalities and historical injustices. From a DEIS perspective, this finding reveals a serious failure of inclusion and equity. Legal institutions that do not integrate constitutional pluralism into their enforcement practices cannot effectively protect diversity nor ensure substantive justice. Therefore, the results strongly suggest the need for harmonization between constitutional norms and sectoral governance laws.

The Criminalization of Indigenous Resistance as a Reflection of Structural Bias in Indonesia's Extractive Legal Regime

The discussion of the findings further reveals that the criminalization of indigenous resistance is not an isolated legal phenomenon but a reflection of deeper structural bias within Indonesia's extractive legal regime. This bias is embedded in the way legal norms are formulated, interpreted, and enforced in relation to economic development and natural resource exploitation. The prosecution of the eleven Maba Sangaji residents demonstrates how legal instruments can be mobilized to protect corporate and state interests while marginalizing community-based claims. Article 162 of the Mining Law, which criminalizes acts considered to obstruct mining operations, serves as a significant example of how law may function as an instrument of power rather than justice.

Rather than operating neutrally, the law in this case reflects a hierarchy of interests in which investment protection is positioned above indigenous rights and environmental

concerns. This hierarchy becomes evident in the judicial process, where the legal validity of the company's mining permit received stronger recognition than the community's customary territorial claims. The discussion suggests that this legal structure reinforces what may be termed an extractive governance paradigm. Within this paradigm, the law is designed to facilitate resource extraction as a national economic priority. As a result, communities resisting ecological destruction or defending customary territories are often constructed as barriers to development (Kosasih, 2025).

This structural bias also manifests in the institutional culture of law enforcement agencies. Police and judicial institutions frequently adopt a formalistic interpretation of statutory law without engaging with constitutional principles of social justice, participation, and legal pluralism. Consequently, legal processes may inadvertently legitimize inequality by treating structurally unequal parties as if they were operating from equal positions. The implications of this finding are substantial. When the law is repeatedly used to suppress community resistance, public trust in legal institutions is weakened. More importantly, the legitimacy of the legal system itself becomes contested, particularly among marginalized communities who experience law as an instrument of exclusion. Within the DEIS framework, this phenomenon directly contradicts the principle of equity, which requires the correction of systemic imbalances. It also undermines diversity by failing to recognize customary law as a legitimate normative system. The findings therefore indicate that legal transformation must address not only statutory reform but also the deeper ideological orientation of Indonesia's extractive legal regime.

Reconstructing Indonesia's Legal System through a DEIS-Oriented Framework of Participatory Justice and Ecological Sustainability

Based on the results and preceding discussion, this study argues that the transformation of Indonesia's legal system requires a reconstruction grounded in DEIS principles, particularly participatory justice and ecological sustainability. The findings demonstrate that existing legal mechanisms are insufficient to respond to the complexity of socio-environmental conflicts involving indigenous communities. Therefore, legal transformation must move beyond technical legislative amendment toward a broader paradigmatic shift. A DEIS-oriented reconstruction begins with the strengthening of legal pluralism. Indigenous customary law should be institutionally recognized not merely as cultural heritage but as a legally enforceable normative framework within dispute resolution and land governance. This requires harmonization between constitutional provisions and sectoral laws such as mining and agrarian legislation (Muffy, 2025).

Participatory justice must also become a central principle of legal reform. Communities directly affected by extractive projects should be meaningfully involved in licensing decisions, environmental assessments, and conflict resolution mechanisms. This includes stronger incorporation of free, prior, and informed consent as a procedural legal standard. The sustainability dimension is equally essential. The discussion reveals that many legal conflicts emerge from a development model that prioritizes short-term economic gain over long-term ecological continuity. Legal reconstruction should therefore integrate stronger environmental safeguards, restorative mechanisms, and accountability standards

for ecological harm. Such reform also requires institutional transformation. Courts, prosecutors, and law enforcement agencies must adopt interpretive approaches that prioritize constitutional justice and substantive rights over narrow procedural legality. Judicial reasoning should increasingly incorporate principles of human rights, ecological justice, and community participation. In this sense, the transformation of Indonesia's legal system through DEIS is not simply a theoretical proposition but a practical necessity. Without such reconstruction, constitutional guarantees will continue to remain detached from legal reality, and conflicts such as the Maba Sangaji case are likely to recur. The findings therefore support the argument that Indonesia's future legal legitimacy depends on its ability to transform from an extractive and formalistic legal model into a participatory, equitable, and sustainability-oriented system capable of responding to contemporary global challenges.

The Urgency of Paradigmatic Legal Reform: Integrating DEIS Principles into Indonesia's Constitutional and Sectoral Governance Framework

The findings and discussions presented in the previous sections lead to a broader and more fundamental issue concerning the future direction of Indonesia's legal system, namely the urgency of paradigmatic legal reform. The existing legal framework, particularly in matters related to natural resource governance, demonstrates persistent structural limitations that cannot be adequately resolved through partial statutory amendments alone. The recurring disjunction between constitutional guarantees and legal practice, as reflected in the criminalization of indigenous communities in the Maba Sangaji case, indicates that the problem is deeply rooted in the legal paradigm itself (Hakim et al., 2025).

The present legal system continues to be heavily influenced by a formalistic and sector-based model in which legality is primarily assessed through compliance with written statutory provisions and administrative licensing requirements. This approach often places sectoral legislation, such as the Mining Law, at the forefront of legal interpretation while constitutional norms are treated as broad principles with limited operational force. Such a structure creates normative fragmentation, where constitutional justice, indigenous rights, environmental protection, and economic governance operate in separate legal spheres rather than within an integrated framework. This fragmentation is particularly problematic in the governance of extractive industries. Mining regulations are frequently designed to ensure legal certainty for permit holders and to facilitate investment flows, yet they often fail to adequately incorporate constitutional protections related to customary land, ecological sustainability, and participatory governance. The legal effect of this arrangement is that sectoral statutes may function in ways that directly contradict the spirit of the Constitution without immediate institutional correction.

The Maba Sangaji case offers a critical reflection of this structural condition. The application of Article 162 of the Mining Law against indigenous residents defending their ancestral territory reveals how sectoral legal instruments can be mobilized to legitimize exclusionary governance practices. The judicial process in this case did not substantially engage with the constitutional status of indigenous communities nor with the broader socio-environmental implications of extractive expansion. Instead, the legal reasoning centered

primarily on whether mining activities were obstructed, thereby reducing a complex constitutional conflict into a narrow issue of regulatory compliance. Reinforces the argument that Indonesia requires not merely legal reform in the sense of amending isolated provisions, but a paradigmatic transformation that redefines the foundational logic of legal governance. Within this context, the DEIS framework offers a significant normative and analytical basis for restructuring the legal system.

Reimagining Indonesia's Future Legal Architecture: From Extractive Legality to Justice-Centered and Sustainable Governance

The preceding discussion on structural bias, constitutional inconsistency, and the urgency of paradigmatic reform leads to a broader question concerning the future architecture of Indonesia's legal system. The issue is no longer limited to the inadequacy of individual statutes or isolated enforcement practices; rather, it concerns how the legal system as a whole is conceptualized, institutionalized, and legitimized in the face of rapid social transformation. This section discusses how Indonesia's legal architecture must be reimagined to transition from an extractive and formalistic model toward a justice-centered and sustainability-oriented framework. The existing legal architecture remains deeply influenced by a developmentalist logic that places economic expansion and investment security at the center of legal governance. Historically, many legal institutions and sectoral regulations have been designed to support state-led development agendas, particularly in areas involving natural resource exploitation, infrastructure expansion, and industrial investment. While this orientation has contributed to economic growth, it has also generated recurring conflicts between state policy, corporate interests, and community rights.

The Maba Sangaji case illustrates how this legal architecture operates in practice. The law, instead of functioning as a mediator of competing rights and interests, was used to reinforce the legality of extractive operations and criminalize resistance from indigenous communities. This reveals a legal structure that privileges economic permits over constitutional rights and prioritizes regulatory order over substantive justice. A future-oriented legal architecture must begin by redefining the foundational purpose of law. Rather than viewing law primarily as an instrument for maintaining order and facilitating investment, it must be understood as a constitutional mechanism for balancing rights, protecting vulnerable groups, and ensuring social legitimacy. This requires a transformation in legal philosophy, moving from a rule-compliance paradigm toward a justice-oriented paradigm (Praditha and Wibisana, 2024).

Within this framework, constitutional principles must occupy a more operational role in sectoral governance. One of the major weaknesses identified in previous sections is the limited integration of constitutional norms into administrative and judicial practice. Although constitutional provisions regarding indigenous rights and environmental protection exist, they are often treated as abstract declarations rather than binding interpretive standards. A reimagined legal architecture should therefore strengthen constitutional supremacy in practical governance processes. Mining licenses, land permits, environmental approvals, and public policy decisions should be assessed not only based on statutory compliance but also through constitutional compatibility review. This would help

prevent sectoral legislation from undermining fundamental rights and ecological protections (Tarigan, 2024).

Another important dimension concerns institutional coordination. Indonesia's legal system currently suffers from fragmentation among constitutional law, administrative law, environmental law, agrarian law, and mining law. These branches often operate independently, resulting in normative inconsistencies and enforcement gaps. A justice-centered architecture requires greater legal harmonization. Institutional mechanisms should be developed to ensure that sectoral decisions involving land use, extraction, and community rights are evaluated through an integrated governance framework. This integration is essential to prevent legal conflicts from being addressed in a piecemeal manner.

From the DEIS perspective, the transformation of legal architecture must also prioritize inclusivity in institutional design. Legal processes should not be monopolized by state institutions and corporate actors. Indigenous communities, local civil society organizations, environmental groups, and affected residents must have structured pathways for participation in policy formation and dispute resolution. This participatory approach is particularly important in resource governance. Legal legitimacy increasingly depends on whether affected communities perceive the decision-making process as fair, transparent, and inclusive. Without meaningful participation, even formally lawful decisions may face resistance and legitimacy crises. The sustainability dimension is equally central to the future legal framework. The climate crisis and ecological degradation have transformed environmental concerns from peripheral issues into core constitutional and governance questions. Indonesia, as a country rich in natural resources yet highly vulnerable to ecological disruption, must ensure that its legal architecture incorporates long-term sustainability as a binding principle.

This means that legal norms governing resource extraction should no longer focus exclusively on economic productivity. They must also include strong standards for environmental restoration, ecological accountability, and intergenerational justice. Sustainable governance requires that law address not only current economic needs but also the rights of future generations to a healthy environment. The role of judicial institutions in this transformation is also critical. Courts must evolve from passive interpreters of statutory provisions into active guardians of constitutional justice. Judicial reasoning should increasingly engage with human rights principles, environmental constitutionalism, and legal pluralism. In the Maba Sangaji case, a more transformative judicial approach could have examined whether the criminalization of indigenous resistance was compatible with constitutional protections and international human rights norms. Such an approach would strengthen public confidence in the judiciary as an institution of justice rather than merely an enforcer of sectoral legality.

Legal education also plays a strategic role in shaping the future architecture of law. Law schools and professional legal training institutions should integrate DEIS principles, ecological justice, and indigenous rights into their curricula. The long-term transformation of legal culture depends on how future judges, lawyers, prosecutors, and policymakers are

trained to understand the function of law (Mufty and Nur, 2026). Ultimately, reimagining Indonesia's legal architecture requires a shift from extractive legality to justice-centered governance. This transformation is not merely institutional but civilizational in nature, as it concerns the values upon which the legal system is built. A legal system that continues to prioritize formal compliance and economic expediency at the expense of equity, inclusion, and sustainability will struggle to maintain legitimacy in a rapidly changing social and global context. Conversely, a system grounded in constitutional justice and DEIS principles has the potential to create a more resilient, democratic, and sustainable legal order.

Conclusion

The transformation of Indonesia's legal system has emerged as an urgent and unavoidable necessity in the context of contemporary global change. This study has demonstrated that the existing legal framework, while constitutionally grounded in principles of justice, equality, and recognition of indigenous rights, continues to face significant structural limitations in its practical implementation. The gap between constitutional guarantees and legal enforcement remains one of the most persistent challenges in Indonesia's legal governance, particularly in matters involving extractive industries, environmental protection, and indigenous communities.

The findings confirm that Indonesia's legal system continues to operate within a predominantly formalistic and sector-based paradigm. In this paradigm, legality is largely assessed through compliance with statutory provisions, administrative permits, and sectoral regulations, often without sufficient consideration of broader constitutional principles. This legal orientation has created a structural bias that tends to prioritize investment security, economic development, and administrative order over substantive justice and community rights. As a consequence, constitutional protections that formally recognize indigenous peoples and environmental rights frequently remain symbolic rather than operational. The case of the eleven indigenous residents of Maba Sangaji serves as a powerful and representative example of this contradiction. Their criminalization under Article 162 of the Mining Law reveals how legal instruments may be used to reinforce extractive governance while marginalizing constitutionally protected communities. Rather than functioning as a mechanism to mediate competing interests fairly, the law in this case was applied in a manner that privileged corporate mining operations and formal licensing regimes. This reflects a broader legal architecture in which sectoral statutes often exercise greater practical force than constitutional guarantees.

The discussion throughout this study has shown that this problem is not merely the result of isolated legislative shortcomings or individual judicial decisions. Instead, it reflects a deeper structural issue embedded within Indonesia's legal paradigm. The legal system remains influenced by positivistic formalism and developmentalist legal reasoning, both of which tend to reduce justice to procedural compliance and regulatory validity. This approach is increasingly inadequate in responding to complex contemporary challenges such as ecological crisis, legal pluralism, community resistance, and the growing demand

for participatory governance. The DEIS framework Diversity, Equity, Inclusion, and Sustainability has been used in this study as both a normative and analytical lens to evaluate the need for legal transformation. The analysis demonstrates that the current legal system struggles to fulfill all four dimensions of DEIS. In terms of diversity, the law has not yet fully recognized the plural nature of Indonesia's social and legal realities. Although customary law communities are constitutionally acknowledged, their legal status in practice remains subordinate to state-centered statutory regimes. Indigenous legal systems and traditional land rights are often treated as secondary to formal administrative permits, creating recurring conflicts in extractive governance.

In terms of equity, the study finds a persistent imbalance of legal power between state institutions, corporate actors, and indigenous communities. Legal processes frequently operate as though all parties possess equal access to representation, legal resources, and institutional support, despite the clear structural disparities that exist in reality. This imbalance undermines the principle of substantive justice. The principle of inclusion is also insufficiently realized. Many legal and policy decisions related to mining, land use, and environmental governance continue to be made without meaningful participation from affected communities. The absence of free, prior, and informed consent mechanisms further weakens the legitimacy of state decisions and increases the likelihood of legal conflict. Regarding sustainability, the current legal framework remains overly oriented toward short-term economic objectives. The emphasis on resource extraction and investment facilitation often comes at the expense of ecological preservation and intergenerational justice. This approach is increasingly incompatible with the realities of climate change and environmental degradation (DM et al., 2024).

Based on these findings, this study concludes that legal transformation in Indonesia requires more than technical statutory reform. The issue demands a paradigmatic shift in the way law is conceptualized, interpreted, and institutionalized. Legal transformation must involve the reconstruction of legal substance, institutional practices, and legal culture. At the level of legal substance, there is a need for harmonization between constitutional norms and sectoral legislation, particularly in mining, agrarian, and environmental law. Sectoral regulations must be brought into alignment with constitutional principles relating to indigenous rights, participation, and ecological justice (Nur, 2025).

At the institutional level, courts, law enforcement agencies, and administrative bodies must adopt a more rights-based and constitutionally oriented approach in resolving socio-legal conflicts. Legal reasoning should no longer rely solely on narrow procedural legality but must integrate broader principles of justice and constitutional protection. At the level of legal culture, transformation requires a shift in professional legal values. Judges, lawyers, prosecutors, and policymakers must be trained to understand law not merely as a system of rules but as an instrument of democratic legitimacy, social inclusion, and sustainability.

This study therefore emphasizes that the future legitimacy of Indonesia's legal system depends on its ability to transition from an extractive and formalistic legal paradigm toward a justice-centered framework grounded in DEIS principles. Such transformation is essential not only for resolving conflicts involving indigenous communities but also for

strengthening the resilience of Indonesia's legal order in the face of global transformation. Ultimately, the law must evolve into a living institution capable of protecting diversity, correcting inequality, enabling participation, and safeguarding ecological continuity. Only through such a comprehensive transformation can Indonesia's legal system genuinely fulfill its constitutional mandate as an instrument of justice, democracy, and sustainable development.

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