

LIVING IN THE SHADOW OF THE PLAN: A SOCIO-LEGAL STUDY OF THE AKIT INDIGENOUS COMMUNITY IN JANGKANG VILLAGE

**Tuah Kalti Takwa^{1*}, Kingkel Panah Grossman², Arif Wicaksa¹, Siti Mawaddah Palamani¹,
Sri Agustina Ratnawati², Ahmad Fuadi¹**

¹ International Relations, Universitas Riau, Pekanbaru, Indonesia

² PPKN, Universitas Riau, Pekanbaru, Indonesia

*Corresponding author email: kingkel.panahgrossman@lecturer.unri.ac.id

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Abstract

The Indonesian government established the 2021–2025 National Action Plan for Human Rights (RANHAM) as a commitment to protect the rights of vulnerable groups, including indigenous communities. However, a significant gap often exists between national policies and the realities faced by these communities on the ground. This study investigates the implementation of RANHAM for the Akit indigenous people in ANGKANG Village, Bengkalis, who face significant socio-economic and cultural vulnerabilities. Using an empirical legal research method with a socio-legal approach, this study collected primary data through in-depth interviews with village officials, community leaders, and members of the Akit community. The findings reveal a stark reality: the RANHAM policy has not been socialized at the local level. Government officials and the Akit community themselves are largely unaware of the plan's existence, resulting in a complete failure of implementation. As a result, the state's promise of protection remains a paper plan, with no concrete action taken to safeguard the Akit people's cultural identity or land rights. This research concludes that RANHAM has been ineffective in ANGKANG Village due to a fundamental breakdown in communication and implementation between central and local governments, leaving the Akit community without the intended legal and social protections.

Keywords: RANHAM, Akit Tribe, Bengkalis

INTRODUCTION

Humans have basic rights from the beginning of life, these rights are inherent and owned by all humans regardless of race, gender, nationality and religion, in other words, these rights are universal. (Murthada Murthada & Seri Mughni Sulubara, 2022) Human rights (HAM) are natural in nature, meaning they cannot be revoked by anyone and it is the state's responsibility to protect human rights. (Eko, 2016) In the context of implementing the 2021–2025 National Action Plan for Human Rights (RANHAM), the government is obligated to ensure that all levels of society, including indigenous communities, understand and have their rights fulfilled. However, the phenomenon in Jangkang Village demonstrates a serious gap between national policy and practice on the ground. Until now, the issue of indigenous people (traditional communities) in human rights within the framework of national and international policies continues to give rise to debate and contestation as well as counter narratives that continue to develop. (Waluyo, 2025) Within the UN framework, indigenous peoples' issues are regulated in the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the International Labour Organization (ILO) Convention 169. The discussion of indigenous peoples in human rights in this article is divided into three main sections. The first section discusses the differences between the provisions of UNDRIP and ILO Convention 169 regarding indigenous peoples. The second section discusses the concept of self-determination in the issue of indigenous peoples' efforts to separate themselves from the state and the response of international regulations to this issue. The last section discusses the claims of territorial boundaries between indigenous peoples and the territorial sovereignty of states in human rights. (Waluyo, 2025). Indigenous peoples, or more commonly known internationally as "indigenous peoples," have a rich and complex definition. Generally, indigenous peoples refer to groups with a continuing historical connection to communities, cultures, and territories that existed before colonization or invasion by other groups. They possess cultural identities, languages, legal systems, and social practices distinct from those

of the general population. (Mayastuti *et al.*, 2021) Apart from that, indigenous communities can be said to be groups that have a strong cultural identity, history and connection to certain lands and regions, and have a unique customary legal system. (Saly *et al.*, 2023) This definition is recognized by various international legal instruments, such as the UN Declaration on the Rights of Indigenous Peoples, which affirms that indigenous peoples are groups that have a special relationship with their land and natural resources, and have the right to self-determination. (Lingaas, 2022) The extensive enshrining of human rights in Articles 28a and 28j of the 1945 Constitution (UD 1945) indicates that Indonesian citizens are constitutionally guaranteed to be protected by the human rights of every Indonesian citizen. Furthermore, Law Number 39 of 1999 concerning Human Rights (UU HAM) details human rights, emphasizing the state's responsibility and enforcement of human rights. The normative recognition contained in the Human Rights Law and the 1945 Constitution is not in line with the facts that occur to Indonesian society, especially indigenous peoples. In fact, Article 18b paragraph 2 respects their cultural identity as part of their cultural identity and part of human rights. A paradox arises when empirical reality does not match normative recognition, where cases of indigenous peoples still occur frequently. (Putri, 2012) According to the Indigenous Peoples' Alliance of the Archipelago (AMAN) year-end report, there were 40 cases of criminalization and violence against Indigenous Peoples in 2020. A total of 39,069 Indigenous people suffered economic, social, and moral losses. (SAFE, 2020)

Regarding the paradox of empirical reality and normative recognition, the presence of Presidential Regulation (Perpres) No. 53 of 2021 concerning the National Action Plan for Human Rights (RANHAM) 2021-2025 is a significant policy instrument. As the fifth generation of RANHAM, this regulation marks a progressive step by specifically placing "Indigenous Peoples Groups" as one of the four main target groups, on par with women, children, and persons with disabilities. The issuance of Presidential Regulation No. 51 of 2021 concerning the National Action Plan for Human Rights (RANHAM) 2021-2025, where Article 2 is intended to serve as a guideline for ministries, institutions, and provincial and district/city governments in formulating, planning, implementing, and evaluating Human Rights Actions. This placement is not merely symbolic; it represents recognition at the highest executive level that indigenous peoples are a vulnerable group that requires special attention and affirmative action from the state. This Presidential Regulation was issued in response to the evaluation and criticism of the implementation of the previous National Action Plan for Human Rights (RANHAM) (2015-2019), which was deemed less than optimal in addressing crucial issues such as the recognition of indigenous peoples (MHA) and the resolution of chronic agrarian conflicts. By containing more focused strategic objectives, the 2021-2025 RANHAM aims to serve as a reference for ministries, institutions, and regional governments to implement respect, protection, fulfillment, enforcement, and advancement of human rights in a more measurable manner. Therefore, this Presidential Regulation can be seen as an instrument of hope, a new promise from the state to translate constitutional recognition into concrete actions that can be felt by indigenous peoples throughout the archipelago.

METHOD

This research uses an empirical legal research method, which uses a legal sociology approach that analyzes how reactions and interactions occur when the normative system works in society. (Jonandi Effendi, 2018) Therefore, in this method, observation activities are included in primary data collection. Observation is an initial review activity conducted at the research location by recording, photographing, and documenting the situation and conditions, as well as any legal events that occur. (Sunggono, 2006) The data sources used were primary data from informants such as the Jangkang Village Head, the Head of the Suku Asli Hamlet, the Jangkang Village LAM Administrator, the Akit Suku Batin, and the Suku Asli Hamlet RT. Data collection techniques were carried out using in-depth interviews with informants to obtain descriptive analytical data analysis. (Jonandi Effendi, 2018)

RESULTS AND DISCUSSION

The Akit Tribe on the Coast of Bengkalis Island

The Akit Indigenous People in Bengkalis Regency, Riau Province. The Akit people are a coastal indigenous community that historically, culturally, and economically relies heavily on mangrove and marine ecosystems. Their identity as "Raft People" reflects their past nomadic lifestyle in the waters, which has now transformed into a settled coastal community. (Orlando, 2017) Their lives are characterized by a syncretic belief system, where animist beliefs in ancestral spirits and natural forces blend with the influence of formal religions such as Buddhism and Islam, often through interactions and intermarriage with other communities. Their social structure tends to be patrilineal, and they possess rich local wisdom on sustainable mangrove resource management. (Prasetya & Ibrahim, 2017) Despite their cultural richness, the Akit people face acute vulnerability. They are a group often categorized by the government as

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an Isolated Indigenous Community (KAT), a label that, while intended for development intervention, often carries connotations of backwardness.(Andriyus et al., 2021)Data shows dire socio-economic conditions, with the majority living below the poverty line and very low levels of formal education. Their economic dependence on the charcoal slicing industry, where they often work as unskilled laborers, places them in a vulnerable position and vulnerable to exploitation. Furthermore, their area of residence is at the center of agrarian conflicts and pressures from extractive industries that are rampant in Bengkalis Regency and the surrounding area. These conditions make the Akit community a relevant locus for testing the effectiveness of human rights policies such as the National Action Plan for Human Rights (RANHAM).

Plans on Paper: The Promise of Protection in the 2021-2025 RANHAM Presidential Decree

Presidential Decree No. 53 of 2021 explicitly outlines a series of Human Rights Actions designed to provide concrete protection for Indigenous Peoples Groups.(President, 2021)These actions are not only general in nature but also designate responsible ministries/agencies and regional governments with measurable success criteria. A thorough analysis of the appendix to the Presidential Decree reveals four main pillars of state protection. (Ahsinin et al., 2022) The first pillar is strengthening legal guarantees and protection policies. This action targets "Promoting the Recognition and Protection of Indigenous Peoples Groups" and "Identifying and Recording Indigenous Peoples Group Entities." This is the foundation of the entire protection framework, as without formal recognition, MHA's status as a collective legal entity becomes uncertain. The Ministry of Home Affairs, the Ministry of Environment and Forestry (KLHK), and Regional Governments are designated as the primary actors responsible for ensuring the availability of these legal guarantees. (Ahsinin et al., 2022)

The second pillar is enhancing human rights-based land conflict resolution. With the specific action of "Implementing a non-litigation approach," the government is committed to prioritizing mediation and deliberation in resolving agrarian disputes, which often place indigenous peoples in a vulnerable position. This commitment is particularly relevant given the high rate of escalation in natural resource conflicts involving indigenous peoples across Indonesia. (Ahsinin et al., 2022) The third pillar focuses on increasing indigenous peoples' participation in decision-making processes, particularly in "company/plantation licensing processes that have the potential to impact Indigenous Peoples." This action is a crucial preventive mechanism, aimed at ensuring that development does not occur at the expense of indigenous peoples' rights, in line with the principle of Free, Prior, and Informed Consent (FPIC). (Ahsinin et al., 2022) The fourth pillar is the fulfillment of legal aid rights and services. This action ensures the provision of effective legal aid services for indigenous peoples in conflict with the law. This recognizes the fact that indigenous peoples are often criminalized and face significant obstacles in accessing the country's formal justice system.(Ahsinin et al., 2022) To provide a systematic overview of this normative framework, the researcher attempts to explain it simply through a matrix that will serve as an analysis of the implementation of the 2021 RANHAM Presidential Decree, namely as follows:

Table 1
Human Rights Action Matrix for Indigenous Peoples in Presidential Decree No. 53 of 2021

Strategic Goals	Specific Human Rights Actions	Main Responsible Person	Success Criteria (according to Presidential Decree)
Strengthening legal guarantees and protection policies for Indigenous Community Groups	Encouraging Recognition and Protection of Indigenous Peoples Groups (KMA).	Ministry of Home Affairs, Provincial/District/City Regional Governments.	Availability of legal guarantees for recognition and protection of the rights of Indigenous Community Groups.
Increasing the resolution of the number of land conflicts of	Implementing non-litigation approaches in resolving KMA land conflicts.	Ministry of Environment and Forestry, Ministry of Maritime Affairs and Fisheries.	Implementation of non-litigation approaches in resolving land conflicts among Indigenous Community Groups.

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Indigenous Peoples Groups based on human rights.				
Increasing the participation of indigenous communities in company licensing processes that have the potential to impact KMA rights.	Encourage KMA participation in the company/plantation licensing process.	Ministry of Home Affairs, Ministry of Environment and Forestry, Provincial Government.	There is participation of Indigenous Community Groups in the company/plantation licensing process.	
Fulfillment of legal aid rights and services for KMA who are in conflict with the law	Provision of effective legal, health and psychosocial assistance services for KMA.	Ministry of Law and Human Rights, Provincial/District/City Regional Governments.	Indigenous groups face the law seeking justice for the violence they have experienced.	

Source: Attachment to Presidential Decree No. 53 of 2021

Table 1.1 above explains that there are strategic targets and specific human rights actions in the Presidential Regulation on the National Action Plan for Human Rights (RANHAM). The Akit Tribe on Bengkalis Island faces other challenges related to the 2021-2025 Presidential Regulation on the National Action Plan for Human Rights (RANHAM). Findings from field research in the Indigenous Tribe Hamlet of Jangkang Village, Bengkalis Regency, provide clear empirical evidence of the gap in the implementation of RANHAM at the most basic level, namely the lack of information and understanding that makes the national policy completely ineffective at the grassroots level. Interviews revealed that village government officials, including those in the Indigenous Hamlet where the Akit Tribe reside, were unaware of the 2021-2025 Presidential Regulation on the National Action Plan for Human Rights (RANHAM) or the previous RANHAM. Yet, the policy, which should serve as a guideline for local governments in protecting the rights of indigenous peoples, has never been disseminated to the highest levels of government. Consequently, a complete communication and implementation gap exists between the central government and village governments. Human rights protection policies stop at the document level, never addressing the social realities of the Akit Tribe in Jangkang Village.

Perspectives from other institutions reinforce these findings. The Bengkalis District Attorney's Office confirmed that the Bengkalis regional government generally does not understand the mandate of the Presidential Regulation on the National Action Plan for Human Rights (RANHAM), resulting in a lack of outreach and education that should have been conducted to protect the rights of the Akit Tribe. The Bengkalis Malay Traditional Institution (LAMR) of Riau also had a limited understanding of the substance of the RANHAM and criticized the local government for not optimally involving them in implementing human rights policies. From the perspective of the Akit Tribe community in Jangkang Village, they feel there is no specific program from the village or district government aimed at preserving their traditional identity, culture, or protecting their customary land, even though the Akit Tribe community in Jangkang Village has never had a conflict with the Company in land clearing. They believe that the state has not been present in a concrete way and that human rights policies at the national level have no real relevance to their daily lives. Thus, the Jangkang Village case study clearly illustrates that the state's "plan" for protection has not even reached the parties who should be the implementers and primary beneficiaries as information, let alone as action. Some of the perceptions of the Akit Tribe community regarding this condition include:

1. The state has not been present concretely in protecting their customary rights, even though normatively there is the RANHAM and Presidential Decree 51 of 2021;
2. The village and district governments are considered passive, because there have been no efforts to socialize or implement customary protection policies in Jangkang Village;
3. The preservation of culture and customs depends entirely on the internal initiatives of indigenous communities, without policy support or facilitation from the government.
4. The community feels that RANHAM only stops as a formal document, not touching on the real life aspects of the Akit Tribe, especially in maintaining the continuity of their customs and customary land.

Therefore, the author needs to recall the opinion of Mette Kjaer and Klavs Kinnerup, which is relevant to the RANHAM issue in Jangkang Village. The contemporary challenge no longer lies in the recognition of rights, but rather in the problem of implementation. The primary focus is on fulfilling the "obligations to protect and fulfill" of these rights, as stated in the original source:

Most human rights problems today are not problems of recognition of rights, but have more to do with the problems in implementation of rights, namely the obligations to protect and fulfill.

Consequently, the effectiveness of human rights must be measured by the extent to which they are realized in practice, not simply by normative guarantees in laws and regulations. Ideal legal formulations lose their significance if they are neglected or violated in the implementation realm. Although the state, particularly the government, holds primary responsibility for upholding human rights, this obligation is not exclusive. All other branches of state power also have a legal mandate to ensure the effective protection and fulfillment of human rights.

Thus, the perception of the Akit indigenous community is that the village and Bengkalis Regency governments have not yet adopted the National Action Plan for Human Rights (RANHAM) and Presidential Regulation No. 51 of 2021 as concrete guidelines for preserving their customs and culture. This creates a gap between the government's commitment at the policy level and its implementation at the local level. Nevertheless, the Jangkang village government believes that despite the lack of knowledge about the Presidential Regulation on the National Action Plan for Human Rights (RANHAM), the Akit community is treated equally with the general public, especially since the Akit community in Jangkang Village has long lived there and is a part of the community. However, 113 Akit families in Jangkang Village have low levels of education and lack awareness of this issue, which needs to be addressed by the Bengkalis regional government.

CONCLUSION

The implementation of the 2021–2025 National Action Plan for Human Rights (RANHAM) in Jangkang Village has not been optimal. This is demonstrated by the lack of socialization and understanding among village government officials regarding the substance of the RANHAM. As a result, the Akit indigenous community does not receive adequate information regarding their rights as mandated by the national policy. The Akit indigenous community remains vulnerable in terms of fulfilling their basic rights, including in education, health, economics, and recognition of customary land and cultural identity. This situation demonstrates a significant gap between national-level policies and implementation on the ground. The role of local customary institutions, particularly the Bengkalis Riau Malay Customary Institution (LAMR), has not been optimized by the government as a strategic partner in the implementation of the National Action Plan for Human Rights (RANHAM). LAMR, however, has cultural ties and social legitimacy that can strengthen communication bridges between the government and indigenous communities. The 2021–2025 RANHAM remains normative and has not truly addressed the real needs of indigenous communities in Jangkang Village. Without the active involvement of local governments, village officials, and customary institutions in the outreach, advocacy, and empowerment processes, the RANHAM's goal of protecting vulnerable groups will be difficult to achieve effectively. A joint commitment between the central government, local governments, customary institutions, and indigenous communities is needed to ensure that the implementation of the RANHAM is on target. This will ensure that the Akit indigenous community in Jangkang Village can receive recognition, protection, and fulfillment of their rights as guaranteed by human rights principles.

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