

# SYNERGY OF SAMIN CULTURE WITH ENVIRONMENTAL FIQH IN CENTRAL JAVA

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Received 24-10-2023 | Revised 19-02-2024, 19-04-2024, 13-05-2024 | Accepted 28-06-2024

**Abstrak:** Artikel ini mengeksplorasi sinergi antara budaya Samin dan konsep fikih lingkungan di Jawa Tengah. Penelitian ini menggunakan metode kualitatif, termasuk observasi mendalam, observasi partisipatif, dan studi dokumentasi. Penelitian ini berusaha untuk memberikan pemahaman yang lebih mendalam tentang bagaimana budaya lokal yang telah berinteraksi dengan fikih lingkungan dapat menghentikan rencana pendirian pabrik semen dengan dalih pembangunan nasional. Secara lebih spesifik, penelitian ini menggunakan konsep budaya, ekologi, dan fikih lingkungan untuk menganalisis perlawanan masyarakat Samin terhadap rencana pembangunan pabrik semen. Temuan penelitian menunjukkan bahwa sinergi budaya Samin dengan fikih lingkungan mampu menghentikan rencana pendirian pabrik semen di Gunung Kendeng, Kabupaten Pati, Jawa Tengah. Penelitian ini menawarkan perspektif baru dalam merumuskan kebijakan yang lebih inklusif dan berkelanjutan dengan memperkuat sinergi antara budaya lokal dan prinsip-prinsip fikih lingkungan.

**Kata kunci:** Sinergi, Budaya Samin, Fikih Lingkungan

**Abstract:** This article explores the synergy between Samin culture and the concept of environmental fiqh in Central Java. This research employs qualitative methods, including in-depth observations, participatory observations, and documentation studies. This research seeks to provide a deeper insight into how local culture that has interacted with environmental fiqh can stop the plan to establish a cement factory as a pretext for national development. More specifically, this study uses the concepts of culture, ecology, and environmental fiqh to analyze the resistance of the Samin community to the plan to build the cement factory. The research findings show that the synergy of Samin culture with environmental fiqh was able to stop the plan to establish a cement factory on Mount Kendeng, Pati Regency, Central Java. This study offers a new perspective on formulating policies that are more inclusive and sustainable by strengthening the synergy between local culture and environmental fiqh principles.

**Key words:** Synergy, Samin Culture, Environmental Jurisprudence.

## INTRODUCTION

The establishment initiative and ongoing commercial interests of the cement plant pose a significant threat to communal life, cultural heritage, and community rights. Gwervevende explains that Indigenous peoples have coexisted and maintained harmonious relationships with their environment for thousands of years. Local communities have been



responsible for preserving natural and cultural resources for centuries.<sup>1</sup> The establishment of a cement plant can displace Indigenous people from their environment and disrupt their cultural heritage, traditions, beliefs, and way of life. This impacts their professions, lifestyles, social interactions, socialization, and religious practices. Due to the deep spiritual, epistemological, and ontological connections between the Samin people, their ancestral lands, and their physical environment, the construction of the cement plant will have a significant impact on them.<sup>2</sup>

Part of the Samin community resides near Kendeng Mountain. This community emerged during the Dutch era. Around 1890, Ki Samin Surosentika, known as the founder of Samin, began to instill the Samin belief, also known as "*sikep*". This distinguishes the Samin way of life from the normal way of life of other individuals. The *Sikep* ideals then motivated the community to coexist together. The Samin community embraces the *Sikep* principles as part of their lifestyle. Each succeeding generation perpetuates this particular mindset towards life.<sup>3</sup> In Indonesia, Samin communities are found in several districts in Central Java and East Java.<sup>45</sup> They are found in small numbers, in hamlets such as Karangpace hamlet,<sup>678</sup> Kaliyoso<sup>910</sup>, Belik<sup>11</sup>, Japan<sup>121314</sup>, Bapangan<sup>15</sup>, Krajan, Bombong, Tanduran, Balong, Sambong, dan Goito.<sup>16</sup>

The Kendeng plateau on the island of Java is an important location for the preservation of the social and cultural life of indigenous peoples, as well as providing

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<sup>1</sup> Solomon Gwervevde, "Chilonga cultural landscape in the shadow of eviction: living cultural heritage, livelihoods and minority Indigenous people's rights under threat in Zimbabwe?" *International Journal of Heritage Studies* 29, no. 7 (2023): 627–42, <https://doi.org/10.1080/13527258.2023.2211976>.

<sup>2</sup> Muhammad Fazrianur Arridho dkk., "Tinjauan Hukum Islam Menurut Ulama Kota Sampit Terhadap Depo Sampah Di Sekitar Lingkungan Pendidikan (Studi Kasus Depo Sampah SAHATI 04, Kecamatan Baamang, Kabupaten Kotawaringin Timur, Kalimantan Tengah)," *JOURNAL OF ISLAMIC AND LAW STUDIES* 6, no. 2 (25 Desember 2022): 115, <https://doi.org/10.18592/jils.v6i2.12520>.

<sup>3</sup> Fransiska Rahayu Myrlinda, "Samin's arranged marriage rituals in today Javanese's society," *Journal of Language and Literature* 19, no. 2 (2019).

<sup>4</sup> A.P.E Korver, "The Samin movement and millenarism," *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 132, no. 2–3 (1976): 249–66.

<sup>5</sup> Renny Oktafia dan Imron Mawardi, "Islamic values in the tradition of samin community in east Java," *QJIS* 5, no. 1 (2017): 97–114.

<sup>6</sup> Myrlinda, "Samin's arranged marriage rituals in today Javanese's society."

<sup>7</sup> Arif Rohman, "Rumours and realities of marriage practices in contemporary Samin society," *Humaniora* 22, no. 2 (2010): 113–24, <https://doi.org/10.2139/ssrn.2256794>.

<sup>8</sup> Beki Setio Astuti, "Varian Leksikon Bahasa Jawa Masyarakat Samin Desa Klopodhuwur Kabupaten Blora," *Culture* 1, no. 1 (2014).

<sup>9</sup> Moh Rosyid dan Lina Kushidayati, "Dampak Perkawinan Anak dan Perceraian: Studi Kasus Komunitas Samin di Kudus Jawa Tengah," *Yinyang: Jurnal Studi Islam Gender dan Anak* 16, no. 2 (2021): 189–212, <https://doi.org/10.24090/yinyang.v16i2.4375>.

<sup>10</sup> M Fajrie, M Z R Alwi, dan Y W I Surya, "Language and style of communication of Samin community in Kudus, Central Java," *Mozaik Humaniora* 22, no. 1 (2022): 77–87, <https://doi.org/10.20473/mozaik.v22i1.24278>.

<sup>11</sup> M Thohir, *Sistem, Identitas, Harmoni dan konversi perkawinan samin dukuh Belik Temurejo kecamatan Blora kabupaten Blora* (Yogyakarta: Gading, 2021).

<sup>12</sup> Jl Kusuma dkk., "Transformasi sosial masyarakat Samin di Bojonegoro (Analisis perubahan sosial dalam pembagian kerja dan solidaritas sosial Emile Durkheim)," *Litera* 13, no. 1 (2015): 41–74, <https://doi.org/10.14421/jsa.2019.131-02>.

<sup>13</sup> Novi Triana Habsari dan Sieva Inda Nurdianti, "Umating agama adam dalam perspektif sejarah samin di Bojonegoro," *Agastya: Jurnal Sejarah Dan Pembelajarannya* 12, no. 2 (2022): 205–14, <https://doi.org/10.25273/ajsp.v12i2.13344>.

<sup>14</sup> Nurhuda Widiana, "Pergumulan Islam dengan budaya lokal studi kasus masyarakat Samin di dusun Jepang Bojonegoro," *Teologia* 26, no. 2 (2015): 198–215.

<sup>15</sup> Harry J. Benda dan Lance Castles, "The Samin movement," *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 125, no. 2 (1969): 218–40.

<sup>16</sup> Komunitas Samin, *Observasi* (2023).

significant ecosystem services. These villages refuse to accept the market economy, which is the trade in goods that they do not produce themselves.<sup>17</sup> For hundreds of years, their methods have actively contributed to the conservation of this biodiversity-rich landscape. A proposal from Heidelberg Cement AG to build a cement production facility has raised concerns among the Samin community. The group is concerned that the plant and stone quarry will alter the hydrological cycle, which will affect the rice fields and, consequently, their way of life.<sup>18</sup>

Miguel Reale examines the development of this legislation by considering the importance of values, involving norms and facts, which shape the understanding of law in the cultural realm.<sup>19</sup> Legal regulations governing environmental protection are effectively embedded in the culture of society. Yaqub et al. asserted that the review of environmental jurisprudence in legal provisions that it is obligatory to preserve the environment.<sup>20</sup> This is the importance of faith-based initiatives, namely Islamic jurisprudence on the environment.<sup>21</sup>

A major factor in the disagreement surrounding the cement plant was the lack of clarity and transparency in the proposed development plan. The government obtained this proposal in secret, without informing the community.<sup>22</sup> In addition, the lack of communication proactive with the community regarding the construction of the cement plant led to a lack of information among residents. In addition, environmental degradation, which directly impacts community sustainability, is an important factor in conflict.<sup>23</sup>

Gunarti, a member of the Samin community, is a member of this group and actively participates in the struggle against the cement factory. She explained that the location in the Kendeng mountain range is important for agriculture. These caves and springs are all located on the Kendeng plateau.<sup>24</sup>

The story of the establishment of this business provides a unique opportunity to examine the environmental and cultural challenges that shape collective action and the cultural conflicts that arise. The Samin community seeks to preserve their traditional practices in the face of significant modernization.<sup>25</sup> One example is the proposed establishment of a cement manufacturing facility in the Kendeng Plateau, Pati, Central Java. As a result, the Samin community will lose their main source of livelihood, which is agriculture. The Samin people's perspective on the cement plant revolves around the

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<sup>17</sup> Yevhen Leheza dkk., "The Human Right to an Environment Safe for Life and Health: Legal Regulation, Contemporary Challenges and Comparative Perspectives," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2023): 138, <https://doi.org/10.18592/sjhp.v23i2.12257>.

<sup>18</sup> Yvonne Kunz, Jonas Hein, dan Mokh Sobirin, "Beyond protection, toward respect: Struggle for environmental justice in the Kendeng mountains," *Society and Natural Resources* 0, no. 0 (2023): 1–19, <https://doi.org/10.1080/08941920.2023.2267497>.

<sup>19</sup> Cícero João da Costa Filho, "A fenomenologia jurídica de Miguel Reale, um teórico da cultura," *Nuestramerica* 22, no. 22 (2023): 0–20.

<sup>20</sup> Andi Yaqub dkk., "Fikih lingkungan: Revitalisasi pengelolaan sampah di kota Kendari," *Al-Izzah: Jurnal Hasil-Hasil Penelitian* 17, no. 2 (2022): 111, <https://doi.org/10.31332/ai.v0i0.3339>.

<sup>21</sup> Mohd Istajib Mokhtar dan Raihanah Abdullah, "Islamic environmental jurisprudence and conservation practices in Malaysia," *Journal of Dharma* 39, no. 2 (2014): 151–66.

<sup>22</sup> Hamzah Hamzah dkk., "Sustainable Development of Mangrove Ecosystem Policy in South Sulawesi from the Perspectives of Siyāṣah and Fiqh Al-Bi'ah," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (28 Desember 2023): 367, <https://doi.org/10.31958/juris.v22i2.10559>.

<sup>23</sup> Analissa Huwaina, Anindita Prabawati, dan Anindya Dewi, "Konflik pembangunan pabrik semen di pegunungan Kendeng, Jawa Tengah (Analisis konflik tenurial menggunakan teori konflik karl marx)," *The Journal of Environment Conflict* 1, no. 1 (2024): 1–15.

<sup>24</sup> Kunz, Hein, dan Sobirin, "Beyond protection, toward respect: Struggle for environmental justice in the Kendeng mountains."

<sup>25</sup> Mahrus Ali, "Overcoming the Dilemma between the Clarity and Flexible Norms in Environmental Offenses," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 2 (30 Desember 2022): 276, <https://doi.org/10.18860/j-fsh.v14i2.18279>.

preservation of their agricultural profession and the protection of the mountains, which have historically provided an important livelihood for their community.<sup>26</sup>

Research on customary land is perpetuated by development programs written by Solomon Gwerevende<sup>27</sup>, and Sadiani<sup>28</sup> shows the government's failure to uphold human rights, respect property rights, Indigenous people's rights, and cultural rights. Further environmental law research was conducted by Craig et al.<sup>29</sup>, Holley<sup>30</sup>, and Manik<sup>31</sup>. Environmental attitude research was written by Gangass<sup>32</sup>, and ecological justice was written by Wienhues<sup>33</sup>. The environmental fiqh research has been conducted by Mohd Istajib Mokhtar et.al.<sup>34</sup>, Fatmawatie<sup>35</sup>, and Yaqub<sup>36</sup>. Research on water quality from an Islamic perspective was written by Mohd Istajib Mokhtar et.al.<sup>37</sup>

Furthermore, research on the controversy between Muhamadiyah and the State in ecological law policy in Indonesia was written by Wahdini et al.<sup>38</sup>. Meanwhile, research focusing on the Kendeng cement resistance was written by Kunz<sup>39</sup>, Nurilah<sup>40</sup>, Candraningrum<sup>41</sup>, and Yusuf<sup>42</sup>, who found that the group succeeded in stopping the construction of the cement plant. The Samin community achieved this by challenging the procedural aspects of the permitting process, highlighting their status as indigenous people, and opposing this type of production. Key knowledge used in environmental impact assessments. Their study used the principles of environmental justice and epistemic justice.<sup>43</sup>

<sup>26</sup> Cahya Adhitya Pratama, "Pola gerakan sosial: Resistensi masyarakat Samin di era globalisasi," *Jurnal Ilmiah Dinamika Sosial* 5, no. 1 (2021): 76–86, <https://doi.org/10.38043/jids.v5i1.3118>.

<sup>27</sup> Gwerevende, "Chilonga cultural landscape in the shadow of eviction: living cultural heritage, livelihoods and minority Indigenous people's rights under threat in Zimbabwe?"

<sup>28</sup> Sadiani, "Peran lembaga adat kedamangan Dayak Siang dalam penyelesaian sengketa pemanfaatan kawasan hutan Adat Puruk Kambang di kabupaten Murung Raya Kalimantan Tengah" (Universitas Brawijaya, 2014).

<sup>29</sup> Robin Kundis Craig dkk., "Balancing stability and flexibility in adaptive governance: An analysis of tools available in U.S. environmental law," *Ecology and Society* 22, no. 2 (2017), <https://doi.org/10.5751/ES-08983-220203>.

<sup>30</sup> Cameron Holley, "Environmental regulation and governance," dalam *Regulatory Theory*, ed. oleh Peter Drahos (ANU Press, 2017), 5–24.

<sup>31</sup> K.E.S. Manik, *Pengelolaan lingkungan hidup* (Jakarta: Kencana, 2016).

<sup>32</sup> Kristin E. Gangaas, Bjrn P. Kaltenborn, dan Harry P. Andreassen, "Environmental attitudes associated with large-scale cultural differences, not local environmental conflicts," *Environmental Conservation* 42, no. 1 (2015): 41–50, <https://doi.org/10.1017/S0376892914000125>.

<sup>33</sup> Anna Wienhues, "Introducing Ecological Justice," *Ecological Justice and the Extinction Crisis*, no. May 2024 (2020): 1–24, <https://doi.org/10.1332/policypress/9781529208511.003.0001>.

<sup>34</sup> Mokhtar dan Abdullah, "Islamic environmental jurisprudence and conservation practices in Malaysia."

<sup>35</sup> Naning Fatmawatie, "Aktifitas Social Benefit Perusahaan Ditinjau Dari Akuntansi Lingkungan Dan Fikih Lingkungan," *Equilibrium: Jurnal Ekonomi Syariah* 6, no. 1 (2018): 42, <https://doi.org/10.21043/equilibrium.v6i1.3358>.

<sup>36</sup> Yaqub dkk., "Fikih lingkungan: Revitalisasi pengelolaan sampah di kota Kendari."

<sup>37</sup> Mohd Istajib Mokhtar, Raihanah Abdullah, dan A Baharuddin, "An Islamic perspective on water quality : A case of Malaysia," *Water Policy* 17, no. 3 (2015): 454–71.

<sup>38</sup> Muhammad Wahdini, Kamsi, dan Hasse Jubba, "Environmental governance in Indonesia: Muhammadiyah's role, state interventioan, and legal practice dynamics," *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 1 (2024).

<sup>39</sup> Kunz, Hein, dan Sobirin, "Beyond protection, toward respect: Struggle for environmental justice in the Kendeng mountains."

<sup>40</sup> Nurilah., "Perlawanan satu dekade petani Kendeng. (A decade of Kendeng farmers resistance)," *Liputan6 News*, 2017.

<sup>41</sup> Candraningrum, "The spiritual politics of the Kendeng mountains versus the global cement industry," dalam *After the death of nature: Carolyn merchant and the future of human-nature relations* (New York: Routledge., 2019), 34–219.

<sup>42</sup> Mohamad Yusuf, "Saminisme dalam sengketa pembangunan pabrik semen: Analisis semiotik film sikep Samin semen," *Jurnal Pemikiran Sosiologi* 8, no. 2 (2022): 152, <https://doi.org/10.22146/jps.v8i2.68083>.

<sup>43</sup> Mukti Tabrani, "Maqâshid Revitalization in Global Era: Istidlâl Study from Text to Context," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (31 Desember 2018): 310, <https://doi.org/10.19105/al-lhkam.v13i2.1814>.

Some of the previous studies above are different from this research, none of which have focused on the integration between local cultural systems and environmental fiqh. This scenario shows that in theory, the normative legal approach is good, but in practice in the present, it is not.<sup>44</sup> To improve its practicality, this research not only seeks to restructure its theoretical framework to meet current needs but also to try to identify the gaps where the principles of the rule of law can be effectively integrated with local culture and environmental fiqh. Therefore, based on previous research and the background above, this paper aims to explore the synergy of Samin culture with environmental fiqh in Central Java.

## METHOD

This research is empirical legal research, a legal research method that uses empirical facts of human behavior, both verbal behavior obtained from interviews and actual behavior known through direct observation. To collect data, this research uses qualitative research methodologies such as participant observation, interviews, field note documentation, and video recording. In-depth interviews were conducted with seven key informants: three traditional leaders, two religious leaders, and two community leaders. Interviews were conducted with informants two to three times with a duration of between 30 to 50 minutes for each informant. Meanwhile, observations were conducted during March-June 2023)

We conducted a literature review to identify and examine documentary videos, papers, and publications that highlighted the challenges faced in establishing the cement sector. This approach entailed a rigorous and systematic examination of verbal (e.g. statements from villagers and politicians), textual (e.g. lawsuit documents and legal instruments), and practical (e.g. protests, court hearings, and stakeholder meetings) elements.<sup>45</sup> Therefore, we use the concepts of culture, ecology, and environmental fiqh to analyze this issue

## RESULTS AND DISCUSSIONS

### Samín Cultural Landscape: A Holistic Approach

The Samín cultural landscape serves as an important mechanism for the preservation and conservation of Samín culture, which includes practices, beliefs, principles, and ways of life. These landscapes are more than just a concern for biodiversity, agricultural systems, and ecological sustainability, but also emphasize the relationship between culture and nature, as demonstrated by various cultural expressions. This view is in line with Gilbert's assertion<sup>46</sup>, that cultural heritage for indigenous peoples is a holistic understanding that encompasses spiritual, economic, and social relationships with the land and territory. The pervasiveness of indigenous cultural wisdom in the cultural landscape enables the Samín people to participate in a sustainable relationship with the environment. Kendeng Mountain serves as an important water source and an important spiritual sanctuary for the

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<sup>44</sup> Kawakib Kawakib dan Hafidz Syuhud, "Interelasi Akal dan Wahyu: Analisis Pemikiran Ulama Mutakallimin dalam Pembentukan Hukum Islam," *Journal of Islamic Law* 2, no. 1 (9 Februari 2021): 43, <https://doi.org/10.24260/jil.v2i1.127>.

<sup>45</sup> Gwervevende, "Chilonga cultural landscape in the shadow of eviction: living cultural heritage, livelihoods and minority Indigenous people's rights under threat in Zimbabwe?"

<sup>46</sup> Jérémie Gilbert, "Indigenous peoples, Human rights, and Cultural heritage: towards a right to cultural integrity," dalam *Indigenous Peoples' Cultural Heritage*, 2017, 20–38, [https://doi.org/10.1163/9789004342194\\_003](https://doi.org/10.1163/9789004342194_003).

community.<sup>47</sup> Individuals depend on the natural environment to obtain water resources, which are essential for the irrigation of rice crops and daily needs.

Communities depend on nature for their water supply. The cultural landscape of Samin exemplifies the interaction between the Samin knowledge system and the natural surroundings, resulting in community resistance to the establishment of factories in their heritage areas.<sup>48</sup> This territory includes not only geographical boundaries but also cultural dimensions, religion, history, and economy that are closely related to the lives of its inhabitants. Therefore, understanding the Samin cultural landscape and their narrative against the cement plant will facilitate our analysis of the factors driving the Samin community's rejection of the plant as an attempt to safeguard their cultural heritage from the adverse impacts of development.<sup>49</sup>

The Kendeng Mountain area is a new cultural landscape that shows the assimilation and preservation of timeless cultural customs and sacred sites for ceremonies exclusive to the Samin group. The notion of Samin culture relates to the interaction between humans and the natural environment.<sup>50</sup> Society often perceives the Samin community as a disenfranchised group, less educated and often exhibiting disobedient behavior through unorthodox actions. The Samin community strongly opposes the construction of a cement factory in their vicinity. Given the important role of the Kendeng Mountains, the establishment of the cement plant will greatly affect the lives of the Samin community and its surroundings.<sup>51</sup> They face the risk of clean water shortages, land degradation, and high levels of unemployment, especially among the farming community. The idea of building a cement factory in the Kendeng Mountains area triggered a confrontation between supporters of the cement industry and supporters of local farmers.<sup>52</sup>

In the realm of international law, UNESCO modified the approach to this cultural heritage by establishing the Convention on the Protection of Intangible Cultural Heritage in 2003 (ICH Convention). Intangible cultural heritage encompasses all intangible cultural expressions, serving as a diverse and dynamic representation of humanity's heritage. It is also a key means of promoting cultural diversity. The ICH Convention recognizes the relationship between natural heritage and (intangible) cultural heritage.<sup>53</sup> It is particularly important in this discussion because the establishment of the cement plant affects both types of heritage.<sup>54</sup>

### Cultural Heritage and Environment at Risk: Rationale for Resistance

<sup>47</sup> Bagio Kadaryanto dan Nabella Puspa Rani, "Implementasi Peraturan Menteri Pertanian Republik Indonesia Nomor 98/Permentan/Ot.140/9/2013 di Kabupaten Rokan Hulu Riau," *Al-Risalah: Forum Kajian Hukum dan Sosial Masyarakat* 18, no. 1 (2018): 79, <https://doi.org/10.30631/alrisalah.v18i1.130>.

<sup>48</sup> Aditya Prastian Supriyadi dkk., "Green Sukuk in Indonesia: Unraveling Legal Frameworks for Sustainable Islamic Bonds," *El-Mashlahab* 13, no. 2 (31 Desember 2023): 151, <https://doi.org/10.23971/el-mashlahab.v13i2.7372>.

<sup>49</sup> Moh Mufid, "Fikih Konservasi Laut: Relevansi Fiqh al-Bi'ah Di Wilayah Pesisir Lamongan," *Al-Manabij: Jurnal Kajian Hukum Islam* 12, no. 1 (22 Juni 2018): 10, <https://doi.org/10.24090/mnh.v12i1.1356>.

<sup>50</sup> Mbah Budi Santoso, "Interview" (20 Juni, 2023).

<sup>51</sup> Muhaemin Latif dkk., "Environmental Theology and Its Relevance to Islamic Law: Perception of Makassar Muslim Scholars, Indonesia," *Samarab: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (19 Oktober 2023): 1734, <https://doi.org/10.22373/sjhk.v7i3.18905>.

<sup>52</sup> Hasna Bararah M dkk., "Gerakan masyarakat Samin terhadap rencana pembangunan pabrik semen (Analisis semiotik John Fiske dalam film 'Samin Vs Semen')," *Acta Diurna* 18, no. 1 (2022): 77–93.

<sup>53</sup> Gwrevende, "Chilonga cultural landscape in the shadow of eviction: living cultural heritage, livelihoods and minority Indigenous people's rights under threat in Zimbabwe?"

<sup>54</sup> Dian May Syifa dan Muhammad Noor Ridani, "Efektivitas Bank Sampah sebagai Inovasi dalam Membangun Perekonomian: Tinjauan Prinsip Syariah," *SULTAN ADAM: Jurnal Hukum dan Sosial* 2, no. 1 (1 Januari 2024): 35.

The mountain symbolizes the spiritual beliefs of the individual and the community, and this ceremony has significance for both. Surosentiko and his disciples performed rituals on the mountain. In this case, the mountain functions not only as a tangible entity but also as a ceremonial location or sacred place where many people feel they can find inspiration. People carry out these conventional procedures with great conviction, believing that they provide a transcendental connection between individuals and their Creator or God. The Samin community intricately connects their traditional knowledge and practices, including asceticism, with their ancestral lands.<sup>55</sup>

The Samin community intricately connects their cultural knowledge and traditions, including ascetic practices, to their ancestral lands. Deliberate attacks on culture and the environment, which are intrinsically linked to the way of life and their cultural identity, occurred with the construction of the cement plant and the resulting destruction of the natural and cultural landscape.<sup>56</sup>

Indigenous communities have intricately linked their knowledge and cultural history to their land through a mutually beneficial relationship of mutualism, which they have cultivated and nurtured in harmony with the essential forces of nature.<sup>57</sup> Such symbiotic links are found in the Samin linguistic structures, ontological, epistemological, and spiritual systems. The government's promise of prosperity pales in comparison to the potential harm to interconnected, comprehensive, and interdisciplinary knowledge that the construction of the cement plant could cause. The community will lose access to water, traditional ceremonies, and food. The rich traditional knowledge system and cultural history motivated the Samin people to oppose industrial creation. They actively engage religious leaders, organizations, and lawyers in their efforts to protect their cultural heritage and preserve the environment. According to Mokhtar et al.<sup>58</sup>, explain the importance of clean water quality for the sustainability of life.

### **Legal Battle: The State Versus the Samin Community**

Indonesia has established laws and regulations governing environmental management. This includes the Law of the Republic of Indonesia Number 4 of 1982 which regulates the main provisions of environmental management, as well as the Law of the Republic of Indonesia Number 23 of 1997 which further refines these provisions.<sup>59</sup>

The controversy over Law No. 3/2020, which amends Law No. 4/2009 on Mineral and Coal Mining (Minerba Law), has been hotly debated. The law removes the previous limitation on the maximum size of mining areas, which was set at 15,000 hectares. Furthermore, the legislation provides for the extension of mining licenses twice, with each extension lasting 20 years. Renaturalization initiatives, previously associated with permit extensions, raise significant concerns, at least in theory.<sup>60</sup>

Minister of Energy and Mineral Resources Decree No. 1456 K/20/MEM/2000 outlines guidelines for the management of karst areas. The resistance network questioned the ecological assessment in the environmental impact assessment and collaborated with scientists to produce additional evaluations that yielded different results. They initiated additional legal proceedings about the protocols at both sites. The network utilized the expertise of environmental scientists and spatial planning experts to testify in the legal

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<sup>55</sup> Santoso, "Interview."

<sup>56</sup> L.R Simpson, "Anticolonial strategies for the recovery and maintenance of indigenous knowledge," *American Indian Quarterly* 28 3, no. 4 (2004): 373–84, <https://doi.org/10.1353/aiq.2004.0107>.

<sup>57</sup> Gwervevende, "Chilonga cultural landscape in the shadow of eviction: living cultural heritage, livelihoods and minority Indigenous people's rights under threat in Zimbabwe?"

<sup>58</sup> Mokhtar, Abdullah, dan Baharuddin, "An Islamic perspective on water quality : A case of Malaysia."

<sup>59</sup> Hartini, "Eksistensi fikih lingkungan di era globalisasi," *Al-Daulab* 1, no. 2 (2013): 38–49.

<sup>60</sup> H.N. Jong, *With new law, Indonesia gives miners more power and fewer obligations* [Mongabay], 2020.

proceedings. The network again prevailed in a legal dispute, with the court declaring PT Indocement and Semen Indonesia's licenses invalid (15/G/2015/PTUN.Smg). PT Indocement challenged the court's decision and appealed on legal grounds, eventually emerging victorious in the High Court (79/B/2016/PT.TUN.SBY).<sup>61</sup>

In response to ongoing grassroots efforts to save Kendeng Mountain, the President of Indonesia has decided to authorize a Strategic Environmental Assessment (SEA). Despite persistent delays, the results were finally released in 2017. The recommendations were brief and advised against mining activities in the area. Future spatial planning laws in a given area must be based on the findings of the SEA, which will be the main justification for re-evaluating the current spatial plan.<sup>62</sup> Although SEA itself does not have the force of law, it is an important proposal for making legally binding regulations, such as changes to spatial plans. Although the results of the SEA were published more than five years ago, there have been no changes to the spatial plan or subsequent legislation. At present, the corporations still maintain their determination to produce cement in the area.<sup>63</sup>

In 2009, despite the company's continued efforts to obtain a license, the network initiated legal action and won the case (Supreme Court Decision No. 103K/TUN/2010, also referenced in Apriadnso 2019). However, the narrative has yet to conclude. Changes to the spatial plan in 2010 resulted in the release of approximately 5,000 hectares from the protected status as a geological karst area and ecological area, allowing its utilization as an industrial and mining area.<sup>64</sup>

Reale engaged in an original philosophical anthropology, which consistently sought to describe the nature of the phenomenological process of law. In the past, jurists focused on the precepts of logic when conducting legal interpretation. However, it is now our responsibility to investigate social complexities, including factual and axiological aspects, to fully understand and apply the rules."<sup>65</sup>

Gonda and Bori advocate recognizing the essential elements of sustainable democracy in rural areas, including coalitions that promote liberation, knowledge claims that challenge established norms, and the development of individuals with a sense of liberation. By focusing on these specific elements, Hungarian society (and other countries) can work towards reimagining rural democracy, building new social relations, and accepting the uncertainty that is inevitable in rural liberation politics.<sup>66</sup>

The preservation of indigenous peoples' cultural heritage includes their rights to freedom of religion, ownership of property and natural resources, development opportunities, access to food, and cultural rights. International human rights law distributes these rights, all of which are components of their cultural heritage.<sup>67</sup> Through their legal representatives, the Samin community continues to resist and fight the establishment of the cement plant.<sup>68</sup>

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<sup>61</sup> Kunz, Hein, dan Sobirin, "Beyond protection, toward respect: Struggle for environmental justice in the Kendeng mountains."

<sup>62</sup> Liza Diniarizky Putri dkk., "Developing Ecological Piety in Pesantren: The Kyai's Cognition and the Practice of Living Fiqh al-Bī'ah in Banten," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2023): 235, <https://doi.org/10.18326/ijtihad.v23i2.235-259>.

<sup>63</sup> Kunz, Hein, dan Sobirin, "Beyond protection, toward respect: Struggle for environmental justice in the Kendeng mountains."

<sup>64</sup> Nurilah., "Perlawanan satu dekade petani Kendeng. (A decade of Kendeng farmers resistance)."

<sup>65</sup> Filho, "A fenomenologia jurídica de Miguel Reale, um teórico da cultura."

<sup>66</sup> Noémi Gonda dan Péter József Bori, "Rural politics in undemocratic times: Exploring the emancipatory potential of small rural initiatives in authoritarian Hungary," *Geoforum* 143, no. February 2022 (2023): 1–13, <https://doi.org/10.1016/j.geoforum.2023.103766>.

<sup>67</sup> Gilbert, "Indigenous peoples, Human rights, and Cultural heritage: towards a right to cultural integrity."

<sup>68</sup> Mahamatayuding Samah dkk., "Dato' Yutitam in the Civil Court System of Thailand," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (21 Juni 2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/30437>.



### **Voice of the Samin Community: Rejecting the Cement Plant as a Community Movement**

The Samin community vehemently rejected and opposed the construction of the cement plant as it would adversely affect their cultural landscape, which includes sacred mountains, ritual sites, rivers, and farmland. During the trial, lawyers for the Samin community argued that Kendeng Mountain has important religious, cultural, and ecological significance. Establishing a factory on their land would directly undermine and jeopardize their cultural heritage, religious freedom, biodiversity, environment, and livelihood sustainability. The establishment of a cement plant can lead to the formation of hereditary associations with rituals, customs, and ancestral ties. New generations cannot transmit them, and they face the risk of extinction or abandonment.<sup>69</sup> If the government allows external investors to use properties inherited by their ancestors, the Samin community, which has strong spiritual ties to the Samin cultural landscape, will face significant consequences. The establishment of the factory will not only eliminate locations associated with their religious and spiritual activities but will also result in the loss of a dynamic cultural heritage.

As Higgins argues in Gwervevende<sup>70</sup>, the ritual of culture expresses the ideas, values, customs, and philosophies of Indigenous peoples. These rituals provide insight into the way indigenous peoples view life and help us understand the conflict between indigenous peoples and the government. Their religious and cultural beliefs led them to oppose the construction of a cement factory in the Kendeng mountain region of Pati. They see this as evidence of the Indonesian government's intention to undermine their way of life and erode their cultural heritage and environment. The granting of a cement business license by the government will result in the erosion of the distinctiveness of the cement business and lead to the loss of local wisdom associated with Kendeng Mountain.<sup>71</sup>

The Samin community continually and persistently characterizes its cultural environment as unified and interconnected, in contrast to the division and conceptualization of Western cultural heritage that seeks to isolate culture from nature. The following narrative by the elders of the Samin community explains the moral principles that they uphold in general and collectively:

The granting of a permit to build a cement factory in the Kendeng Mountain area will hurt the environment around Kendeng Mountain. The Samin community and residents around Mount Kendeng rely on livelihoods from the agricultural sector. Land ownership is a prerequisite for being a farmer. What happens if farmers do not have land? With the presence of the cement industry, farmers have very limited land. In terms of impact, the presence of the cement plant poses a significant risk to farmers' livelihoods. In addition, this is contrary to the basic ideals of the Samin culture, which strongly upholds and respects the natural environment.<sup>72</sup>

The Samin community's knowledge system integrates cultural and ecological components, which are clear evidence of humanity's biocultural diversity. The government violated the fundamental right to cultural integrity by granting a permit to build a cement factory in the Kendeng mountain range. Nonetheless, the Indonesian constitution has a specific section relating to human rights and community rights, which includes the right to cultural integrity. Despite shortcomings in the legal framework, the Samin community

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<sup>69</sup> Gun Retno, "Interview" (26 Maret, 2023).

<sup>70</sup> Gwervevende, "Chilonga cultural landscape in the shadow of eviction: living cultural heritage, livelihoods and minority Indigenous people's rights under threat in Zimbabwe?"

<sup>71</sup> Nasaiy Aziz, Riadhus Sholihin, dan Miss Nifatimah Samoh, "Child Marriage in Kabang, South Yala, Thailand: Islamic Family Law Perspective," *El-Ushab: Jurnal Hukum Keluarga* 6, no. 2 (30 Desember 2023): 215, <https://doi.org/10.22373/ujhk.v6i2.8699>.

<sup>72</sup> Retno, "Interview."

argued that the construction of the cement plant in Pati violated their rights to live, perform religious ceremonies, preserve cultural heritage, and access natural resources.<sup>73</sup>

The knowledge system of the Samin community integrates both cultural and natural components. By leveraging mainstream environmental conservation narratives, Kunz et al. have demonstrated effective resistance organization. Utilizing diverse knowledge systems is a key component of this method, while the group's understanding of respect and coexistence transcends commonly accepted narratives.<sup>74</sup>

The cement company's mining plan would disrupt the hydrological cycle and could reduce or eliminate agricultural capacity in the area. To express their disapproval, individuals from the Samin community as well as farmers who were not part of the indigenous group joined forces to form a network known as JM-PPK (Jaringan Masyarakat Peduli Pegunungan Kendeng) to oppose the proposal to develop a cement plant.<sup>75</sup> On June 16, 2014, a group of peasant women formed a line along the road to the cement plant construction site in the Rembang area. They objected on the day of the start of construction. They continued to express their dissent against the establishment of a cement factory in their neighborhood. They seemed to ignore the shouts of the police and military. The women consistently expressed their need for food rather than building materials. They tried to block the vehicles carrying the large machines that were assembling. (Film Samin vs Semen). This portrays the Samin community movement as a deliberate attempt to fight PT Semen Indonesia. JM-PPK effectively mobilized neighboring countries to put up physical resistance. They set up tents along the road to the construction site of the cement factory. Since June 16, 2014, the tents have been installed. In addition, they also actively organized protests against the regional and federal governments.<sup>76</sup>

Environmental damage has a significant impact on ceremonies religion and the survival of humanity. Muslims, both individually and collectively, must understand, confront, and carry out their responsibility to protect the environment. On the other hand, we must classify any activity that damages the environment as a sinful or morally wrong act, which must be punished.<sup>77</sup> The scope of this environmental fiqh study must be positioned as a reference for values and practices in maintaining the ecosystem of environmental maintenance.

Environmental jurisprudence prioritizes the preservation of religion, spirituality, property, offspring, and human dignity. Imam Ash-Syatibi, in the concept of Maqasid alShari'ah, emphasized that environmental fiqh focused on identifying the environmental damage caused by the establishment of the cement plant. Rural communities show a sense of urgency in their actions. The survival of the farmers is highly dependent on the land they cultivate. Adaptive governance is mainly concerned with social-ecological systems and adaptive management. However, these ideas have some similarities. These include prioritizing adaptability, engagement, thoughtful discussion, cooperation, education, and adjustment.<sup>78</sup>

### **The Synergy of Samin Culture with Environmental Jurisprudence in Central Java**

Growing political, social, and economic challenges confront indigenous peoples' cultural heritage due to the impacts of capitalism, foreign investment, and environmental

<sup>73</sup> Azhari Akmal Tarigan, "Chemical Castration for Pedophiles: Study of Fiqh Problems in Indonesia," *Al-Ahkam* 30, no. 2 (30 Oktober 2020): 141, <https://doi.org/10.21580/ahkam.2020.30.2.5517>.

<sup>74</sup> Kunz, Hein, dan Sobirin, "Beyond protection, toward respect: Struggle for environmental justice in the Kendeng mountains."

<sup>75</sup> Kunz, Hein, dan Sobirin.

<sup>76</sup> Tia Subekti, "Konflik samin vs PT. Semen Indonesia," *Jurnal Transformative* 2, no. 2 (2016): 189–202.

<sup>77</sup> Yaqub dkk., "Fikih lingkungan: Revitalisasi pengelolaan sampah di kota Kendari."

<sup>78</sup> Holley, "Environmental regulation and governance."

exploitation. These variables exacerbate the ecological damage caused by national development initiatives. The Samin people in Central Java Province revere Kendeng Mountain, which is a cultural landmark but has been exploited for financial gain. The government has permitted cement companies to obtain licenses to extract natural resources from their native territory.

The government's proposal to build a cement plant in the Kendeng Mountains region is fraught with difficulties, highlighting the government's inability to safeguard the environment, uphold the rights of indigenous peoples, and preserve cultural heritage. The construction of the cement plant will have prolonged socio-cultural, ecological, and economic consequences, affecting cultural diversity and socio-cultural interactions due to the government's intention to impose a compulsory license for the cement plant. As a result, it may result in new configurations of ecological instability, cultural heritage depletion, and vulnerability.

Retno, a leader of the Samin community in Pati, together with farmers from outside the indigenous group, formed a network known as JM-PPK (Jaringan Masyarakat Peduli Pegunungan Kendeng) to voice their objections and fight the construction of the cement plant. The organization then went further by taking legal action against the company and the local government. In addition, it has also consistently gained support from religious figures, such as KH. Mustofa Bisri (Gus Mus).<sup>79</sup>

Samín culture, a local tradition rooted in wisdom, places great importance on unity, simplicity, and a harmonious relationship with nature. Over a long period, the people of Central Java have been ingrained with these values. Environmental jurisprudence is an Islamic perspective on environmental conservation that encourages human responsibility to protect nature. The research findings show that there are a series of interconnected values and behaviors between Samín culture and environmental jurisprudence. For example, in Samín culture, the principles of environmental conservation, simplicity, and restriction are aligned with the concepts of *maqashid sharia*, austerity, and sustainability in environmental *fiqh*. However, when the government intervened and prioritized the construction of the cement plant in the name of national development, everything changed. This intervention has significantly changed the paradigm of the long-term sustainability of nature and the environment.

This research aims to gain a more comprehensive understanding of how local values, which have contributed positively to the preservation of environmental sustainability, transformed into a resistance movement against government efforts that encourage environmental destruction through the establishment of cement plants under the guise of national development. This research offers a new perspective on developing inclusive and sustainable policies by enhancing the cooperation between local culture and environmental principles. As a result, this research not only enhances the understanding of cultural dynamics in environmental contexts but also makes a significant contribution to the preservation of environmental sustainability in Central Java and other regions with comparable cultural diversity.

Given that religion is related to individual beliefs, religious differences are an undeniable and unavoidable reality. Religious worship is a tangible expression of an individual's or community's faith, which serves as a visible manifestation of their beliefs. Ecological or environmental principles cannot eliminate religious differences, as oppressed individuals or groups will go to great lengths to maintain their existence or thrive.<sup>80</sup> The state's failure to recognize and respect the core beliefs and principles held by some minority

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<sup>79</sup> Retno, "Interview."

<sup>80</sup> Manik, *Pengelolaan lingkungan hidup*.

groups, coupled with its biased treatment of them, collectively gives rise to a set of knowledge systems that ultimately result in various policies.<sup>81</sup>

In the context of religious belief, Islam consistently recognizes the importance of considering the social realities of society, including environmental conservation. The domain of religion plays a role in shaping people's perspectives on environmental conservation. There is a need to expand the notion of environmental fiqh to address challenges related to the environmental crisis. This concept can be a reliable reference because it focuses on the balance between the state of the environment and ethical principles in the management and utilization of the environment.<sup>82</sup> In this case, environmental fiqh can be a valuable reference.

Surah Al-Baqarah verses 11-12 explicitly state that Islam does not condone or support actions that result in injury or damage to the environment. Moreover, such practices will have a direct impact on humans. Participating in activities that cause damage to the environment will ultimately result in the overall deterioration of the environment. This, in turn, will directly affect the quality of human life.<sup>83</sup>

Yusuf al-Qaradawi dalam Mokhtar and Abdullah<sup>84</sup>, offer epistemic support for environmental conservation from the Quran. First, Quran 6:99, 32:27, 27:60 mentions growing and greening (tashjir and takhdhir); Second, Quran 11:61 mentions about cultivating and fertilizing (i'mar and taskhir); Third, Quran 5:6; 2:222; 9:108 mentions about cleaning and decontaminating (tanzif and tathir); Fourth, Al-Quran 4:10, 31:20, 16:5; 23:18 mentions about preserving biodiversity; Fifth, Al-Quran 2:185 mentions about maintaining health; Sixth, Al-Quran 2:195 mentions about preserving biodiversity. about doing good to the environment; Seventh, Al-Quran 2:195 mentions about 3:159 mentions about protecting from damage (fasad) (Al-Quran 2:195 mentions about 3:159 mentions about 185 mentions maintaining health; Al-Quran 2:195 mentions doing good to the environment; Al-Quran 2:195 mentions 3:159 mentions protecting from damage (fasad) (Al-Quran, 2:11, 12, 205; 7:74); and finally, Al-Quran 67:3; 32:7) mentions maintaining the balance of the ecosystem.

The application of environmental fiqh can offer a valuable structure by highlighting various principles, such as First, the principle of justice. Jurisprudence instructs the idea of justice when dealing with other individuals and nature. It is crucial for individuals who intend to build a factory to guarantee the active participation of the Samin community in the decision-making process and provide them with fair compensation in the event of adverse consequences resulting from the development. Second, is the principle of sustainable development. The basics of sustainable development: environmental jurisprudence promotes sustainable development, which considers the balance between human needs and environmental resilience. Therefore, when devising development strategies, it is crucial to consider the long-term consequences on the environment, including the use of natural resources, pollution, and damage to ecosystems. Third, is stewardship responsibility. Jurisprudence teaches the concept of stewardship, which is the responsibility of humans to protect and care for the environment. In this context, those intending to build factories should consider ways to reduce negative impacts on the environment, such as adopting environmentally friendly technologies, managing waste effectively, and prioritizing the conservation of natural resources. Fourth, dialog and consultation. Environmental jurisprudence emphasizes the importance of dialogue and consultation among all parties involved in the decision-making process. Parties intending

<sup>81</sup> Tri Yuliantoro, "Indigenous constitution dalam perspektif ketatanegaraan dan fikih minoritas," *In Right* 4, no. 2 (2015): 457–511.

<sup>82</sup> Hartini, "Eksistensi fikih lingkungan di era globalisasi."

<sup>83</sup> Hartini.

<sup>84</sup> Mokhtar dan Abdullah, "Islamic environmental jurisprudence and conservation practices in Malaysia."

to build a factory must actively communicate with the surrounding population, including the Samin tribe, to understand their concerns, provide transparent information, and seek collaborative resolutions that consider the interests of all parties involved. Fifth, is the preservation of the environment.

Jurisprudence encourages the protection and preservation of the environment as a religious obligation. Within this framework, entities intending to build factories should consider strategies aimed at reducing adverse environmental impacts, including afforestation, maintaining water reservoirs, implementing efficient waste disposal systems, and reducing air and water contamination. Jurisprudence is a religious obligation that encourages environmental protection and preservation. Within this framework, parties intending to build factories should consider strategies aimed at reducing adverse environmental impacts, including replanting, protecting water sources, implementing efficient waste disposal systems, and reducing air and water contamination. As Mokhtar and Abdullah<sup>85</sup>, argue, Islamic environmental fiqh covers three important aspects: eco-theology, ethics, and law.

## CONCLUSION

The Samin community's rejection of the construction of a cement factory in the Kendeng mountain range, Pati Regency, Central Java Province, demonstrates the strength of their cultural, natural, and spiritual heritage in resolving environmental disputes. This article has examined the inadequacy of legal solutions in resolving conflicts arising from environmental damage. Instead, it argues that cultural methods, environmental fiqh, and ecological studies are needed to effectively address these issues. Kendeng Mountain not only has physical attributes, but also includes cultural, social, and spiritual qualities. These values have been the driving force for the Samin community to oppose the construction of the cement plant. Sociologically, a simple society such as the Samin community is more able to have a calming impact on the wider community, because everything that is proposed is the will of the community. Besides, Indonesia is increasingly using development programs and projects to usurp the rights of indigenous peoples, resulting in the dispossession of ancestral lands by these populations.

The government funds cement plant construction as part of the initiative investment. We urge the government and all parties responsible for granting permits for cement companies in Central Java and other provinces to recognize and remedy the human rights violations and socio-economic injustices caused by these permits. We strongly recommend that Indigenous peoples engage in more discussion and deliberation to recognize and understand the adverse consequences associated with the granting of permits to establish cement plants in their customary territories. The government should engage in consultations with Indigenous peoples regarding development initiatives in their ancestral territories, adhere to procedures for obtaining free, prior, and informed consent, ensure Indigenous people's involvement in decision-making processes, or provide a platform for grievances. The researcher proposes that the most effective approach to advancing sustainable development is through cooperation between environmental jurisprudence and indigenous peoples. This partnership aims to protect the environment from degradation while protecting indigenous peoples' rights to their traditional territories. The use of investment and progress should not be a justification for damaging the environment or violating the rights of individuals, especially indigenous peoples who are a minority population.

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<sup>85</sup> Mokhtar dan Abdullah.

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