



Indigenous Southeast Asian and Ethnic Studies  
Vol. 2 No. 1, March 2026  
Pages: : 94-113  
DOI : 10.32678/iseaes.v2i1.80  
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Received : 15/06/2025  
Revised : 29/04/2026  
Accepted : 07/07/2026

# Indigenous Peoples as Legal and Psychosocial Agents

## An Integrated Conceptual Framework for Postcolonial Southeast Asia

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### Abstract

This article presents an integrated framework for analysing identity politics and traditional ecology among Indigenous communities in postcolonial Southeast Asia, viewing them as both legal subjects and psychosocial agents. Adopting a normative legal approach with sociological insights, it synthesises secondary sources. Identity politics is key to struggles for land, representation, and customary law. While UNDRIP offers hope, implementation fails due to bureaucratic and economic barriers, creating a recognition gap. We propose synergistic legal-psychosocial recognition, where legal acknowledgment coupled with cultural healing yields better outcomes. Traditional ecology underpins collective identity and resilience. Indigenous communities respond to modernisation via adaptive strategies combining legal advocacy, cultural revival, and ecological care. Identity politics bridges law and well-being amidst globalisation and state systems. We conclude that an interdisciplinary legal-psychosocial lens is vital for substantive recognition, casting Indigenous peoples not only as rights-holders but as healers and transformative agents.

**Keywords:** Indigenous Peoples of Southeast Asia, identity politics, legal recognition, psychosocial resilience, traditional ecology



## Introduction

Indigenous peoples in Southeast Asia play an important role in maintaining cultural identities, traditional ecological systems, and communal social structures passed down through generations. Yet in the increasingly pressing postcolonial and globalisation era, their existence is caught in a tug-of-war between preserving traditions and adapting to modern political, legal, and economic systems. Identity politics has emerged as a response by Indigenous peoples to the dominance of the nation-state and global market forces, becoming a tool for negotiating living space, land rights, and social recognition (Li, 2014). This article contends that identity politics, far from being a mere cultural expression, operates as a strategic legal and political resource through which Indigenous communities articulate claims to territory, autonomy, and customary authority.

The postcolonial era in Southeast Asia is marked by complex dynamics that bring together historical legacies with the pressures of modernity and globalisation (Loh & Wee, 2021). Indigenous peoples are often at the epicentre of these intersecting forces, reasserting their identities amidst rapid change. Identity, which is not merely a cultural marker but also a political construct, becomes a field of struggle for the recognition of rights and sovereignty over customary territories (Li, 2000). This study argues that a comprehensive understanding of Indigenous peoples in postcolonial Southeast Asia requires an analytical framework that simultaneously positions them as legal subjects actively claiming enforceable rights and as psychosocial agents whose identities, resilience, and responses to change are shaped by their interconnection with traditional ecologies and broader socio-political dynamics.

Identity politics, in the context of Indigenous peoples, is not only about cultural representation but also about power struggles to define who they are, on what basis they claim territory and resources, and how they interact with sovereign nation-states (Hall, 1996). In Southeast Asia, these struggles often clash with development policies, natural resource exploitation, and the hegemony of state law that tends to ignore or erode customary legal systems (Ribot & Peluso, 2003). The affirmation of Indigenous peoples as legal subjects becomes crucial; they are no longer objects of development, but entities with rights recognised internationally and nationally, although implementation remains challenging (Anaya, 2004). The gap between normative recognition and substantive protection, what we term the *recognition gap*, remains a persistent obstacle, as state legal frameworks frequently fail to accommodate the collective and relational nature of Indigenous rights claims.

More than legal and political entities, Indigenous peoples are also actors with profound psychosocial dimensions. Their traditional ecologies form the basis of their collective identities, values, and worldviews (Kimmerer, 2013). Interactions with the environment, subsistence farming practices, and local knowledge systems forge strong emotional and spiritual ties to land and nature. Disruptions to these ecologies entail not only material losses but also psychological trauma and the erosion of cultural identity. Understanding Indigenous peoples as psychosocial agents means recognising that their adaptation or resistance to change is influenced by internal factors such as community resilience, collective

memory, and social identity, as well as external factors such as discrimination, recognition, and political participation (Tajfel & Turner, 1979). This psychosocial dimension is not secondary to legal struggles but integral to them: legal recognition, or its denial, produces tangible psychological consequences that shape communities' capacity to mobilise and sustain collective action.

Notwithstanding the growing body of scholarship on Indigenous rights in Southeast Asia, existing studies tend to treat legal, ecological, and psychosocial dimensions in isolation. This fragmentation obscures the interconnections between these dimensions and limits the development of holistic approaches. This study addresses this gap by offering an integrated conceptual framework that systematically examines the synergy between legal struggles, traditional ecology, and psychosocial well-being. In the heterogeneous landscapes of Southeast Asia, from the jungles of Borneo to the mountains of Luzon, Indigenous peoples face diverse but common challenges: how to maintain their cultural and ecological sovereignty amidst the pressures of modernity.

The central argument of this article is threefold. First, identity politics functions as a bridge between legal advocacy and psychosocial resilience, enabling communities to translate cultural claims into legally cognisable rights while reinforcing collective identity. Second, traditional ecology is not merely a resource base but a foundational source of psychosocial well-being, and its disruption generates legal and psychological harms that must be addressed in tandem. Third, effective legal recognition requires a synergistic approach that aligns formal legal acknowledgment with community-based healing practices and cultural revitalisation, a framework we term *synergistic legal-psychosocial recognition*. This article examines how identity politics manifests in the legal struggles of Indigenous peoples for rights recognition in postcolonial Southeast Asia, and explores how psychosocial dimensions shape their responses to broader social, political, and economic dynamics.

Traditional ecology practised by Indigenous peoples is not only related to how they manage nature but also constitutes an integral system of values, customary law, and spirituality. This positions Indigenous peoples not merely as environmental guardians but as informal legal actors and psychosocial agents who mediate collective identity and community well-being (Brosius, Tsing, & Zerner, 2005). Within the legal framework, Indigenous peoples face a paradox of recognition: on the one hand, they are acknowledged as special entities with land and cultural rights; on the other, they are trapped in formal legal mechanisms ill-equipped to accommodate their customary legal systems (Bedner & Arizona, 2019). This paradox is not merely a procedural obstacle but a structural feature of postcolonial legal systems that privilege individual property rights over collective customary tenure. Psychosocially, marginalisation and identity dislocation generate collective stress, loss of agency, and erosion of social cohesion (Gone, 2013). These consequences are not merely reactive; they actively shape communities' capacity to mobilise and sustain collective action.

This study offers substantial novelty by moving beyond sectoral analysis. This novelty rests on three interconnected contributions. First, it systematically integrates three analyt-

ical lenses: positioning Indigenous peoples as legal subjects with enforceable rights; understanding them as psychosocial agents whose identities and resilience are shaped by internal and external interactions; and recognising ecology as both the foundation of identity and the object of legal struggle. Second, it introduces the concept of *synergistic legal-psychosocial recognition*, which posits that formal legal acknowledgment, when aligned with community-based healing practices and cultural revitalisation, produces more sustainable outcomes. Third, it applies this integrative framework to the postcolonial Southeast Asian context, demonstrating how colonial legacies continue to shape the terrain on which Indigenous identities, ecological practices, and legal systems interact (Loh & Wee, 2021). While much legal scholarship examines Indigenous peoples' rights, comparatively little has explored how psychosocial factors, such as collective trauma, emotional ties to territories, and social identity dynamics, influence communities' capacity to claim and enforce their rights (Kimmerer, 2013; Tajfel & Turner, 1979). This study addresses this gap by proposing that psychosocial dimensions are both core drivers and consequences of Indigenous identity politics and legal struggles. Ultimately, sustainable and equitable development in postcolonial Southeast Asia depends on recognising Indigenous peoples not only as rights-holders but as collective healers and transformative agents whose knowledge systems and psychosocial resilience offer vital resources for addressing contemporary environmental and social crises.

## Research Urgency, Aims, and Methodology

This article is motivated by several interlinked urgencies. First, it seeks to enrich scholarly literature across law, sociology, and social psychology by offering an integrated perspective that bridges these disciplines. By demonstrating how legal frameworks, ecological practices, and psychosocial dynamics are fundamentally intertwined, this study encourages interdisciplinary dialogue and contributes to more holistic theories of Indigenous peoples (Anaya, 2004). Second, the framework proposed here provides valuable input for policymakers in Southeast Asia. Understanding the complexity of identity, ecology, and psychosocial dimensions enables the formulation of more just, inclusive, and sustainable policies, helping to avoid development approaches that generate conflict and undermine Indigenous rights (Ribot & Peluso, 2003). Third, by presenting a robust analytical basis for these interconnections, this article strengthens advocacy efforts for Indigenous rights, a critical resource for civil society organisations. Fourth, by explaining the depth of dynamics faced by Indigenous peoples, this article raises public awareness, challenges stereotypes, and fosters greater support for their rights and cultural sustainability.

The aims of this article are fourfold: to analyse the reciprocal relationship between Indigenous identity politics and traditional ecology; to identify how Indigenous peoples assert themselves as legal subjects claiming land, resources, and self-determination; to examine Indigenous peoples as psychosocial agents whose identity and resilience are shaped by traditional ecology; and to present an interdisciplinary analytical framework integrating legal and social psychological perspectives. Drawing on legal studies, anthropology, and

social psychology, the article offers a contextual understanding of how Indigenous peoples navigate postcolonial dynamics and assert their agency amidst globalisation.

This study adopts a qualitative approach grounded in comprehensive library research. Methodologically, it is positioned as conceptual-theoretical research rather than field-based empirical inquiry. The research employs a normative legal methodology with an analytical-conceptual approach, expanded with sociological and social psychological analysis. This interdisciplinary orientation reflects our contention that legal recognition cannot be adequately understood without attention to the psychosocial and ecological dimensions that shape Indigenous identities and advocacy strategies. The study employs abductive reasoning to synthesise disparate literatures into an integrative framework, which is then offered as a foundation for future empirical testing.

The research employs an analytical framework integrating several perspectives. A conceptual approach clarifies key notions, identity politics, traditional ecology, legal subjects, and psychosocial agents. A statute approach analyses national legal frameworks in Indonesia, the Philippines, and Malaysia alongside international instruments such as UNDRIP. A historical perspective incorporates the postcolonial context, highlighting colonial legacies. A socio-legal approach explores the interaction between formal legal norms and their practical implementation. Finally, a social psychological perspective examines how collective identity, resilience, and trauma inform Indigenous responses to external pressures. This multi-perspectival framework is essential for capturing the complexity of Indigenous experiences in postcolonial Southeast Asia.

Data are derived entirely from secondary sources. Primary legal materials include national laws, international instruments, and court decisions. Secondary legal materials include textbooks, monographs, and peer-reviewed journals. Non-legal materials encompass publications from anthropology, sociology, geography, and psychology, along with NGO reports and policy analyses from international institutions. Data collection is carried out through documentation from digital libraries, journal databases, and repositories. Collected data are analysed qualitatively using content analysis and descriptive-qualitative methods. The analysis proceeds through data reduction, data presentation, juridical-conceptual analysis, interdisciplinary analysis, and conclusion drawing. This staged analytical process ensures legal analysis is grounded in the broader socio-political and psychological contexts that shape Indigenous experiences and advocacy strategies.

This study acknowledges several limitations. As a conceptual-theoretical work relying on secondary sources, it does not present primary empirical data from Indigenous communities themselves. Consequently, the analysis captures broad regional patterns and legal-institutional dynamics rather than fine-grained, community-specific particularities. The framework proposed here, *synergistic legal-psychosocial recognition*, is therefore offered as a heuristic tool for scholars and policymakers, requiring further empirical validation through localised case studies and participatory research.

As researchers positioned within Indonesian academic institutions, we recognise that our analysis is shaped by our location within postcolonial legal and psychological knowl-

edge systems. This study does not claim to represent Indigenous voices directly but rather seeks to analyse the structural and discursive conditions within which Indigenous struggles occur. Our aim is to contribute to scholarly understanding and policy advocacy while acknowledging the limitations of research conducted at a remove from the communities we discuss.

## Indigenous Peoples' Identity Politics: Struggles for Legal Recognition

The identity politics of Indigenous peoples in postcolonial Southeast Asia constitutes a multi-dimensional arena of struggle. Identities suppressed during colonial and early independence eras are now rearticulated as the basis for legal and political claims (Li, 2000). Recognition of these identities is a fundamental prerequisite for gaining rights to customary land and natural resources. Indigenous peoples experience prolonged structural pressures from colonial legacies, homogenising nationalist development, and neoliberal globalisation. Identity politics emerges as a crucial strategy of resistance and negotiation to secure legal recognition for their existence, territory, and value systems (Davidson, 2020). In Indonesia, the Philippines, and Malaysia, Indigenous demands extend beyond land control to encompass recognition of customary legal systems as the basis for local autonomy, demonstrating that ethnic identity carries legitimate political and legal claims (Colchester & Chao, 2022). This strategic deployment of identity operates at multiple levels: it affirms cultural distinctiveness, establishes legal standing within state frameworks, and mobilises international human rights norms to pressure domestic legal systems.

Indigenous identity politics is strategic, combining local values with human rights discourse to advocate for customary legality. Li (2017) characterises this as 'positioning', where Indigenous peoples reframe identities to align with legal categories recognised by the state and international law. This positioning involves creative negotiation: communities selectively emphasise aspects of identity legible to state institutions while maintaining internal cultural coherence. In Indonesia, Law No. 5 of 1960 has not fully recognised Indigenous rights to customary land, despite Constitutional Court Decision No. 35/PUU-X/2012 affirming such rights. Many Indigenous communities continue to be criminalised when defending their territories (Bedner & Saffanah, 2022). This gap between normative recognition and legal implementation, what we term the *implementation deficit*, reveals that formal acknowledgment on paper fails to translate into substantive protection due to bureaucratic resistance, overlapping regulations, and entrenched economic interests.

To illustrate, the post-Constitutional Court period in Indonesia has seen customary forest recognition proceed slowly, with communities facing protracted administrative processes while extractive concessions continue to operate on claimed territories (Bedner & Saffanah, 2022). This exemplifies the *recognition gap* identified throughout this study: legal victory does not guarantee practical remedy.

Colonialism created a dualistic legal structure relegating customary law to a subordinate

position. Colonial administrations introduced Western legal frameworks privileging individual property rights over collective customary tenure. In the postcolonial context, Indigenous peoples struggle to reclaim legal autonomy marginalised by colonial systems and perpetuated by modern states (Yiftachel, 2021). In the Philippines, although IPRA 1997 recognises Indigenous rights, implementation frequently clashes with extractive industries and development projects (Fernandez & Tapang, 2021). Legal recognition becomes a political arena contested between the state, corporations, and communities. This contestation reflects epistemic tensions between state-centric legal rationality and Indigenous normative orders grounded in relational, spiritual, and place-based understandings of territory and governance.

Over the past two decades, Indigenous movements have forged connections with international networks, including UNDRIP and global NGOs, to pressure states for stronger protection. This ‘vernacularisation of human rights’ involves translating global values into local contexts (Levitt & Merry, 2017). International pressure has encouraged more inclusive policies, particularly in community-based conservation (Colchester & Chao, 2022). Yet these alliances present a double-edged dynamic: they provide resources and normative leverage but risk imposing external expectations that may not align with local priorities or may reinforce state-centric frameworks. The postcolonial era is marked by complex dynamics bringing together historical legacies and pressures of modernity and globalisation (Loh & Wee, 2021). Identity becomes a field of struggle for recognition of rights and sovereignty over customary territories (Mukrimin, 2024; Li, 2000).

The struggle for legal recognition is rooted in colonial history and continues into the postcolonial era. Colonialism systematically undermined customary legal structures, introducing centralised Western legal systems. After independence, many states continued policies promoting national integration and cultural homogenisation, suppressing Indigenous collective identities (Mukrimin, 2024). However, the global wave of recognition culminating in UNDRIP (2007) has provided significant impetus to Indigenous struggles (IWGIA, 2024). UNDRIP affirms collective rights, including self-determination, land rights, and the right to maintain customary cultures and laws (UNPFII, 2011). Although declaratory, UNDRIP has become an important normative framework. This normative influence operates through soft legal authority, moral and political pressure that shapes national legal discourses and provides a benchmark for state performance.

While identity politics unites communities in collective legal claims, it is important to acknowledge that Indigenous communities are not internally monolithic. Generational differences, gender dynamics, and varying orientations toward state engagement can produce divergent strategies and priorities. These internal complexities shape how identity politics is enacted and how legal recognition is pursued, warranting greater attention in future research.

Responses have varied across Southeast Asia. The Philippines pioneered IPRA in 1997, explicitly recognising Indigenous land rights (Tauli-Corpuz, 2011). Indonesia has made partial progress through a Constitutional Court ruling recognising customary forests, but

comprehensive implementing legislation remains pending (Mulyani, 2024; The Jakarta Post, 2025). Approximately 1,194 Indigenous groups are officially recognised in Indonesia (AIPP, 2010, cited in Al-Fatih & Aditya, 2022). Malaysia recognises ‘Orang Asal’ as Indigenous peoples, but implementation faces significant obstacles (White, 2011). For instance, Orang Asli communities in Peninsular Malaysia continue to face land dispossession despite constitutional protections, as state-level policies often prioritise development over customary tenure (White, 2011). Other ASEAN countries have mixed records, with some pursuing assimilation policies (IWGIA, 2024; AIPP, 2025). This uneven landscape reveals *recognition asymmetry*: formal legal acknowledgment varies across jurisdictions, creating a patchwork of protection that leaves vulnerable communities exposed to exploitation.

Despite progress, challenges persist. There is no agreed definition of ‘Indigenous peoples’ across the region; governments adopt narrow interpretations limiting who can claim rights (Tauli-Corpuz, 2008). Overlapping regulations and conflicts between state laws and customary laws leave communities vulnerable to land grabbing (ICCA Consortium, 2023). Implementation is hampered by weak bureaucratic capacity, corruption, and economic pressure (IWGIA, 2024). Some governments remain reluctant to recognise self-determination due to concerns about national disintegration (Brill, 2021). Indigenous peoples face barriers in accessing justice systems (Al-Fatih & Aditya, 2022). These challenges constitute a structural *recognition gap*, a disjuncture between normative commitments and substantive outcomes, perpetuated by institutional inertia and colonial legal hierarchies. Closing this gap requires legal reform and a fundamental shift in how state institutions perceive Indigenous legal orders, moving from tolerance to genuine accommodation of legal pluralism.

Legally, this struggle manifests in efforts to strengthen Indigenous peoples as legal subjects possessing collective rights. The concept of ‘Indigenous peoples’ has evolved from an ethnographic to a legal category (Anaya, 2004). Many Southeast Asian countries have adopted national laws recognising Indigenous rights. However, implementation frequently becomes a field of conflict. Overlapping regulations, narrow bureaucratic interpretations, and powerful economic interests consistently hinder enforcement (Pye, 2021). This *implementation gap* is not merely technical but a structural feature of postcolonial legal systems privileging extractive economies over community-based legal orders.

Identity politics becomes a strategy for achieving interconnected objectives. First, claiming customary territory: self-identification provides the legal basis for reclaiming customary land seized by the state or corporations, involving participatory mapping and legal advocacy (Whitehead & Darian-Smith, 2017). Second, building local autonomy: Indigenous peoples seek autonomy in resource management by asserting customary identities and legal systems (Alam & Faruque, 2019; Rice, 2021). Third, increasing political representation: identity politics encourages demands for greater representation in formal political institutions. These objectives are mutually reinforcing.

In postcolonial Southeast Asia, Indigenous identity politics is not merely cultural affirmation but a strategy of resistance to the nation-state and global capitalism. Indigenous

peoples deploy ethnic and customary identities to demand land rights, culturally appropriate education, and local autonomy (Davidson & Henley, 2007). This reflects what Li (2014) calls ‘the will to improve’, state interventions premised on modernity as the solution to backwardness. Rather than passively accepting these interventions, Indigenous peoples resist by negotiating legal and social spaces through symbols, legal language, and cultural narratives (Kingsbury, 2018). This negotiation operates through a dual movement: accommodating state legal categories to gain recognition while subverting them by infusing Indigenous meanings and values. Li (2017) characterises this as ‘positioning’, reframing identities to fit legal categories. Yet positioning is not assimilation; it is a strategic performance enabling communities to gain legal standing while preserving cultural continuity.

This strategic deployment of identity operates within a field of legal recognition, a contested space where Indigenous communities, state institutions, corporations, and international actors interact over the meaning of Indigenous rights. Legal recognition is never a once-and-for-all achievement; it requires continuous reassertion. The recurring pattern of legal victories failing to translate into protection exemplifies *recognition without remedy*: formal acknowledgment exists but substantive redress remains elusive. Addressing this gap requires improved legal frameworks and institutional mechanisms bridging state law and customary legal orders, mechanisms such as legal pluralism, participatory governance, and community-based monitoring. Ultimately, the struggle for legal recognition is inseparable from the broader struggle for cultural survival, psychosocial well-being, and self-determination in postcolonial Southeast Asia.

## **Indigenous Peoples as Psychosocial Agents in Facing Postcolonial Dynamics**

As psychosocial agents, Indigenous peoples are dynamic actors with the capacity to respond, adapt, and lead change. Their responses are influenced by community resilience, cultural revitalisation, and collective empowerment. This agency operates through a dual movement: resisting external pressures while proactively constructing alternative futures grounded in customary values. Despite pressures from extractive industries or unsupportive policies, many Indigenous peoples demonstrate high resilience stemming from strong social cohesion, inherited value systems, and adaptability without losing identity (Manyanga & Tshikotshi, 2023). Indigenous peoples draw on traditional knowledge to develop adaptive responses to environmental and social challenges (Fernández-Llamazares et al., 2021; IPBES, 2019). This adaptive capacity is generative: it produces new knowledge, practice, and social organisation enabling communities to navigate change while maintaining cultural continuity.

Disruptions to ecological systems, through land dispossession, deforestation, or extractive activities, have significant psychosocial consequences. Such disruptions are associated with collective trauma, including heightened stress, anxiety, and profound loss tied to land and identity (Cunsolo & Ellis, 2018; Middleton et al., 2020). We introduce *ecological*

*grief* to capture this loss, personal, communal, and intergenerational, manifesting in mental health challenges, social fragmentation, and cultural disorientation. This grief constitutes embodied knowledge reflecting the interconnection between human well-being and ecological health that state legal frameworks routinely fail to recognise.

In response, Indigenous communities engage in cultural revitalisation, renewing languages, rituals, and ecological practices. These efforts sustain heritage while reinforcing collective identity, psychological well-being, and social cohesion (Whyte, 2018; Fernández-Llamazares et al., 2021). Participation in advocacy and legal recognition further empowers communities to reclaim agency and strengthen collective self-efficacy (Lightfoot, 2016; Pye, 2021). We characterise this dual process, cultural revitalisation alongside legal advocacy, as *healing justice*: an approach recognising legal recognition and cultural healing as mutually reinforcing dimensions of Indigenous struggle, addressing material harms and psychological wounds accompanying ecological and cultural loss.

To illustrate, the Lumad community in Mindanao has sustained traditional rituals as both symbolic resistance and collective therapy following militarised displacement. These practices function not merely as cultural performances but as community-based interventions that repair psychosocial fabric damaged by external violence (Esteban & Salazar, 2021). This documented case exemplifies the broader pattern of therapeutic resistance across the region.

Environmental degradation disrupts livelihoods, social organisation, and community norms tied to traditional ecologies (IPBES, 2019). Nevertheless, Indigenous peoples demonstrate resilience through traditional knowledge, strong social networks, and community-based governance. These capacities position them at the forefront of sustainable resource management and conservation (Reyes-García et al., 2019; Garnett et al., 2018). Resilience is actively produced through collective memory, intergenerational knowledge transmission, and adaptive governance.

These dynamics highlight that the relationship between Indigenous peoples and traditional ecology is fundamentally socio-legal and psychosocial. Ecological disruption destabilises identity, social cohesion, and systems of meaning embedded in place-based relationships. Efforts to defend land and revitalise ecological practices function as both legal strategies and psychosocial interventions. This dual functionality reveals the inadequacy of sectoral approaches treating law, ecology, and mental health as separate domains. We advocate for *synergistic legal-psychosocial recognition*, integrating formal legal acknowledgment with community-based healing and cultural revitalisation.

Traditional ecology often operates as customary law governing collective natural resource management. Across Southeast Asia, including the Baduy and Orang Asli, governance systems are rooted in cosmological balance and ecological sustainability (Reyes-García et al., 2019; Garnett et al., 2018). However, these systems frequently lack formal recognition and may conflict with extractive policies. This tension reflects an epistemological divide between positivist state law and customary legal orders grounded in relational, spiritual understandings of nature (Temper et al., 2018; Kotzé & French, 2018). This

divide is a fundamental disagreement about law itself: abstract universal rules versus embodied, place-based practice emerging from relationships between humans, ancestors, and the more-than-human world.

Traditional ecological knowledge (TEK) encompasses local wisdom in sustainable forest, land, water, and biodiversity management. TEK is part of the collective value system supporting social cohesion. In Dayak communities, the *tembawang* and shifting cultivation systems function ecologically, spiritually, and socially (Setyowati, 2022). TEK becomes the foundation for collective healing and cultural resilience when communities face ecological trauma (Watson et al., 2021). Harvest rituals, farming practices, and ancestral ceremonies restore relations between humans, ancestors, and nature. This therapeutic function is constitutive: through these practices, communities repair the psychosocial fabric damaged by dispossession.

Indigenous communities possess internal mechanisms to address psychosocial stress from eviction, structural violence, and land loss, manifesting in customary deliberations, ceremonies, and ancestral narrative transmission. Cultural continuity is a major protective factor against historical trauma (Kirmayer et al., 2019). The Lumad community in the Philippines continue traditional rituals as symbolic resistance and community therapy (Esteban & Salazar, 2021). We characterise this as *therapeutic resistance*, challenging external oppression while healing internal wounds, recognising political liberation and psychological healing as mutually reinforcing.

The colonial legacy devalued local knowledge and replaced it with capitalist extraction logic. Indigenous peoples face dual pressures: erasure of their knowledge from official narratives and social stigma affecting self-esteem. This double erasure constitutes *coloniality of knowledge and being*, where Indigenous ways of knowing and existing are systematically delegitimised, producing dispossession and psychological dislocation. Through community organising, cultural revitalisation, and Indigenous education, Indigenous peoples rearticulate their existence. The revival of Indigenous education in Kalimantan and Sabah teaches TEK while strengthening identity and resilience of younger generations (Mohamad & Jalong, 2023). Such initiatives represent *epistemic sovereignty*, reclaiming control over knowledge production essential for cultural survival and psychosocial well-being.

Traditional ecology is a psychological and spiritual foundation central to Indigenous resilience. Land, forests, and rivers are ‘home’, where collective memory is embedded, rituals held, and identities formed. Loss of traditional ecology is a collective psychological wound that can tear apart social fabric and precipitate identity crisis. This understanding, *ontological security through place*, explains why Indigenous resistance to land grabbing is so persistent: a struggle to maintain the soul and self-esteem of the community. For Indigenous peoples, the health of land and community are inseparable.

The extraordinary resilience of Indigenous peoples is evident in responses to structural pressures. Rather than despair, they adapt, revitalise practices, and rebuild strength. We characterise this as *generative resilience*, enduring hardship while producing new knowledge, practice, and social organisation enabling communities to thrive. Indigenous peoples

innovate, using local wisdom to find sustainable solutions and challenge dominant development narratives. This innovation expresses tradition as a dynamic process of continually reinterpreting customary knowledge for contemporary challenges.

The role of Indigenous peoples as psychosocial agents is particularly relevant amid the climate crisis and inequitable development. Their lessons about interconnectedness are increasingly crucial. They pioneer demonstrating ecological sustainability as key to psychological and social well-being. Indigenous peoples offer a *relational ontology*, foregrounding interconnectedness, reciprocity, and responsibility, contrasting with extractive, individualistic development logic. True development must be holistic, prioritising well-being, cultural integrity, and ecological sustainability as interconnected goals.

Recognising Indigenous peoples as psychosocial agents is an ethical and political imperative. We must see them as knowledge holders and equal partners addressing complex challenges. Their resilience, adaptability, and ecological knowledge offer vital resources for building just, sustainable, and equitable futures in Southeast Asia and beyond.

## **Synergy of Law and Psychosocial Factors in the Postcolonial Southeast Asian Context**

Southeast Asia inherited a pluralistic legal system from colonialism, where modern state legal systems were built upon customary law and local belief systems. Indonesia, Malaysia, and the Philippines demonstrate complex dynamics between state law, religious law, and customary law. Formal recognition of Indigenous communities often remains symbolic rather than implemented (Bedner & Saffanah, 2022). The colonial legacy creates structural inequality impacting the legal realm and the mental and social health of Indigenous communities. This marginalisation produces what Fanon termed the *colonial wound*, a psychic injury shaping contemporary experiences of injustice (Merry, 2018). This wound manifests as intergenerational trauma, expressed in diminished self-esteem, social fragmentation, and impaired collective action, requiring legal and psychosocial interventions in tandem. A purely normative legal approach is insufficient; it must integrate with psychosocial approaches to achieve substantive justice.

Recognition of social and ecological trauma must link to restorative legal approaches. In Kalimantan and Mindanao, Indigenous communities experiencing land conflicts exhibited chronic traumatic stress, impacting social and transgenerational cohesion (Esteban & Salazar, 2021; Kirmayer et al., 2019). Recovery requires strengthening customary and cultural legal practices as 'healing justice'. Cultural continuity and legal empowerment are key to mental health and resilience (Kirmayer et al., 2019). The synergy between law and psychosocial approaches relies on strengthening communities' capacity to negotiate legal space while maintaining collective healing mechanisms. We characterise this as *restorative legal pluralism*, a framework recognising multiple legal orders and aligning formal legal processes with community-based healing, addressing material and psychosocial dimensions of injustice.

To illustrate, Indigenous communities in Kalimantan have employed customary deliberations (*musyawarah*) alongside formal legal advocacy to address land conflicts, demonstrating how restorative legal pluralism operates in practice. These dual strategies enable communities to pursue justice within state frameworks while maintaining culturally grounded healing processes (Bedner & Saffanah, 2022).

This synergy must be reflected in holistic, cross-sectoral policies. This approach has been adopted in customary forest recognition programmes in Indonesia and Indigenous rights protection in the Philippines, but policy fragmentation remains an obstacle (Chao, 2022). Involving community facilitators, cultural psychologists, and local paralegals in policy formulation positions communities as legal subjects and agents of social recovery. Building resilience demands legal reform, cultural affirmation, and psychosocial support delivered simultaneously (Watson et al., 2021). This requires *institutional synergy*, aligning legal, social, and health institutions to address interconnected dimensions of Indigenous disadvantage.

Understanding Indigenous peoples requires a dual lens: as legal subjects struggling for formal recognition and as psychosocial agents managing internal impacts of external change. Identity politics serves as the bridge between these dimensions. Customary land rights encompass identity, collective memory, and psychosocial well-being. Violations constitute legal injustices and disruptions to social cohesion. We introduce *psychosocial jurisprudence*, a framework recognising that legal decisions have psychological and social consequences as significant as material effects. Development policies often prioritise economic growth while neglecting psychosocial consequences, reflecting a developmental imaginary that treats Indigenous communities as obstacles rather than knowledge holders.

Customary legal systems, intertwined with traditional ecology and community values, sustain social order and psychosocial balance. Their recognition acknowledges systems supporting ecological integrity and community well-being (Reyes-García et al., 2019; Whyte, 2018). Indigenous capacity to navigate tradition and modernity depends on integrating legal strategies with identity strengthening, cultural revitalisation, and community resilience (Fernández-Llamazares et al., 2021; IPBES, 2019). Legal strategies without psychosocial grounding risk ineffectiveness; psychosocial strategies without legal backing remain vulnerable to exploitation.

Legal recognition of Indigenous rights carries profound psychosocial implications. When customary land rights are recognised, this provides a foundation for collective identity and mental well-being (Mulyani, 2024; ICCAs Consortium, 2023). Recognition revalidates histories, traditions, and spiritual ties to the land (Kimmerer, 2013). Conversely, land grabbing or failure to secure recognition has severe impacts. Loss of customary land correlates with increased stress, depression, anxiety, and collective trauma (Middleton et al., 2020; Tabassum, 2016). Disconnection erodes collective memory, cultural practices, and social ties. Laws that fail to protect become sources of psychological distress (Brill, 2021). We characterise this as *legal trauma*, injury from systemic legal failures denying recognition, eroding identity, and undermining collective self-esteem. Legal struggles are

psychosocial coping mechanisms restoring control, justice, and collective self-esteem.

Customary legal systems are deeply integrated with traditional ecologies and psychosocial values. Customary laws regulate resource use, manage conflict, maintain social harmony, and foster spiritual connections with nature (Agrawal, 2019). Customary law functions as a psychosocial regulator, balancing individual and community needs with environmental capacities. When the state replaces customary law with centralised positive law, this undermines social cohesion and psychosocial well-being (Pye, 2021), creating legal uncertainty and internal conflict (Al-Fatih & Aditya, 2022). Advocacy for customary law recognition restores community agency, strengthens collective identity, and builds ecological-psychosocial resilience. Recognition enhances sense of control and collective self-efficacy (UNPFII, 2011). Implementation strengthens collective identity, cultural pride, and social cohesion essential for psychological resilience (IWGIA, 2024). Customary law embodies sustainable resource management principles that protect ecology and safeguard psychosocial foundations (Cuerrier et al., 2015). These insights coalesce into *synergistic legal-psychosocial recognition*: legal recognition is most effective when aligned with cultural revitalisation, collective healing, and ecological stewardship.

Identity politics serves as the bridge connecting legal and psychosocial dimensions. Asserting Indigenous identity is a cultural, political, legal, and psychosocial claim. Legally, identity becomes the basis for demanding collective rights (Li, 2000). Psychosocially, asserting identity empowers, increasing collective self-esteem and community resilience (Tauli-Corpuz, 2011). Indigenous peoples use traditional knowledge to counter destructive development narratives (Agrawal, 2019). Success in legal struggles creates cascading positive psychosocial effects. Identity politics translates psychosocial resilience into legal advocacy and vice versa, creating a *virtuous cycle* where cultural affirmation strengthens legal claims, and legal victories reinforce collective identity.

To illustrate, Dayak communities in Kalimantan have leveraged identity politics to gain recognition of customary forests while simultaneously revitalising cultural practices, demonstrating how legal advocacy and psychosocial reinforcement operate in tandem (Setyowati, 2022). This reciprocal dynamic exemplifies the virtuous cycle theorised above.

Communal identity becomes a psychological fortress enabling collective resistance. In Mindanao, Indigenous groups showed increased social cohesion during armed conflict (Maca & Morris, 2020). This demonstrates the inseparability of psychosocial dimensions from identity politics and traditional ecology, psychological, ecological, and political dimensions are fundamentally integrated.

Law is never psychosocially neutral. Every legal decision carries emotional, identity, and collective implications. When rights are recognised, this validates existence and restores collective self-esteem. When law fails, trauma and identity dislocation persist. This dual potential, to heal or wound, constitutes the *therapeutic* and *traumatic* dimensions of legal practice. A well-designed law that ignores psychosocial impacts may be ineffective. Psychologically informed law explicitly considers emotional, identity, and collective consequences. In Southeast Asia, colonial trauma makes this synergy urgent. Legal justice must be

integral to psychosocial healing. Recognising customary law restores governance systems that maintain socio-psychological and ecological balance, essential for breaking the cycle of *legal trauma*.

This synergy calls for a humane, ethical approach to development, seeing Indigenous peoples as partners with wisdom about human-nature balance. The integration of legal and psychosocial perspectives is a practical imperative for policies that are legally sound, culturally appropriate, psychologically supportive, and ecologically sustainable.

## **Intersection of Globalisation, Law, and Local Culture**

Globalisation presents ambivalence for Indigenous peoples. On one hand, it intensifies resource exploitation and cultural marginalisation; on the other, it opens access to international advocacy networks strengthening demands for Indigenous rights (Anaya, 2004). Instruments such as UNDRIP have become legal frameworks legitimising land rights and cultural autonomy. Indigenous peoples are no longer seen merely as marginalised communities but as part of a global movement combining legal advocacy, cultural symbols, and transnational solidarity. This dual dynamic positions Indigenous peoples within a multi-level legal field, engaging with local customary norms, national legal systems, and international human rights frameworks while maintaining the psychosocial foundations of their identities.

Globalisation has brought transformative changes to postcolonial Southeast Asia (Loh & Wee, 2021), creating homogenising pressures that threaten local cultures and communal identities. Western culture, neoliberal development models, and global technologies erode traditional values, languages, and customary practices (Pye, 2021). However, globalisation is not one-way. It also provides spaces and tools for local groups to reassert identities. Communication technologies allow Indigenous peoples to connect with global movements, share experiences, and mobilise support (ICCA Consortium, 2023). They resist, adapt, and modify global influences according to local context, creating cultural hybridity (Chua, 2017). We characterise this as *strategic cosmopolitanism*, engaging with global discourses while maintaining local grounding and cultural integrity.

Identity politics has emerged as a crucial strategy for communities to assert existence and rights. Groups organise around shared identity, ethnicity, religion, custom, to achieve political goals (Mukrimin, 2024). Identity politics confronts state laws that are colonial legacies failing to recognise customary legal systems. State laws integrate territories into the nation-state at the expense of customary rights (The Jakarta Post, 2025; Al-Fatih & Aditya, 2022). Identity politics becomes a bridge to advocating legal recognition, challenging dominant narratives, and creating alternative legal spaces. Indigenous peoples demand recognition through national legislation and ratification of UNDRIP (IWGIA, 2024), providing stronger protection for customary territories (Mulyani, 2024). Identity politics allows challenging narrow state definitions of 'property rights' by reasserting holistic customary concepts (Brill, 2021). Through identity politics, they rebuild customary legal

systems operating alongside or against state law, creating legal autonomy (Persoon & Slikkerveer, 2011). We synthesise these functions into *legal identity work*, the ongoing process of using identity claims to reshape the legal landscape, simultaneously accommodating and resisting state frameworks.

To illustrate, Indigenous communities in the Philippines have engaged in legal identity work by leveraging IPRA provisions while maintaining customary governance structures, demonstrating how communities navigate between state recognition and cultural autonomy (Tauli-Corpuz, 2011).

Identity politics interacts with global actors. Indigenous peoples form alliances with international NGOs, UN agencies, and environmental justice movements (Tauli-Corpuz, 2011), strengthening advocacy capacity and increasing international pressure. Local culture becomes a strategic asset, traditional knowledge, sustainable practices, and identity narratives resonate globally. However, globalisation brings challenges: cultural commodification and pressure to adjust narratives to external expectations (Li, 2000).

Identity politics becomes a negotiating space where Indigenous peoples redefine positions between local traditions, state legal pressures, and global currents. In postcolonial Southeast Asia, cultural identities previously considered static have become strategic tools to claim rights and negotiate positions. As Goh (2019) observes, identity politics has moved beyond ethnic essentialism to become a vehicle for legal recognition. This represents a shift from ascribed attribute to performed, strategically deployed resource.

Globalisation has expanded debate on human rights, ecological justice, and legal pluralism. Identity politics has become a space of encounter between national legal systems and customary law. Responses include selective adoption strengthening collective identity, cultural practices repackaged for tourism, digitalisation of traditions, and language revitalisation (Khoo-Lattimore et al., 2022). According to Salazar (2020), local cultures reinterpret and rearticulate global influences through identity and community memory. Cultural identity has become a political resource, a dynamic, adaptive tool negotiating existence amidst neoliberalism while maintaining psychosocial foundations.

Identity politics is closely intertwined with legal recognition regarding customary land, natural resources, and belief systems. In Indonesia, Constitutional Court decision MK35/PUU-X/2012 opened legal space for Indigenous peoples, yet recognition does not always lead to justice (Bedner & Saffanah, 2022). Identity politics pressures the state to guarantee substantive protection. This dimension, *dignitary justice*, addresses symbolic and psychological harms. Legal victories failing to acknowledge these dimensions risk leaving colonial wounds unhealed.

It is important to acknowledge, however, that identity politics can also generate internal tensions within communities, between elders and youth, between those favouring engagement with the state and those prioritising cultural autonomy. These dynamics shape how communities navigate globalisation and legal recognition, warranting greater empirical attention.

Identity politics does not always mean opposition. In many cases, such as Orang Asli in

Malaysia or Dayak in Kalimantan, cultural identity builds dialogue with the state through affirmative policies (Mohamad & Jalong, 2023). This reflects *intersectional synergy*: identity becomes a bridge between locality and global structures. As Suryakusuma (2021) observes, the postcolonial state is a site of hegemony and negotiation. This bridging function is constitutive, producing new governance forms that transcend binary oppositions.

The intersection of globalisation, law, and local culture is among the most dynamic areas in understanding postcolonial Southeast Asia. Globalisation threatens local cultures through homogenisation yet catalyses revitalisation. Access to the internet enables Indigenous communities to connect globally and mobilise support. They adapt global technologies locally, documenting land claims or spreading cultural messages. We characterise this as *glocalisation*, global influences selectively adopted, reinterpreted, and adapted to local contexts, producing cultural hybrids neither purely traditional nor fully modern.

Law plays a paradoxical role. State legal systems have been tools for integrating territories into the nation-state at Indigenous expense. Yet law is also an arena of struggle and empowerment. Through litigation, advocacy, and reform, Indigenous communities use legal frameworks to claim rights and reassert sovereignty. UNDRIP provides moral and political legitimacy. Law is shaped from below through identity struggles, *jurisgenerative resistance*, challenging state-centric legal imaginaries, asserting law as living, contested practice emerging from struggles over meaning and belonging.

Local cultures demonstrate remarkable resilience. Despite pressures, they adapt and evolve. Traditional arts find global audiences; agricultural practices become models for sustainability; Indigenous knowledge systems become sources of innovative solutions. Local cultures are transformative agents, not passive recipients. This intersection is a dynamic battleground. The region's future will be shaped by dialogue between globalisation, law, and local cultural richness. This requires a *dialogical approach* to governance, recognising multiple knowledge systems and creating spaces for mutual learning between state institutions and Indigenous communities.

## Conclusion

This analysis of identity politics and traditional ecology confirms that Indigenous peoples in postcolonial Southeast Asia are simultaneously legal subjects actively claiming enforceable rights and psychosocial agents struggling to maintain identity and well-being amidst profound change. The interdisciplinary framework developed here offers a comprehensive understanding of their challenges, emphasising that sustainable development requires respecting identity politics and protecting ties to traditional ecology, a connection that shapes collective identity, mental health, and cultural continuity. Across legal struggle, ecological integrity, and psychosocial resilience, none can be understood in isolation; each is mutually constitutive, and effective policy must address them as an integrated whole.

Identity politics lies at the heart of the struggle for legal recognition, the foundation for cultural, ecological, and economic survival. Although UNDRIP and national legis-

lations offer normative hope, persistent implementation challenges reveal what we term *recognition without remedy*: formal acknowledgment exists but substantive redress remains elusive. Closing this gap demands legal reform and broader political and social attitudinal changes that acknowledge customary legal orders and address structural inequalities. The persistence of this gap reflects a deeper failure of postcolonial states to move beyond symbolic acknowledgment toward genuine legal pluralism and power-sharing.

Traditional ecology is an integral foundation of identity and psychosocial well-being. Indigenous peoples respond to modernity through resilience, cultural revitalisation, and collective empowerment. Understanding these dynamics is crucial to supporting rights holistically, appreciating the emotional, spiritual, and identity dimensions embedded in their relationship with the environment. Indigenous peoples are custodians of ecosystems and critical actors in maintaining psychosocial balance. This recognition challenges conventional development paradigms that treat ecological sustainability and human well-being as separate objectives; for Indigenous communities, these are inseparable.

The synergy between legal and psychosocial dimensions is crucial. Legal recognition transforms psychosocial well-being; collective identity drives legal struggles. Effective approaches must be holistic, combining robust legal strategies with psychosocial support. This interdisciplinary approach recognises Indigenous peoples as legal actors and collective healers. We argue this synergy operates through a *virtuous cycle*: legal victories strengthen collective identity, which in turn enhances capacity for further advocacy, sustaining both legal progress and psychosocial healing.

Identity politics serves as a synergistic bridge managing the intersections of globalisation, law, and local culture. Through identity politics, Indigenous peoples reshape relationships with the state and the global world, reasserting sovereignty over cultures, territories, and futures. Identity politics is not simply a response to marginalisation but an active strategy in shaping communities' futures. Understanding identity as a dynamic field opens possibilities for contextual synergies in sustainable development, respect for Indigenous rights, and legal pluralism.

Ultimately, *synergistic legal-psychosocial recognition*, the integration of legal and psychosocial perspectives, offers a path toward more just, inclusive, and sustainable futures for Indigenous peoples and Southeast Asia. This framework extends beyond Indigenous studies: it offers a model for understanding how law, culture, and well-being intersect in contexts of historical injustice. By recognising Indigenous peoples as legal actors and collective healers, we advance their rights while enriching our understanding of justice, resilience, and sustainable development in a rapidly changing world.

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