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Green Investment as a Guarantee to Protect the Indigenous People's Rights

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ABSTRACT

Investment opportunities are opened as widely as possible to achieve community welfare, including land use mechanisms. However, this endangers the existence of Indigenous People's rights. Indigenous people have limited access to their lives and livelihoods through land use. Therefore, measures are needed to ensure the protection of Indigenous People's rights in line with investment implementation. This research aimed to identify and analyse the concept of green investment and the implementation of green investment as an effort to ensure the protection of the rights of Indigenous People. This research was normative juridical research with a statutory approach and a concept approach. The data used was secondary data obtained from a literature study. The results showed that green investment focuses on how environmental balance is maintained amidst the implementation of investments. The concept of green investment in the land sector was realised by the division of land functions, the use of land in line with regional spatial plans, and the application of environmental insight in land use. In addition, the application of green investment could be a method to protect the rights of indigenous people and ensure the sustainability of economic growth.

Introduction

Investment and land usage have a close relationship because the land is a major part of the investment, especially in providing natural resources, production, and processing sites and as a guarantee of investment implementation. The significantly openness of the government to the private sector, especially foreigners or large investors, in charge of production, consumption, trade and exploitation to natural resources.[1] It has a good impact on the economy. However, investment can reduce the Indigenous People's rights.

Based on the 2020 population cencus, the total population of Indonesia is 270,203,917. Among the distribution of the population in Indonesia, there are Indigenous People. Indigenous People are a group of people who have the same feeling in a group, living in one place because of heredity or geographical factors.[2] There are around 70 million indigenous people divided into 2.371 indigenous communities in Indonesia. The largest distribution of Indigenous communities is in Kalimantan, which is 772 indigenous communities, Sulawesi 664, Sumatera 392, Bali and Nusa Tenggara 253, Maluku 176, Papua 59 and Java 55 indigenous communities.[3] Indigenous People, recognized in The 1945 Republic of Indonesia Constitution,

[1] Ardhiya Juningsi Sutrisno, "Kepastian Hukum Pemberian Hak Atas Tanah Bagi Investor Asing Dalam Rangka Pengembangan Penanaman Modal Di Indonesia," *Jurnal Lex Et Societatis* 6, no. 10 (2018): 33, https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/22825.
[2] Anti Mayastuti, Luthfiyah Trini H, and Diana Lukitasari, "Institutionalizing Customary Court in Indonesian Justice System as an Effort to Realize Access to Justice Right for Indigenous People," *IJCLS (Indonesian Journal of Criminal Law Studies)* 7, no. 2 (2022): 228, https://journal.unnes.ac.id/nju/index.php/ijcls/article/view/35087/pdf.
[3] Melati Kristina Andriarsi, "Sebaran Masyarakat Adat," *Katadata*, last modified 2020, accessed February 17, 2023, https://katadata.co.id/infografik/5f8030631f92a/sebaran-masyarakat-adat.

are vulnerable to the negative impacts of investment. Problems close to Indigenous People often occur related to ownership of customary land or customary forests, which is one of the main causes of forestry conflicts in Indonesia.[4] United Nations Permanent Forum on Indigenous Issues (UNPFII) on April 17-28, 2023, stated that the rights of Indigenous People who have inhabited forest/peatland since the time of their ancestors have been violated.[5] The forest converted to industries and there are pollution when fires occur but Indigenous People never received compensation. In addition, Indigenous People also feel the negative impact of the transfer of customary land for investment by individuals and legal entities. The transfer of customary land is performed through sale and purchase, exchange, and inheritance.[6] The ease of transfer shows that Indigenous People are in a weak position in obtaining their rights to land and natural resources, especially when the investment encroaches on forests, which is contrary to the concept of a sustainable economy.

In implementing the idea of sustainable development as stated in Article 33 of The 1945 Republic of Indonesia Constitution, the government introduced the concept of green investment in Presidential Regulation No. 16/2012 on the General Plan for Investment. However, the implementation of green investment has not gone as it should, even though it has the potential to guarantee the protection of Indigenous People's rights. The problem in this research is how is the concept of environmentally sound investment and how is the implementation of green investment as a guarantee of protection of the rights of Indigenous People.

Research Methods

This research was normative juridical research with analytical descriptive specifications. This research used a statutory approach and a conceptual approach. The data used was secondary data with primary and secondary legal materials obtained from literature studies. Primary legal material are The 1945 Republic of Indonesia Constitution, Presidential Regulation No. 16/2012 on the General Plan for Investment, Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, and other regulations. Secondary legal materials are in the form of literature. The data was collected by literature study method. The data was presented with normative text and analyzed with qualitative normative methods to obtain conclusions.

Results and Discussion

1. The Concept of Environmentally Sound Investment

The concept of development in Article 33 of The 1945 Republic of Indonesia Constitution emphasizes economic and environmental development, that the national economy based on economic democracy must contain elements of sustainability and be environmentally sound. Sustainability is related to the concept of sustainable development. The concept of

[4] Ray Amantharo Saragih et al., "Analisis Hukum Penguasaan Dan Pengelolaan Hutan Adat Oleh Masyarakat Adat (Studi Hutan Adat Tombak Haminjon Desa Pandumaan Dan Desa Sipituhuta Kabupaten Humbang Hasudutan)," *Locus Journal of Academic Literature Review* 2, no. 3 (2023): 244, https://jurnal.locusmedia.id/index.php/jalr/article/view/141.

[5] Tim Redaksi Liputan6, "Kerap Dilanggar, Hak Masyarakat Adat Disuarakan Nukila Evanty Di Forum PBB," *Liputan6*, last modified 2023, accessed May 1, 2023, https://www.liputan6.com/news/read/5086642/kerap-dilanggar-hak-masyarakat-adat-disuarakan-nukila-evanty-di-forum-pbb?page=2.

[6] Ningrum Ambarsari, "Urgensi Kepastian Hukum Hak Atas Tanah Bagi Investor Di Kota Jayapura," *Al-Adl : Jurnal Hukum* 8, no. 3 (March 16, 2017): 103, https://ojs.uniska-bjm.ac.id/index.php/aldli/article/view/678.

sustainable development states that development carried out by the current generation should not ask for sacrifices from future generations through their sacrifice in the form of social welfare that is lower than the welfare of the current generation.[7] The pillars of sustainable development are economic sustainability, social sustainability and environmental sustainability, the three of which must develop in a balanced manner.[8] Meanwhile, environmental insight emphasizes that in carrying out economic development the parties must make the environment the main thing for the creation of environmental sustainability. Sustainable development described in three scopes, namely:[9]

a. Environment Sustainability
   Environment Sustainability refers to the natural environment that is maintained until the next generation.
b. Economy Sustainability
   Economy Sustainability is an effort to improve the economy of the country so that the people become prosperous.
c. Social Sustainability
   Balanced social resources are relalized in the balance between generations. These social resources have social criteria, namely community, diversity, employee relations, human rights, product safety and goverment structure.

Economic sustainability is followed up with investment. Investment implementation needs to pay attention to environmental sustainability with green investment. Green investment is an investment focused on companies or investment prospects that have a commitment to the conservaton of natural resources, the production and discovery of new and renewable energy alternatives, the implementation of clean water and air projects, and investment activities that friendly to the surrounding environment.[10] The IMF (International Monetary Fund) states that green investment is an investment needed to minimize greenhouse gas emissions and air pollution without reducing the business processes of non-energy companies, both public and private investment.[11] Green investment can affect and impact various aspects of life. Shuangyan Li stated that growth in the digital economy is driving economic growth, which in turn will place higher demands on green investment.[12] The green investment focuses on how environmental balance is maintained amidst the implementation of investments that drive economic development. This is implemented by various countries, one of which is Japan. Japan implements emission reduction projects in investments with other countries. For example, Clean Development Mechanism project activities involve rural electrification projects using solar panels. An investor in a donor country that has an emission reduction target can implement an emission reduction project.

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[7] Muhammad Suparmoko, "Konsep Pembangunan Berkelanjutan Dalam Perencanaan Pembangunan Nasional Dan Regional," *Jurnal Ekonomika dan Manajemen* 9, no. 1 (2020): 40, https://journal.budiluhur.ac.id/index.php/ema/article/view/1112.
[8] Ibid., 41.
[9] Yanita Mila Ardiani, *Sustainable Architecture: Arsitektur Berkelanjutan* (Jakarta: Erlangga, n.d.), 15.
[10] Bintan Rahayu Anisah, "Eksistensi Investasi Hijau Dalam Poros Pembangungan Ekonomi Sebagai Bentuk Manifestasi Perlindungan Atas Lingkungan Hidup," *Padjadjaran Law Review* 8, no. 1 (2020): 132, https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/28.
[11] Eyraud & Wane dalam Adellia Tanasya and Susi Handayani, "Green Investment Dan Corporate Governance Terhadap Nilai Perusahaan: Profitabilitas Sebagai Pemediasi," *Jurnal Bisnis dan Akuntansi* 22, no. 2 (December 29, 2020): 227, https://jurnaltsm.id/index.php/JBA/article/view/727.
[12] Shuangyan Li, Ge Chang, and Reyihanguli Zunong, "Does Regional Digital Economy Development Influence Green Investment?," *Innovation and Green Development* 2, no. 3 (September 2023): 2, https://linkinghub.elsevier.com/retrieve/pii/S2949753123000218.

The Government of the Republic of Indonesia also issued Presidential Regulation No. 16/2012 on the General Plan for Investment as a roadmap for investment policy valid until 2025. The concept of green investment promoted in Presidential Regulation No. 16/2012 on the General Investment Plan is in line with the concept of green economy according to the United Nations Environment Programme (UNEP) where the green economy is defined as a low-carbon, resource-efficient, and socially inclusive economy. In a green economy, growth in employment and income are driven by public and private investment into such economic activities, infrastructure and assets that allow reduced carbon emissions and pollution, enhanced energy and resource efficiency, and prevention of the loss of biodiversity and ecosystem services. The great potential in the green economy can guarantee the creation of jobs (pro jobs) and become the engine of the nation's economy that continues to grow sustainably (pro growth).[13] Further Environtmentally Sound Investment (green investment) policy directions are outlined as follows:[14]

a. The need for synergy with environmental development policies and programs, especially greenhouse gas emission reduction programs in the forestry, transportation, industry, energy, and waste sectors, as well as biodiversity damage prevention programs.
b. Development of priority sectors and environmentally friendly technologies, as well as utilization of potential renewable energy sources.
c. Development of Green Economy.
d. Provision of investment facilities and/or incentives given to investments that encourage environmental conservation efforts including pollution prevention, reduction of environmental pollution, and encouraging carbon trading.
e. Increasing the use of environmentally friendly and more integrated technologies and production processes.
f. Regional development is based on planning and the ability or carrying capacity of the environment.

The investment direction in Presidential Regulation No. 16/2012 on the General Plan for Investment can be followed up with various policies, among others:

a. Investment distribution

   Investment needs to be spread throughout Indonesia to ensure equitable economic development. The distribution also means that the investment carried out does not rely on one field only, but also on other fields as long as it does not violate the rights of the Indonesian people to the utilization of these fields. This is conducted to realize equity. In general, equity can be achieved if accompanied by euitable investment throughout the region.[15]
b. The implementation of green investment

[13] Suparji Suparji, "Investment Climate for MSMEs Towards a Green Economy," *International Journal of Research in Business and Social Science (2147- 4478)* 10, no. 6 (September 28, 2021): 155, https://www.ssbfnet.com/ojs/index.php/ijrbs/article/view/1360.
[14] Dinas Penanaman Modal Dan Pelayanan Terpadu Satu Pintu Provinsi Jawa Tengah, *Identifikasi Masalah Perencanaan Penanaman Modal Berwawasan Lingkungan Di Jawa Tengah* (Semarang, 2021), 30.
[15] Rissa Andriani Erfan and Syamsul Amar B, "Pengaruh Investasi Dan Kualitas Sumber Daya Manusia Terhadap Pemerataan Pendapatan Di Indonesia," *Jurnal Kajian Ekonomi dan Pembangunan* 5, no. 1 (March 1, 2023): 12, http://ejournal.unp.ac.id/students/index.php/epb/article/view/14416.

Investment is an activity that cannot be separated and is inseparable from risk.[16] Therefore, it is necessary to plan, implement, and utilize investment activities appropriately. In planning green investment, existing policy directions can be further developed. Implementation of green investment can be preceded by allocating land functions so that there is a clear division between land use to support investment and land use as a medium for exercising community rights. In addition, it is necessary to synergize the motivation of investors in making investments. The motivation of investors in making investments cannot be separated from financial motivation, namely obtaining certain funds within a certain period. However, financial motivation is a short-term motivation. Hence, investment must be expanded to include non-financial considerations such as ecological, scientific, ethical, religious, social, and political considerations, as well as other norms that exist in society. The role of the government in green investment is also required by providing facilities, and/or investment incentives given to investments that encourage environmental conservation efforts including pollution prevention, environmental pollution reduction, and encouraging carbon trading.

2. The Implementation of Green Investment as an Effort to Guarantee the Protection of Indigenous People's Rights

The existance of Indigenous People must be recognized and protected because there are traditional rights inherent from generation to generation.[17] Indonesia recognizes and protects the rights of indigenous people by including them in Article 18 of The 1945 Republic of Indonesia Constitution. To obtain protection from the state, indigenous people must obtain de jure recognition through a Regional Head Decree as stipulated in the Minister of Home Affairs Regulation No. 52/2014. The cumulative requirements are as long as they are still alive, in accordance with the development of society, in line with the principles of the Republic of Indonesia, and regulated in law. Customary Law Communities have a very strong law of togetherness and religious magical law. The rights of the Customary Law Society (Masyarakat Hukum Adat) as stated by the National Commission on Human Rights (Komnas HAM) in 2007, 'Mewujudkan Hak Konstitusional Masyarakat Hukum Adat', are as follows:[18]

a. The rights of individuals as citizens.
b. Collective rights as customary law society.
c. The right to development.

The right to development according to the 1986 UN Declaration on the Right to Development and the 1989 ILO Convention on Minorities and Indigenous People in Independent Countries consists of the:

1) The right to self-determination;
2) The right to participate in goverment;
3) The right to food, health, habitat and economic security;
4) The right to education;
5) The right to work;

[16] Ade Irma Suryani Lating et al., "Edukasi Dan Perencanaan Investasi Di Masa Pandemi: Kegiatan Pengabdian Masyarakat Bagi Kalangan Milenial," *Jurnal Abdimas (Journal of Community Service)* 5, no. 1 (2023): 206, https://journal-center.litpam.com/index.php/Sasambo_Abdimas/article/view/1101.
[17] Mutia Evi Kristhy et al., "Pengakuan Dan Perlindungan Hukum Terhadap Hak-Hak Tradisional Masyarakat Hukum Adat Dayak Ma'anyan Di Kecamatan Awang Kabupaten Barito Timur," *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (August 2, 2022): 32, https://ejournal.undiksha.ac.id/index.php/jkh/article/view/47087.
[18] Direktorat Jenderal Pengelolaan Ruang Laut, *Laut Dan Masyarakat Adat* (Jakarta: KKP-DJPRL, 2017), 3.

6) The right to a child;
7) The right to labor;
8) The right to minority and customary law;
9) The right to land;
10) The right to equality;
11) The right to environmental protection;
12) The right to good goverment services;
13) The right to fair law enforcement.

In daily life, these rights have not been fully upheld because Indigenous people still experience conflicts and problems. Eddie Riyadi Terre stated that there are three fundamental problems experienced by indigenous people, namely first, the problem of indigenous people's relations with the land and territories where they live and from which they get their livelihoods including their natural resources. Secondly, the issue of self-determination which is often politically biased and is now still a hot debate, and thirdly, the issue of identification, including what is meant by indigenous people, what are the criteria, and what is the difference with non-indigenous people.[19] The conflicts that occur are caused by several things, including:[20]

a. Unclear and disputed boundaries between customary forests and forest concessions.
b. Violation of customary law by the forestry industry.
c. Ineffectiveness and perceived unfairness of law enforcement officials in responding to stakeholder concerns/conflicts.
d. Damage or loss of resources that support the livelihoods of indigenous people and forest communities (such as food from the forest), due to forest loss, fragmentation, or other modifications.

Among these issues, a major problem is investments targeting Indigenous People's lands. Indonesian consider land as something important. Land is God's gift to Indonesian Nation which is a scarce natural resource and a basic human need, especially for the availability of shelter and food.[21] The customary land as the common property of a particular indigenous people is a "blessing" from an unknown source that causes all individual rights to be derive from their land. The land ownership of some tribes is still of common ownership, but some are individually owned.[22] The existence of land also means the existence of residence and ancestral places for Indigenous People. The relationship between Indigenous People and land made customary law and customary right, including Ulayat. In the terms of regulation perspective in Indonesian Constritution, ulayat rights are referred to as the

[19] Eddie Riyadi Terre, Masyarakat Adat, Eksistensi dan Problemnya: Sebuah Diskursus Hak Asasi Manusia, dalam Rafael Edy Bosko, *Hak-Hak Masyarakat Adat Dalam Konteks Pengelolaan Sumber Daya Alam* (Jakarta: ELSAM, 2006).
[20] Lalu Noval Banu Harly, "Sustainable Forest Management from the Perspective of Customary Law in Indonesia: A Case Study in the Bayan Community," *International Journal of Social Sciences and Humanities* 1, no. 1 (January 23, 2023): 37, https://ejournal.45mataram.ac.id/index.php/ijssh/article/view/324.
[21] Arvita Hastarini and Gusti Fadhil Fithrian Luthfan, "Kedudukan Hukum Masyarakat Adat Dalam Memperoleh Hak Atas Tanah Di Indonesia," *Jurnal Hukum Sasana* 8, no. 2 (October 14, 2022): 244, https://ejurnal.ubharajaya.ac.id/index.php/SASANA/article/view/1326.
[22] Salha Marsaoly, Siti Barora, and Mulyadi Tutupoho, "The Right Protection of Indigenous People in the Spatial Planning Policy During the Regional Autonomy Era of North Halmahera Regency in North Maluku Province," *Khairun Law Journal* 1, no. 2 (2018): 76, https://ejournal.unkhair.ac.id/index.php/klj/article/view/1878.

traditional rights of the Customary Law Society.[23] Ulayat is given to protect the Customary Law Society by allowing them to enjoy the land with all its contents for their lives. It can be noted that indigenous people's rights are not confined to the soil, including everything on the ground as well.[24] From the theoretical aspect of authority, customary forest management rights as village ulayat initially became the full authority of the traditional village in accordance with the autonomous and autohton nature of the traditional village.[25] As for the activities that are allowed in the customary forest, namely only traditional ceremonies, even at the time of carrying out traditional ceremonies in the customary forest, strict prohibitions are still applied, such as being forbidden to say bad things or swear.[26]

Now, the values of land does not change and even continues to grow due to the development of investment. Instead, the policy is changing. This will affect the land supply in Indonesia because investment activities require land as a medium to carry out their activities.[27] In addition, changes in land politics also threaten the implementation of customary law which is no longer in line with times. Riezka Eka Mayasari states that the indication of customary law fading from its characteristic position as Indonesia's national source came from a presumption that the customary law is very traditional and irrelevant in reaching the current development of globalization and technology era.[28] Regarding the issue of indigenous people's lands and territories, there are obstacles to their utilization as a result of various regulations, especially those related to investment. For example, the formulation of Article 17 paragraph (2) of Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law which opens opportunities for licensing plantation businesses on customary land only with the consent of the Customary Law Community. Then Article 86 paragraph (3) of Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation becomes a Law that provides flexibility for licensing agricultural businesses on customary land only with the consent of Masyarakat Hukum Adat. This ease of access is a challenge for Indigenous People to obtain their rights.

Protection of Indigenous People is carried out by protecting places of life and forests that have important meaning for Indigenous People as places of residence, and places to carry out economic, social, and cultural activities. Indigenous Forests in Law Number 41 of 1999 on

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[23] Arif Rahmadi, "Urgensi Penetapan Hak Ulayat Masyarakat Hukum Adat Terkait Kebijakan Pelayanan Pertanahan Di Papua," *Tunas Agraria* 5, no. 1 (February 16, 2022): 21, https://jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/view/170.

[24] Ardiansyah Ardiansyah, Lalu Sabardi, and Widodo Dwi Putro, "National Law Relations with Customary Law in the Establishing of Regulation of the Recognition of Indigenous Peoples Rights to the Land of Ulayat," *International Journal of Multicultural and Multireligious Understanding (IJMMU)* 7, no. 5 (2020): 429, https://ijmmu.com/index.php/ijmmu/article/view/1695.

[25] I Made Suwitra Suwitra, I Made Minggu Widyantara, and I Ketut Kasta Aryawijaya, "Ulayat Forest Management Based on Customary Law in the Tenganan Pegringsingan Traditional Village Karangasem Bali," *International Journal of Research in Business and Social Science (2147- 4478)* 11, no. 10 (December 31, 2022): 421, https://www.ssbfnet.com/ojs/index.php/ijrbs/article/view/2230.

[26] Erma Sulistianingsih, Pawennari Hijjang, and Nurbaya Busthanul, "Local Wisdom of To Cerekang Customary Law Community in Preservation of Natural Resources," *ETNOSIA : Jurnal Etnografi Indonesia* 7, no. 1 (April 21, 2022): 5, https://journal.unhas.ac.id/index.php/etnosia/article/view/14203.

[27] Sutrisno, "Kepastian Hukum Pemberian Hak Atas Tanah Bagi Investor Asing Dalam Rangka Pengembangan Penanaman Modal Di Indonesia," 35.

[28] Riezka Eka Mayasari dalam Hamzah Hamzah, Muhammad Haidirsyah Putra, and Zulkarnain Zulkarnain, "Customary Law Impact In The Development Of Indonesia's Criminal Code," *Journal of Critical Reviews* 7, no. 3 (2020): 233, http://repository.lppm.unila.ac.id/21158/1/CUSTOMARY LAW IMPACT IN THE DEVELOPMENT OF INDONESIA'S CRIMINAL CODE.pdf.

Forestry are state forests located in the territory of Indigenous People. Green investment is one way to protect the rights of Indigenous People. Investors can consider siding with the environment as an effort to implement sustainable investment. Sustainable investment is driven by environmental sustainability and the benefits of a preserved environment. Dowling & Pfeffer defines legitimacy as "social values associated with business activities consistent with accepted behavioral norms in larger social systems".[29] Legitimacy is a state of alignment of a person or a group of people who are sensitive to the symptoms of the surrounding environtment, both physical and non-physical. Legitimacy theory states that organization or companies must continuously ascertain whether they have operated within the norms upheld by society and ensure that their activities are acceptable to outsider (legitimate). Companies must create harmony between the social values inherent in their activities and the norms of behavior that exist in society, include environmental sustainability which has an impact on the protecting the rights of Indigenous People so companies must implement green investment. By this theory, green investment can be implemented by the investors or companies.

The implementation of green investment can begin with allocating land functions. This aims to make a clear division between investment land and land to protect community rights. In addition, the transfer of land belonging to indigenous People for investment purposes needs to be regulated with stricter regulations to ensure that investment activities do not disturb the environment and there is a guarantee to return the land to its proper condition. This can be done if the concept of green investment is well-planned. The implementation of green investment to protect the rights of the Customary Law Society can also be realized through the utilization of land functions are in line with regional spatial plans and the implementation of land use by considering environmental sustainability. The environmentally friendly investment will have an impact on the protection of customary forests. This guarantees the protection of the rights to food, health, habitat, and economic security, minority rights, and customary law rights, as well as the right to environmental protection for Indigenous People. The implementation of green investment also has a positive impact on society in general. This shows that green investment has a great opportunity to emphasize environmental balance that promotes economic development.

Conclusion

Green investment is the investment that focused on environmental balance in line with investment itself. The concept of green investment is realized through land allocation, land use planning, and investment implementation with government participation. The implementation of green investment can be a middle way to protect the rights of Indigenous People and ensure economic growth. Based on the discussion, the author provides advice to the government that the formulation of the green investment concept needs to be conducted to avoid violating the Indigenous People's rights.

Suggestion

The author provides suggestions for the government and the investors. The government should create the concept of green investment to provide the legal protection for the

[29] John Dowling and Jeffrey Pfeffer, "Organizational Legitimacy: Social Values and Organizational Behavior," *The Pacific Sociological Review* 18, no. 1 (January 1975): 123, http://journals.sagepub.com/doi/10.2307/1388226.

Indigenous Peoples. As for the investors, the implementation of green investment needs to be done appropriately so that investment activities can benefit the wider community.

References

Ambarsari, Ningrum. "Urgensi Kepastian Hukum Hak Atas Tanah Bagi Investor Di Kota Jayapura." *Al-Adl : Jurnal Hukum* 8, no. 3 (March 16, 2017): 95–118. https://ojs.uniska-bjm.ac.id/index.php/aldli/article/view/678.

Andriarsi, Melati Kristina. "Sebaran Masyarakat Adat." *Katadata*. Last modified 2020. Accessed February 17, 2023. https://katadata.co.id/infografik/5f8030631f92a/sebaran-masyarakat-adat.

Anisah, Bintan Rahayu. "Eksistensi Investasi Hijau Dalam Poros Pembangungan Ekonomi Sebagai Bentuk Manifestasi Perlindungan Atas Lingkungan Hidup." *Padjadjaran Law Review* 8, no. 1 (2020): 127–142. https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/28.

Ardiani, Yanita Mila. *Sustainable Architecture: Arsitektur Berkelanjutan*. Jakarta: Erlangga, n.d.

Ardiansyah, Ardiansyah, Lalu Sabardi, and Widodo Dwi Putro. "National Law Relations with Customary Law in the Establishing of Regulation of the Recognition of Indigenous Peoples Rights to the Land of Ulayat." *International Journal of Multicultural and Multireligious Understanding (IJMMU)* 7, no. 5 (2020): 426–434. https://ijmmu.com/index.php/ijmmu/article/view/1695.

Arvita Hastarini, and Gusti Fadhil Fithrian Luthfan. "Kedudukan Hukum Masyarakat Adat Dalam Memperoleh Hak Atas Tanah Di Indonesia." *Jurnal Hukum Sasana* 8, no. 2 (October 14, 2022): 243–264. https://ejurnal.ubharajaya.ac.id/index.php/SASANA/article/view/1326.

Bosko, Rafael Edy. *Hak-Hak Masyarakat Adat Dalam Konteks Pengelolaan Sumber Daya Alam*. Jakarta: ELSAM, 2006.

Dinas Penanaman Modal Dan Pelayanan Terpadu Satu Pintu Provinsi Jawa Tengah. *Identifikasi Masalah Perencanaan Penanaman Modal Berwawasan Lingkungan Di Jawa Tengah*. Semarang, 2021.

Direktorat Jenderal Pengelolaan Ruang Laut. *Laut Dan Masyarakat Adat*. Jakarta: KKP-DJPRL, 2017.

Dowling, John, and Jeffrey Pfeffer. "Organizational Legitimacy: Social Values and Organizational Behavior." *The Pacific Sociological Review* 18, no. 1 (January 1975): 122–136. http://journals.sagepub.com/doi/10.2307/1388226.

Erfan, Rissa Andriani, and Syamsul Amar B. "Pengaruh Investasi Dan Kualitas Sumber Daya Manusia Terhadap Pemerataan Pendapatan Di Indonesia." *Jurnal Kajian Ekonomi dan Pembangunan* 5, no. 1 (March 1, 2023): 11–18. http://ejournal.unp.ac.id/students/index.php/epb/article/view/14416.

Hamzah, Hamzah, Muhammad Haidirsyah Putra, and Zulkarnain Zulkarnain. "Customary Law Impact In The Development Of Indonesia's Criminal Code." *Journal of Critical Reviews* 7, no. 3 (2020): 233–236. http://repository.lppm.unila.ac.id/21158/1/Customary Law Impact In The Development Of Indonesia's Criminal Code.pdf.

Harly, Lalu Noval Banu. "Sustainable Forest Management from the Perspective of Customary Law in Indonesia: A Case Study in the Bayan Community." *International Journal of Social*

Sciences and Humanities 1, no. 1 (January 23, 2023): 32–42. https://ejournal.45mataram.ac.id/index.php/ijssh/article/view/324.

Lating, Ade Irma Suryani, Selvia Eka Aristantia, Nufaisa Nufaisa, Ratna Anggraini Ariprativi, and Ashari Lintang Yudhanti. "Edukasi Dan Perencanaan Investasi Di Masa Pandemi: Kegiatan Pengabdian Masyarakat Bagi Kalangan Milenial." *Jurnal Abdimas (Journal of Community Service)* 5, no. 1 (2023): 204–211. https://journal-center.litpam.com/index.php/Sasambo_Abdimas/article/view/1101.

Li, Shuangyan, Ge Chang, and Reyihanguli Zunong. "Does Regional Digital Economy Development Influence Green Investment?" *Innovation and Green Development* 2, no. 3 (September 2023): 100053. https://linkinghub.elsevier.com/retrieve/pii/S2949753123000218.

Marsaoly, Salha, Siti Barora, and Mulyadi Tutupoho. "The Right Protection of Indigenous People in the Spatial Planning Policy During the Regional Autonomy Era of North Halmahera Regency in North Maluku Province." *Khairun Law Journal* 1, no. 2 (2018): 73–83. https://ejournal.unkhair.ac.id/index.php/klj/article/view/1878.

Mayastuti, Anti, Luthfiyah Trini H, and Diana Lukitasari. "Institutionalizing Customary Court in Indonesian Justice System as an Effort to Realize Access to Justice Right for Indigenous People." *IJCLS (Indonesian Journal of Criminal Law Studies)* 7, no. 2 (2022): 227–244. https://journal.unnes.ac.id/nju/index.php/ijcls/article/view/35087/pdf.

Mutia Evi Kristhy, Harry, Suriansyah murhaini, Thea Farina, Heriamariaty, Sangking Mahar, and Kiki Kristanto. "Pengakuan Dan Perlindungan Hukum Terhadap Hak-Hak Tradisional Masyarakat Hukum Adat Dayak Ma'anyan Di Kecamatan Awang Kabupaten Barito Timur." *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (August 2, 2022): 27–43. https://ejournal.undiksha.ac.id/index.php/jkh/article/view/47087.

Rahmadi, Arif. "Urgensi Penetapan Hak Ulayat Masyarakat Hukum Adat Terkait Kebijakan Pelayanan Pertanahan Di Papua." *Tunas Agraria* 5, no. 1 (February 16, 2022): 17–32. https://jurnaltunasagraria.stpn.ac.id/index.php/JTA/article/view/170.

Saragih, Ray Amantharo, Rosnidar Sembiring, Suhaidi Suhaidi, and Syarifah Lisa Andriati. "Analisis Hukum Penguasaan Dan Pengelolaan Hutan Adat Oleh Masyarakat Adat (Studi Hutan Adat Tombak Haminjon Desa Pandumaan Dan Desa Sipituhuta Kabupaten Humbang Hasudutan)." *Locus Journal of Academic Literature Review* 2, no. 3 (2023): 243–260. https://jurnal.locusmedia.id/index.php/jalr/article/view/141.

Sulistianingsih, Erma, Pawennari Hijjang, and Nurbaya Busthanul. "Local Wisdom of To Cerekang Customary Law Community in Preservation of Natural Resources." *ETNOSIA : Jurnal Etnografi Indonesia* 7, no. 1 (April 21, 2022): 1–14. https://journal.unhas.ac.id/index.php/etnosia/article/view/14203.

Suparji, Suparji. "Investment Climate for MSMEs Towards a Green Economy." *International Journal of Research in Business and Social Science (2147- 4478)* 10, no. 6 (September 28, 2021): 153–158. https://www.ssbfnet.com/ojs/index.php/ijrbs/article/view/1360.

Suparmoko, Muhammad. "Konsep Pembangunan Berkelanjutan Dalam Perencanaan Pembangunan Nasional Dan Regional." *Jurnal Ekonomika dan Manajemen* 9, no. 1 (2020): 39–50. https://journal.budiluhur.ac.id/index.php/ema/article/view/1112.

Sutrisno, Ardhiya Juningsi. "Kepastian Hukum Pemberian Hak Atas Tanah Bagi Investor Asing Dalam Rangka Pengembangan Penanaman Modal Di Indonesia." *Jurnal Lex Et Societatis* 6, no. 10 (2018): 30–37.

https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/22825.

Suwitra, I Made Suwitra, I Made Minggu Widyantara, and I Ketut Kasta Aryawijaya. "Ulayat Forest Management Based on Customary Law in the Tenganan Pegringsingan Traditional Village Karangasem Bali." *International Journal of Research in Business and Social Science (2147- 4478)* 11, no. 10 (December 31, 2022): 416–422. https://www.ssbfnet.com/ojs/index.php/ijrbs/article/view/2230.

Tanasya, Adellia, and Susi Handayani. "Green Investment Dan Corporate Governance Terhadap Nilai Perusahaan: Profitabilitas Sebagai Pemediasi." *Jurnal Bisnis dan Akuntansi* 22, no. 2 (December 29, 2020): 225–238. https://jurnaltsm.id/index.php/JBA/article/view/727.

Tim Redaksi Liputan6. "Kerap Dilanggar, Hak Masyarakat Adat Disuarakan Nukila Evanty Di Forum PBB." *Liputan6*. Last modified 2023. Accessed May 1, 2023. https://www.liputan6.com/news/read/5086642/kerap-dilanggar-hak-masyarakat-adat-disuarakan-nukila-evanty-di-forum-pbb?page=2.

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