



## Law and Judicial Review

Vol 01 (1) 2025 p. 22-34

© Joko Susilo, Muhammad Zaki Mubarrok, 2025.

**Corresponding author:**  
Joko Susilo  
Email: [joko44364@gmail.com](mailto:joko44364@gmail.com)

*Received 19 February 2025;  
Accepted 08 March 2025;  
Published 14 March 2025.*

This is an Open Access article, distributed under the terms of the [Creative Commons Attribution 4.0 International license](https://creativecommons.org/licenses/by/4.0/), which permits unrestricted reuse, distribution, and reproduction in any medium, provided the original work is properly cited.



**Conflict of interest statement:**  
Author(s) reported no conflict of interest

DOI: [http://doi.org/10.70764/gdpu-ljr.2025.1\(1\)-03](http://doi.org/10.70764/gdpu-ljr.2025.1(1)-03)

# INTERNATIONAL LAW AND NATIONAL LEGISLATION APPROACHES IN ADDRESSING ETHNIC MINORITY DISCRIMINATION IN INDONESIAN

Joko Susilo<sup>1</sup>, Muhammad Zaki Mubarrok<sup>2</sup>

<sup>1</sup>Universitas Janabadra Yogyakarta, Indonesia

<sup>2</sup>Universitas Jenderal Achmad Yani Yogyakarta, Indonesia

## ABSTRACT

**Objective:** This study aims to explore discrimination against ethnic minorities in Indonesia and evaluate the effectiveness of international and domestic legal frameworks. It also identifies gaps between law and social practice and provides recommendations for strengthening regulations on the protection of ethnic minorities in Indonesia.

**Research Design & Methods:** This study uses a normative juridical approach to analyze legal norms, regulations, international conventions, legal doctrines, national laws, court decisions, and the implementation of ICERD in Indonesia, and identifies challenges in the protection of ethnic minorities.

**Findings:** This study shows that although Indonesia has ratified international conventions and passed laws on the protection of ethnic minorities, there is still a gap between the law and its implementation. Discrimination against minority groups such as Chinese, Papuans, and religious minorities continues, with challenges in integrating the international human rights framework and the need to raise awareness of the rights of ethnic minorities.

**Implications & Recommendations:** This study will propose recommendations to strengthen legal protection for ethnic minorities in Indonesia, including by strengthening the legal framework, law enforcement, awareness campaigns, regular policy evaluations, and collaboration between government, civil society, and international bodies.

**Contribution & Value Added:** This research will contribute to understanding the challenges of legal protection for ethnic minorities in Indonesia, provide policy recommendations, and raise awareness of gaps in the implementation and integration of international legal frameworks at the national level.

**Keywords:** Ethnic Discrimination, Legal Protection, International Law

JEL codes: K33, K38, J15

**Article type:** research paper

## INTRODUCTION

Discrimination against ethnic minority groups is a complex and globally widespread issue, affecting various aspects of people's lives. This discrimination often occurs due to negative stereotypes attached to certain groups or perceived differences in culture, language, religion, or a long history of social inequality that still looms large. Ethnic discrimination can also occur in various forms such as unfair treatment, negative stereotypes, exclusion, restrictions on access to resources and opportunities, and acts of violence that harm minority groups (Setiawan et al., 2023). This is often caused by prejudices and stereotypes that develop in society. Ethnic identity plays an

important role in shaping individual and group perceptions, attitudes and behaviours related to ethnic discrimination issues.

Research in China has suggested that there is discrimination in sentencing against ethnic minority groups involved in drug cases in Yunnan, China. The research found that minority fraudsters in the province received an average sentence of 2.1 to 7.5 months longer than Han fraudsters for similar offences. This discrimination can be explained by the 'minority problem' hypothesis, where in authoritarian systems, discrimination occurs when an ethnic group is associated with behaviour that is perceived to cause social instability. This bias is stronger for groups heavily involved in the drug trade, especially in areas with significant minority populations such as Yunnan (Hou & Truex, 2022). This research shows that discrimination often occurs when a group is associated with behaviours that are perceived as destabilising.

Discrimination of ethnic minorities also occurs in the political and economic sectors. Research in Turkey shows that awareness of discrimination against the Kurdish minority can influence majority attitudes towards multiculturalism and inter-ethnic tolerance. The study found that when Turkish society understands the level of discrimination experienced by Kurds, positive attitudes towards minorities increase. This awareness reduces the perceived threat from minority groups and increases support for multiculturalism and inter-group contact. Even information about lesser discrimination, for example, only a few companies acting discriminatively against Kurds, can increase positive attitudes compared to exposure to information about widespread discrimination (Bagci et al., 2017).

Some minority communities that often experience discrimination in Indonesia include ethnic Chinese, Papuans, and adherents of certain religious minorities. This discrimination can take many forms, ranging from negative stereotyping, inequality in economic opportunities, to restrictions on access to basic rights such as land ownership, education, and political participation (Setiawan et al., 2023). For example, the restriction of land ownership rights for ethnic Chinese in Yogyakarta is part of a discriminatory policy stipulated in the Yogyakarta Special Region Head Instruction Number K.898 of 1975. This policy prohibits people of Chinese descent from owning land titles, even though they have Indonesian citizenship. This rule was influenced by a long history of discrimination dating back to the Dutch colonial period, which aimed to limit the economic influence of non-indigenous ethnicities such as Chinese, Arabs and Indians in the region. This discriminatory policy continues to this day and contradicts the principles of equality mandated by Indonesia's agrarian law and the country's constitution (Mustajab et al., 2023; Wasisto, 2023).

Discriminatory practices are also experienced by Papuans who often face a range of inequalities, from low quality education to limited access to equal economic opportunities. Education infrastructure in Papua generally lags behind that of other regions, leaving many young Papuans without adequate opportunities to achieve higher education. In the economic sector, natural resource exploitation often does not provide direct benefits to local communities, while transmigration policies increase social and economic pressures by reducing their access to land and employment. In the legal context, Papuans are often victims of violence and injustice, with reports of disproportionate repression by security forces and mishandling of cases in accordance with human rights standards. These conditions reinforce the demand for legal reforms capable of guaranteeing equal and fair protection for all citizens, including the Papuan minority. These discriminatory practices are often considered human rights violations and have led to demands for more professional and comprehensive law enforcement in protecting the rights of ethnic minorities (Setiawan et al., 2023; Sumodiningrat & Nabila, 2022).

Discrimination of ethnic minorities is a global problem that requires a comprehensive approach, both through international law and national legislation. Both international law and national legislation play an important role in addressing ethnic discrimination, as they provide a framework that strengthens the protection of minority groups' rights. By ensuring alignment between the two, this policy helps prevent conflicts of law and provides certainty for individuals and entities to operate. In addition, it contributes to the protection of human rights by adopting international standards into domestic laws, and prevents conflicts through peaceful dispute resolution mechanisms. On the economic front, this policy creates a conducive environment for investment and trade, increases investor confidence, and promotes economic growth. Thus, this

sound policy not only strengthens the national legal system, but also promotes international co-operation and social justice, benefiting the whole society.

International legal approaches have evolved to address ethnic minority discrimination, with the International Convention on the Elimination of All Forms of Racial Discrimination recognizing caste-based discrimination as a form of racial discrimination since 1996 (Waughray, 2010). In the international context, legal instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as well as various conventions issued by the United Nations (UN), UNESCO, and the Organization for Security and Cooperation in Europe (OSCE) serve as global guidelines for preventing and addressing discrimination (Khayrullaeva, 2022). ICERD and similar treaties emphasize the importance of equal treatment for all individuals, require member states to eliminate all forms of racial discrimination in their policies, and create universal standards that can inspire legislative change at the national level (Tang, 2003). However, the implementation of this international law is often not smooth due to limited authority and differences in interpretation and application of the law by each country. This encourages the need to combine international standards with national regulations that are able to adapt to local social and cultural contexts. By ratifying these international instruments, countries are expected to align domestic policies with global standards, thereby strengthening their commitment to human rights.

The national level has adopted regulations that reflect international standards in order to strengthen the protection of ethnic minorities. For example, in Indonesia, protection against minority discrimination is guaranteed through laws, such as Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination. This law prohibits all forms of discrimination based on race and ethnicity, and provides a legal basis to prosecute perpetrators of discrimination (Andiani et al., 2023). In Europe, the Framework Convention for the Protection of National Minorities by the Council of Europe has become the basis for minority protection, allowing countries to adapt the application of international standards to local conditions, while strengthening the protection of minorities through a more structured and comprehensive approach (Nagy, 2022).

This synergy between international legal approaches and national legislation is important to ensure that the protection of minority rights can be effectively applied in various cultural and social contexts. By integrating international legal frameworks into national legislation, countries can be more responsive in addressing the various forms of ethnic discrimination that arise in society. This not only helps to promote social inclusion but also strengthens the role of law in safeguarding diversity and championing human rights for all ethnic groups around the world.

## LITERATURE REVIEW

### Ethnic Discrimination

Ethnic discrimination is defined as actions that result in unequal treatment or exclusion based on a person's ethnic or racial background. Schouler-Ocak and Moran (2022) argue that ethnic discrimination occurs when a person is disadvantaged without a legitimate and objective reason, involves human rights violations, and has a long-term impact on the mental health of ethnic minorities. Chin et al (2020) explained that ethnic discrimination often includes elements of social rejection, stereotyping, as well as direct threats, all of which are associated with the emergence of post-traumatic stress and depression in individuals from minority groups. Meanwhile, according to Wenz & Hoenig (2020), ethnic prejudice in the school environment appears in the form of lower teacher expectations for students from ethnic minority backgrounds. These various aspects of ethnic discrimination describe the forms of inequality that individuals experience in everyday life, ranging from injustice in the world of work to exclusion in social settings. This definition highlights the different dimensions of ethnic discrimination that can occur in everyday life, from unequal treatment in employment to exclusion in social contexts.

Recent research has shown that ethnic discrimination affects people's trust in the health system, especially in the decision to receive a COVID-19 vaccine. Studies found that ethnic minority groups who experienced discrimination were more likely to refuse vaccines, with low trust in health services as a significant mediating factor (Paul et al., 2022). Research in the United States shows that COVID-19-related discrimination has had a profound effect on the mental health of Asian communities, who have experienced increased cases of anxiety, depression and sleep disorders due

to racial discrimination and stigmatisation around COVID-19. Social support has been shown to mitigate the negative impact of this discrimination, although major challenges remain in overcoming widespread negative perceptions (Lee & Waters, 2021).

In generally, ethnic discrimination comes in several main forms or causes that have far-reaching impacts on the mental health, well-being, and social access of the affected groups, such as direct discrimination in the form of verbal or physical harassment, indirect discrimination through policies that hinder employment or educational opportunities, and structural discrimination reflected in institutional policies or practices that reinforce injustice. The following are the types of ethnic discrimination that often occur:

- a. Racial and economic discrimination  
This is a widely experienced form of discrimination, especially by adolescents and young adults from minority backgrounds. Studies show that experiences of racial or economic-based discrimination can increase the risk of risky behaviour such as substance abuse and aggression, particularly in ethnic minority groups (Xie et al., 2020).
- b. Gender and age-based interpersonal discrimination  
This discrimination negatively impacts mental well being, including increased depressive symptoms and psychological distress, especially in young adults who experience it on a regular basis (Lei et al., 2021).
- c. Discrimination in health sector  
This discrimination is often experienced by ethnic minority groups, who report unfair treatment in health services. This discrimination adversely affects the quality of care and access to adequate health services, widening inequalities in the health system (Nong et al., 2020).
- d. Multiple Discrimination  
Where individuals experience discrimination from multiple aspects simultaneously, such as race, sexual orientation and gender, it is also a form of discrimination that is gaining increasing attention. These experiences have the potential to exacerbate negative impacts on mental health, increasing the risk of depression and anxiety in the long term (Vargas et al., 2020).

These different discrimination types show that various forms of discrimination can have a major impact on well-being and access to social opportunities and basic services, such as education, employment, healthcare and participation in social activities. The impact of such discrimination can fuel wider inequalities, reinforce negative stereotypes, and prevent certain individuals and groups from reaching their full potential in society.

### **International Legal Framework as a Global Anti-Discrimination Standard**

International legal frameworks serve as global standards for anti-discrimination, providing guidelines and obligations for countries to implement non-discriminatory practices. International human rights treaties and conventions provide a global framework for combating discrimination and promoting equality. One of the key foundations in this framework is the Universal Declaration of Human Rights (UDHR), which guarantees equality before the law and protection against discrimination. At the legal level, various international instruments reinforce the principle of non-discrimination through treaties such as the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which require member states to implement policies that protect individuals from discrimination based on race, sex, and religion, among other categories (Chyzhmar, 2022).

In addition, international organisations such as the International Labour Organization (ILO) also play a significant role in setting global anti-discrimination standards, particularly in the context of the workplace. Through various conventions, the ILO demands equality in employment opportunities regardless of ethnic background or gender, demonstrating the importance of integrating anti-discrimination principles in global labour regulation (Mwakagali, 2018). The ILO plays a key role in setting global standards of anti-discrimination, particularly in the workplace, through conventions that uphold basic labour rights such as non-discrimination, freedom of association, and the right to decent working conditions. Initiatives such as the “Better Work” programme help improve compliance in the global industrial sector and support social dialogue,



while Convention No. 190 addresses modern challenges such as workplace violence and harassment. As such, the ILO continues to be a key reference in driving fair and inclusive labour policies around the world (Pike, 2020; Politakis, 2019; Venediktov, 2020).

International law accommodates special protection for individuals with disabilities through the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which emphasises the importance of inclusion and accessibility as human rights and sets standards to protect the rights of persons with disabilities, including sexual and reproductive rights (Shale, 2015). In the context of education, Article 24 of the CRPD requires states to ensure inclusive access to education for children with disabilities in the general education system (Winzer & Mazurek, 2019). The Convention on the Rights of Persons with Disabilities (CRPD) encourages countries to facilitate the use of assistive technology for persons with disabilities to enhance their participation in society. Although anti-discrimination laws and assistive technology-related policies are in place in Europe, their success varies between countries (Bratan et al., 2020). In addition, the CRPD pays particular attention to the reproductive and health rights of persons with disabilities, encouraging the removal of barriers to access to health services, including reproductive health. The DAMA project in Italy is an example of an inclusive healthcare model that supports people with disabilities throughout their medical care pathway.

Although laws that prohibit racial and ethnic discrimination are in place in some countries, discriminatory acts still occur. Ethnic minority discrimination remains a persistent problem in many countries, with various forms such as unfair treatment, negative stereotyping, exclusion, and limited access to opportunities (Setiawan et al., 2023). The international human rights system recognizes that minority protection involves many aspects, including culture, religion, language and education rights, which often overlap. The concept of intersectionality is also gaining acceptance in minority protection to address the multiple discrimination that individuals from different identity groups experience, such as in the case of ethnic groups who also experience gender- or religion-based discrimination (Angeletti, 2021). International human rights standards provide a significant framework for protecting the rights of ethnic minorities, although their effectiveness is sometimes affected by diverse domestic implementation.

### **Contribution of National Conventions to the Protection of Ethnic Minorities**

The contribution of national conventions, especially in Indonesia, to the protection of ethnic minorities is reflected in a series of regulations aimed at preventing discrimination and protecting the rights of ethnic minorities in various sectors. The Indonesian Constitution, particularly Article 281 paragraph 2 of the 1945 Constitution, affirms that every citizen has the right to be free from discriminatory acts. This guarantee is reinforced by Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination, which is the legal umbrella in addressing issues of ethnic and racial-based discrimination across the country (Andiani et al., 2023).

The Indonesian Law on Child Protection and the existence of protection agencies such as National Commission on Human Rights and Indonesian Child Protection Commission aim to provide comprehensive protection for children belonging to minority and vulnerable groups in Indonesia's multi-ethnic and multi-religious society. Through these regulations, the rights of children who experience ethnic and religious-based discrimination or injustice receive special attention, including access to education, health services, and protection from violence. National Commission on Human Rights, for example, plays an important role in monitoring and investigating human rights violations experienced by minority groups, including children, and providing recommendations to the government to strengthen protection for them. On the other hand, Indonesian Child Protection Commission is active in advocating for the rights of children, including children from minority groups, to ensure that legal protections are actually implemented at the national and local levels. Together, the Child Protection Law, National Commission on Human Rights and Indonesian Child Protection Commission form a protection system that involves not only supervision but also advocacy to ensure the welfare of children from different cultural and religious backgrounds in Indonesia's diverse society.

Local government policies also contribute to the protection of ethnic minorities by ensuring regulations that support inclusivity and equality. Various initiatives have been taken,

such as the formulation of policies that guarantee the right to worship and recognition of the diversity of religions and local beliefs, although there are still challenges in implementation in the form of hidden discrimination and limited comprehensive socialisation ([Andiani et al., 2023](#)). In addition, policies based on multiculturalism values are also implemented to reduce social conflict and maintain harmony in ethnically and religiously diverse communities, as an effort to minimise inequality in the treatment of minority groups ([Nisa, 2020](#)). With this approach, local governments seek to affirm diversity as an integral part of sustainable social stability.

In Indonesia, efforts to protect ethnic minorities such as the Chinese, Papuans and indigenous peoples are made through several policy instruments. Ethnic identity and education are also recognised as important tools in fighting negative stereotypes and discrimination. The role of media and education in building awareness of diversity has been considered important by experts to reduce prejudice and increase tolerance in society. For example, decentralisation and regional autonomy policies provide opportunities for minority groups in the regions to gain rights to manage natural resources independently and gain wider recognition of their customary rights ([Setiawan et al., 2023](#)).

Recognition of the rights and local beliefs of indigenous peoples is also part of the commitment to minority protection. For example, in the context of freedom of religion, the Indonesian Constitution has provided freedom to indigenous peoples to embrace their local beliefs without discrimination, including for indigenous peoples to embrace and practice their local beliefs. According to Article 28E and Article 29 paragraph (1) of the 1945 Constitution, every citizen has the freedom to embrace religion and worship according to their respective beliefs. This is reinforced by the Constitutional Court's decision No. 97/PUU-XIV/2016, which allows the inclusion of local beliefs in the national population administration, so that followers of indigenous beliefs are also recognised in the state administration system ([Khaidar & Nugraha, 2022](#)).

## METHODS

This research was based on a normative juridical approach, which is an approach in legal research that focuses on the study of written legal norms or rules, both in legislation, international conventions, legal doctrine, and court decisions. The main purpose of this approach is to understand, analyse and interpret the law as stated in written documents without seeing its implementation directly in the field. This approach combines the analysis of legal and policy documents, both from national regulations and international law, in the context of discrimination against ethnic minorities in Indonesia, and is relevant given the complexity of implementation and harmonisation between international law and national legislation in the context of human rights, as applied in Indonesia ([Firdausy, 2020](#)).

This approach is often referred to as “library research” because it relies on existing literature and legal texts, by collecting and analysing various relevant written sources, such as books, scholarly journals, official documents, legal sources that include international conventions, national laws and regulations, and case studies related to ethnic minority discrimination. This approach allows researchers to understand existing concepts and theories, explore diverse perspectives, and identify previous findings related to the topic under study.

In this study, researchers identified, collected, and disseminated relevant literature to formulate theoretical foundations, concepts, or existing empirical findings. This process aims to deepen understanding of the research issue, develop hypotheses, and compare previous research results to identify research gaps that can be further developed. In addition, this approach allows researchers to gain a deeper theoretical understanding or a more comprehensive conceptual view of a particular topic. Through desk analysis, this research aims not only to enhance academic understanding, but also to provide concrete recommendations to policymakers in strengthening regulations that focus on the protection of ethnic minorities in Indonesia. Such recommendations may include the development of new legislation or the ratification of relevant international instruments. Thus, desk analysis plays an important role in building a solid scholarly argument, while highlighting the need for improvements in the national legal system to be more in line with international standards in protecting minority groups from various forms of discrimination.

## RESULT

Indonesia is a country with rich cultural, ethnic and religious diversity, making it home to various minority groups that have unique identities in terms of ethnicity, language, religion and tradition. These groups add colour to Indonesia's diversity and are influenced by different legal, cultural and social frameworks. This diversity includes, for example, religious minorities such as Balinese Hinduism and Confucianism, ethnic groups such as Batak, Dayak, and Papuan, as well as other local language groups and traditions. The dynamics of minority groups in Indonesia often pose challenges in terms of rights protection and social integration amidst the nation's plurality.

The variety and characteristics of minority communities in Indonesia based on legal, cultural and social frameworks include religious minorities who are legally recognized but often face discrimination in access to public services and worship, certain ethnic groups who have their own customs and languages but experience marginalization in development policies and political representation, indigenous communities who culturally maintain traditional legal systems and values but often intersect with state law in agrarian and land rights conflicts, as well as social minorities such as persons with disabilities and certain gender communities who are still struggling for equal rights in various aspects of life, while legal protection efforts and inclusive policies continue to develop to reduce inequality and improve access to their basic rights.

Table 1. Minority Community

Minority Community	Description of Discrimination
Religious Minority	Some religious minority groups in Indonesia, such as Ahmadiyah and Baha'i, often experience discrimination in the form of restrictions on religious practice and access to public services. For example, the Ahmadiyah group faces social rejection and government restrictions due to perceptions of being a deviant sect, which affects their security and religious freedom ( <a href="#">Putri, 2023</a> ).
Ethnic Minority	Ethnic minority groups such as the Chinese also have distinctive characteristics in Indonesia's economic and social structure. Ethnic Chinese, who dominate certain sectors of the economy, often face negative stereotypes and historical discrimination, such as restrictions on land ownership in certain areas ( <a href="#">Mustajab et al., 2023</a> ). These variations in identity present unique challenges in gaining equal rights as citizens.
Indigenous Peoples	Indigenous communities such as Samin and Baduy maintain traditional values and norms that differ from national norms. These groups often face difficulties in securing customary land rights and come into conflict with government policies related to natural resources ( <a href="#">Kholiq et al., 2022</a> ).
Gender and Sexuality Minority	The transgender community is also a minority that faces major challenges in access to public services and legal recognition of their identity. Although their rights are recognised in law, discriminatory practices based on moral and religious values still occur in many areas ( <a href="#">Ummah et al., 2021</a> ).
Local Belief Community	Followers of local beliefs are often not formally recognised in the state religious system. This affects their rights in various civil aspects, including the inclusion of religion on ID cards and access to certain public services ( <a href="#">Leleno &amp; Budianto, 2021</a> ).

International legal approaches have an important role to play in efforts to address ethnic minority discrimination in Indonesia, with a strong foundation of global human rights conventions and norms. One of the major steps Indonesia has taken is ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which establishes a legal framework to protect ethnic minority groups from discrimination. The implementation of international legal strategies in addressing ethnic minority discrimination involves various approaches to protect minority rights and prevent cross-border discrimination. Through legal instruments such as regional and universal conventions, the International Court of Justice (ICJ), and overarching human rights policies, international law seeks to provide a strong foundation of protection for ethnic minority groups that are particularly vulnerable to discrimination.

International law implementation strategies to tackle ethnic discrimination against minorities include strengthening legal instruments through ratification and harmonization of international conventions into national law, capacity building of law enforcement agencies and the judiciary in handling discrimination cases, and periodic monitoring and evaluation by international

bodies to ensure that human rights principles are effectively applied in social practices and state policies.

Table 2. The International Law Approach

The International Law Approach	Description of Implementation
Regional and Universal Convention	Conventions such as the Framework Convention for the Protection of National Minorities in Europe provide for the protection of minorities, although they are recommendatory in nature and often not binding.
Intersectional Analysis in International Criminal Law	The International Criminal Court (ICC) applies an intersectional perspective in addressing crimes that target minorities based on multiple identities such as ethnicity and gender (Angeletti, 2021; Maučec, 2021).
The role of the International Court of Justice (ICJ)	The International Court of Justice issues provisional measures in cases of racial discrimination to protect minority rights, such as in the dispute between Qatar and the UAE (Maučec, 2021).
International Agreements for Local Minorities	International agreements that support the rights of local minorities, such as Poland's in Lithuania, use international norms to promote minority rights, although they are more effective when supported by local policies (Szymanski, 2022).
Self-Determination	Minority protections in international law such as self-determination are supported to overcome discrimination through domestic negotiations or international arbitration proceedings if negotiations fail (Carvosso, 2020).
Implementation of International Human Rights Principles	The International Declaration of Human Rights recognizes the equality of all individuals without discrimination, providing a foundation for addressing ethnic-based discrimination in many countries (Schouler-Ocak & Moran, 2022).

International law's approach to handling ethnic discrimination against minorities relies not only on legally binding conventions and treaties, but also on implementation mechanisms at the national and regional levels. Legal instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as well as the jurisdiction of international courts, such as the International Court of Justice (ICJ) and the International Criminal Court (ICC), play an important role in upholding minority rights. However, the effective implementation of these laws at the domestic level is often hampered by diverse social, political and cultural factors, including government resistance, lack of enforcement and imbalances in the judicial system. Moreover, in some cases, national laws contradict international norms, creating a dilemma between state sovereignty and international obligations (Andiani et al., 2023). Therefore, collaborative efforts involving international organizations, civil society, and national institutions are needed to ensure that the principles of international law are not only written in official documents, but also effectively applied in social practice to protect minority rights in real terms.

## DISCUSSION

Indonesia as a multi-ethnic country faces the challenge of integrating customary law systems with the principles of Pancasila in national legal policy (Wiguna & Yuspin, 2022). International human rights norms have influenced Indonesia's legal framework to combat discrimination. Indonesia has adopted key international conventions and enacted domestic laws aligned with these standards (Dhahri, 2023). To address discrimination against ethnic minorities in Indonesia, a number of laws have been implemented with diverse approaches. These implementations aim to protect the rights of minorities through legal protection policies that cover various aspects, including the constitution, human rights law, as well as specific regulations that address racial and ethnic discrimination.

Anti-discrimination law implementation, especially in the Papua region, still faces various obstacles, especially in the application of laws that are supposed to protect the rights of ethnic minorities. Although Indonesia has ratified various international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), implementation is still weak. One form of inequality that occurs is the use of treason charges against



Papuans' freedom of political expression. Research shows that many Papuans experience criminalization, even violence, for expressing their political aspirations. Although the Constitutional Court has provided guidance on the interpretation of the treason article, law enforcement is still used in a discriminatory manner against ethnic Papuan groups, indicating an imbalance in the legal system that should guarantee freedom of expression without discrimination (Wiratraman, 2021). In addition, another study found that discrimination against ethnic Papuans does not only occur in the legal aspect, but also in the economic, political, and educational fields, which exacerbates social inequality and complicates access to justice. Therefore, it is necessary to increase the professionalism of law enforcement officials as well as a stronger commitment from the government in enforcing anti-discrimination laws fairly and without racial bias (Musaddad et al., 2024).

International law and national law have an important role in addressing ethnic minority discrimination in Indonesia. The relationship between international treaties and national laws in addressing ethnic minority discrimination in Indonesia can be understood as an effort to harmonize global regulations with domestic policies to protect the rights of minority groups. Ratification of international treaties such as the Convention Against Torture (CAT) can lead to a reduction in human rights violations, especially if supported by national human rights institutions (NHRIs) (Welch, 2017). NHRIs act as a bridge between international and domestic human rights protection systems by implementing international treaty standards at the national level through monitoring, case management and independent reporting to treaty monitoring bodies (Carver, 2010). The legislative strategy implemented in Indonesia serves as a law enforcement in overcoming discrimination in Indonesia, especially for minority groups.

Table 3. Legislative Strategy

Legislative Strategy	Implementation Description
Article 28I and Law No. 40/2008 on Racial Discrimination	Guaranteeing constitutional rights and prohibiting all forms of discrimination based on race, ethnicity, religion, or social status, is a right that cannot be reduced under any circumstances, yet the implementation of this law has been weak in providing protection for certain minorities (Firdausy, 2020).
Law No. 39/1999 on Human Rights	Provides a foundation of human rights to protect ethnic minorities and ensure equality before the law, though practical implementation often lacks socialization and effectiveness (Andiani et al., 2023).
Implementation of Pancasila as the Principle of Justice	Pancasila is used as an ethical basis for protecting diversity and preventing discrimination, but is often seen as failing to resolve ethnic-based discrimination conflicts (Musa et al., 2022).
Law No. 26/2000 on Human Rights Court	Adopting the principles of international law to address gross violations of human rights, such as the crime of genocide and crimes against humanity. However, there are still obstacles in law enforcement and resolution of cases of serious violations (Arief, 2020).
DIY Governor Instruction No.K/898/A/1975	A policy in Yogyakarta that restricts land ownership rights for non-indigenous people, including ethnic Chinese, is still causing protests as it is considered discriminatory (Mustajab et al., 2023).
Legal Protection for Ethnic Minorities in Papua	Law enforcement to protect the human rights of ethnic Papuans often faces obstacles and requires professionalism in the application of anti-discrimination laws (Sumodiningrat & Nabila, 2022).

These strategies reflect Indonesia's commitment to strengthening legal protection for ethnic minorities. Although various laws have been implemented, the effectiveness of these protections often depends on commitment to implementation and strengthening the socialization of regulations to ensure social justice. In this context, it is important to note that the implementation of legal protection laws requires not only support from the government, but also active participation from civil society and non-governmental organizations. Collaboration between various stakeholders can create greater awareness of ethnic minority rights and support effective oversight mechanisms. In addition, education on human rights and legal protection needs to be integrated in school curricula and training programs for law enforcement officials. With these measures, it is hoped that a more inclusive and just environment can be created, where every individual, regardless

of ethnic background, can fully enjoy their rights and freedoms. Finally, periodic evaluation of existing policies and practices is also urgently needed to ensure that the legal protection provided is truly effective and responsive to the needs of ethnic minorities in Indonesia.

## CONCLUSION

Discrimination against ethnic minority groups is a complex issue that impacts various aspects of global society, including in Indonesia. It is often fuelled by negative stereotypes, prejudice and a history of social inequality, resulting in unfair treatment and exclusion of minority groups. In some countries, such as China and Turkey, discrimination against ethnic minority groups also affects the legal, economic and political sectors, showing a bias against minorities in law enforcement and social interactions. This phenomenon shows that ethnic discrimination often arises when certain groups are associated with social threats or perceived to be different in terms of culture, religion or tradition.

In Indonesia, various ethnic minority groups, such as the Chinese, Papuans, and certain religious communities, still face discrimination in the form of restricted access to basic rights, economic opportunities, and political participation. Discriminatory policies in agrarian law, limited access to education, and economic inequality often exacerbate their conditions. The government has adopted several legal measures to protect minorities, but in practice, the implementation of regulations often faces major challenges due to differences in interpretation and weak law enforcement, so the protection of minority groups has not been fully effective.

To address ethnic discrimination, international legal approaches play an important role through instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). This international law emphasises the importance of equal treatment and alignment of domestic laws with international standards. In Indonesia, a number of laws have been implemented to address discrimination against ethnic minorities in Indonesia, such as Article 28I, Law No. 40 of 2008, Law No. 39 of 1999, Law No. 26 of 2000, as well as regional policies that are a step forward in protecting minority rights, but further synergies between international regulations and local policies are still needed. By integrating international human rights principles into national legal systems, states can play a more effective role in preventing discrimination, strengthening social inclusion, and promoting social justice for all.

## REFERENCES

- Andiani, T. N., Laksito, F. H. B., & Santos, J. G. (2023). Evidence from Indonesia on the Legal Policy Confronting Discrimination of Minority Groups based on Race and Ethnicity. *Wacana Hukum*, 29(2), 146–162. <https://doi.org/10.33061/wh.v29i2.9808>
- Angeletti, S. (2021). Religious Minorities' Rights in International Law: Acknowledging Intersectionality, *Enhancing Synergy. Religions*, 12(9), 691. <https://doi.org/10.3390/rel12090691>
- Arief, E. (2020). The Implementation of the 1998 Rome Statute in Indonesia's National Law Through Act Number 26 Year 2000 on Human Rights Courts. *Proceedings of the International Conference on Law, Economics and Health (ICLEH 2020)*. <https://doi.org/10.2991/aebmr.k.200513.072>
- Bagci, S. C., Çelebi, E., & Karaköse, S. (2017). Discrimination Towards Ethnic Minorities: How Does it Relate to Majority Group Members' Outgroup Attitudes and Support for Multiculturalism. *Social Justice Research*, 30(1), 1–22. <https://doi.org/10.1007/s11211-017-0281-6>
- Bratan, T., Fischer, P., Maia, M., & Aschmann, V. (2020). Implementation of the UN Convention on the Rights of Persons with Disabilities: A Comparison of Four European Countries with Regards to Assistive Technologies. *Societies*, 10(4), 74. <https://doi.org/10.3390/soc10040074>
- Carver, R. (2010). A New Answer to an Old Question: National Human Rights Institutions and the Domestication of International Law. *Human Rights Law Review*, 10(1), 1–32. <https://doi.org/10.1093/hrlr/ngp040>
- Carvosso, R. (2020). Examining the Suitability of the International Minority Rights Regime as an Avenue for Advancing Self-Determination Claims. *International Journal on Minority and Group*

- Rights*, 27(4), 675–727. <https://doi.org/10.1163/15718115-bja10001>
- Chin, D., Loeb, T. B., Zhang, M., Liu, H., Cooley-Strickland, M., & Wyatt, G. E. (2020). Racial/ethnic discrimination: Dimensions and relation to mental health symptoms in a marginalized urban American population. *American Journal of Orthopsychiatry*, 90(5), 614–622. <https://doi.org/10.1037/ort0000481>
- Chyzhmar, V. (2022). On The Classification of International Legal Standards. *Entrepreneurship, Economy and Law*, 4, 56–62. <https://doi.org/10.32849/2663-5313/2022.4.10>
- Dhahri, I. (2023). The Role of International Human Rights Norms in Combating Discrimination and Promoting Equality. *The Easta Journal Law and Human Rights*, 1(03), 137–146. <https://doi.org/10.58812/eslhr.v1i03.90>
- Firdausy, A. G. (2020). Measuring Human Rights Legal Resilience in the Context of Ethnic Anti-Discrimination: Study of Universalism or Cultural Relativism? *Proceedings of the 3rd International Conference on Law and Governance (ICLAVE 2019)*. <https://doi.org/10.2991/aebmr.k.200321.019>
- Hou, Y., & Truex, R. (2022). Ethnic Discrimination in Criminal Sentencing in China. *The Journal of Politics*, 84(4), 2294–2299. <https://doi.org/10.1086/719635>
- Khaidar, N., & Nugraha, M. A. (2022). Protection of Indigenous Peoples (Local Beliefs) in the Context of Human Rights in Indonesia. *Contemporary Issues on Interfaith Law and Society*, 1(2), 101–130. <https://doi.org/10.15294/ciils.v1i2.58319>
- Khayrullaeva, D. (2022). Development of a System of International Legal Universal and Regional Documents Regulating the State of Ethnic Minorities. *Jurisprudence*, 2(6), 150–160. <https://doi.org/10.51788/tsul.jurisprudence.2.6./FUCI2941>
- Kholiq, A., Mutohar, A., & Sumintono, B. (2022). The tribal education in Indonesia: Detribalization challenges of Samin Tribe. *Cogent Education*, 9(1). <https://doi.org/10.1080/2331186X.2022.2136861>
- Lee, S., & Waters, S. F. (2021). Asians and Asian Americans' experiences of racial discrimination during the COVID-19 pandemic: Impacts on health outcomes and the buffering role of social support. *Stigma and Health*, 6(1), 70–78. <https://doi.org/10.1037/sah0000275>
- Lei, Y., Shah, V., Biely, C., Jackson, N., Dudovitz, R., Barnert, E., Hotez, E., Guerrero, A., Bui, A. L., Sastry, N., & Schickedanz, A. (2021). Discrimination and Subsequent Mental Health, Substance Use, and Well-being in Young Adults. *Pediatrics*, 148(6). <https://doi.org/10.1542/peds.2021-051378>
- Leleno, H., & Budianto, A. (2021). Adherents of Local Religions in the Perspective of Human Rights as Indonesian Citizens. *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021*, March 6th 2021, Jakarta, Indonesia. <https://doi.org/10.4108/eai.6-3-2021.2306854>
- Maučec, G. (2021). Law Development by the International Criminal Court as a Way to Enhance the Protection of Minorities—the Case for Intersectional Consideration of Mass Atrocities. *Journal of International Dispute Settlement*, 12(1), 42–83. <https://doi.org/10.1093/jnlids/idaa029>
- Musa, M. R. P., Lesmana, A. B., Arthamevia, R. N., Pratama, P. A., & Savitri, N. (2022). Human Rights and Pancasila: A Case of Tionghoa Ethnic Discrimination in Indonesia. *Indonesian Journal of Pancasila and Global Constitutionalism*, 1(1), 119–170. <https://doi.org/10.15294/ijpgc.v1i1.56879>
- Musaddad, M. R., Muslim, A., Mutawalli, H., Wiratama, M., Auliya Rahman, M. A., & Hidayat, L. (2024). Penegakkan Hukum terhadap Pelanggaran HAM di Papua: Diskriminasi Etnis. *Mandub: Jurnal Politik, Sosial, Hukum dan Humaniora*, 2(3), 68–79. <https://doi.org/10.59059/mandub.v2i3.1351>
- Mustajab, I., Purwanta, Hieronymus, & Pelu, M. (2023). The Chinese resistance to land rights discrimination in Indonesia. *Multidisciplinary Science Journal*, 5(2), 2023014. <https://doi.org/10.31893/multiscience.2023014>
- Mwakagali, M. (2018). International Human Rights Law and Discrimination Protections. *Brill*

- Research Perspectives in Comparative Discrimination Law*, 1(2), 1–78. <https://doi.org/10.1163/24522031-12340002>
- Nagy, N. (2022). The Rights of European Minorities: Justice, Public Administration, Participation, Transfrontier Exchanges and Citizenship—International Developments in 2020. *European Yearbook of Minority Issues Online*, 19(1), 161–194. [https://doi.org/10.1163/22116117\\_009](https://doi.org/10.1163/22116117_009)
- Nisa, K. (2020). Government Ambiguity: Between Accommodation and Discrimination of Identity in Multicultural Society. *Proceedings of the Proceedings of the 5th International Conference on Social and Political Sciences, ICSPS 2019, 12th November 2019, Jakarta, Indonesia*. <https://doi.org/10.4108/eai.12-11-2019.2293534>
- Nong, P., Raj, M., Creary, M., Kardia, S. L. R., & Platt, J. E. (2020). Patient-Reported Experiences of Discrimination in the US Health Care System. *JAMA Network Open*, 3(12), e2029650. <https://doi.org/10.1001/jamanetworkopen.2020.29650>
- Paul, E., Fancourt, D., & Razai, M. (2022). Racial Discrimination, Low Trust in the Health System and COVID-19 Vaccine Uptake: a Longitudinal Observational Study of 633 UK Adults from Ethnic Minority Groups. *Journal of the Royal Society of Medicine*, 115(11), 439–447. <https://doi.org/10.1177/01410768221095241>
- Pike, K. (2020). Voice in Supply Chains: Does the Better Work Program Lead to Improvements in Labor Standards Compliance? *ILR Review*, 73(4), 913–938. <https://doi.org/10.1177/0019793920911905>
- Politakis, G. P. (2019). The ILO's Standard-Setting. In *The Oxford Handbook of United Nations Treaties* (pp. 229–248). Oxford University Press. <https://doi.org/10.1093/law/9780190947842.003.0014>
- Putri, P. N. (2023). Ahmadiyya Community In Indonesia's Contemporary Discourse: State's Indecisive Protection to the Freedom of Religion and Belief. *International Journal of Social Service and Research*, 3(6), 1442–1451. <https://doi.org/10.46799/ijssr.v3i6.406>
- Schouler-Ocak, M., & Moran, J. (2022). Multiple Discrimination and Its Consequences for the Mental Health of Ethnic Minorities. *European Psychiatry*, 65(S1), S16–S16. <https://doi.org/10.1192/j.eurpsy.2022.65>
- Setiawan, R., Buana, D. R., & Tanjung, I. P. (2023). The Role of Ethnic Identity in Overcoming Discrimination Against Ethnic Minorities and Politics in Indonesia. *SALAM: Jurnal Sosial Dan Budaya Syar-i*, 10(4), 1077–1092. <https://doi.org/10.15408/sjsbs.v10i4.33985>
- Shale, I. (2015). Sexual and Reproductive Rights of Women with Disabilities: Implementing International Human Rights Standards in Lesotho. *African Disability Rights Yearbook*, 3(1), 17–20. <https://doi.org/10.17159/2413-7138/2015/v3n1a2>
- Sumodiningrat, A., & Nabila, J. A. (2022). Against Discrimination. *Journal of Contemporary Sociological Issues*, 2(2), 116. <https://doi.org/10.19184/csi.v2i2.27711>
- Szymanski, C. (2022). Reliance on International Treaties as a Means of Protecting Minority Rights: An Effective Strategy or Waiting for Nothing? The Case of the Polish Minority in Lithuania. *Miscellanea Historico-Iuridica*, 21(2), 335–366. <https://doi.org/10.15290/mhi.2022.21.02.15>
- Tang, K. -I. (2003). Combating Racial Discrimination: The Effectiveness of an International Legal Regime. *British Journal of Social Work*, 33(1), 17–29. <https://doi.org/10.1093/bjsw/33.1.17>
- Ummah, N., Najeh, M., & Tongat, T. (2021). Transgender in Indonesia According to The Legal, Health and Culture Perspective. *Proceedings of the 3rd International Conference on Indonesian Legal Studies, ICILS 2020, July 1st 2020, Semarang, Indonesia*. <https://doi.org/10.4108/eai.1-7-2020.2303651>
- Vargas, S. M., Huey, S. J., & Miranda, J. (2020). A Critical Review of Current Evidence on Multiple Types of Discrimination and Mental Health. *American Journal of Orthopsychiatry*, 90(3), 374–390. <https://doi.org/10.1037/ort0000441>
- Venediktov, S. (2020). Towards The Issue on Ratification of The ILO Violence and Harassment Convention No. 190 by Ukraine. Bulletin of Taras Shevchenko National University of Kyiv. *Legal*



- Studies*, 115, 13–16. <https://doi.org/10.17721/1728-2195/2020/5.115-3>
- Wasisto, M. A. (2023). Discriminative Policy of The Prohibition To Hold Land Ownership For Chinese -Indonesian In Yogyakarta. *PARAPOLITIKA: Journal of Politics and Democracy Studies*, 4(2), 187–200. <https://doi.org/10.33822/jpds.v4i2.6249>
- Waughray, A. (2010). Caste Discrimination and Minority Rights: The Case of India's Dalits. *International Journal on Minority and Group Rights*, 17(2), 327–353. <https://doi.org/10.1163/157181110X495926>
- Welch, R. M. (2017). National Human Rights Institutions: Domestic Implementation of International Human Rights Law. *Journal of Human Rights*, 16(1), 96–116. <https://doi.org/10.1080/14754835.2015.1103166>
- Wenz, S. E., & Hoenig, K. (2020). Ethnic and social class discrimination in education: Experimental evidence from Germany. *Research in Social Stratification and Mobility*, 65, 100461. <https://doi.org/10.1016/j.rssm.2019.100461>
- Wiguna, T. M., & Yuspin, W. (2022). Globalization of National Culture and the Legal System: A Comparative Perspective of the Indonesian Legal System and the British Common Law System. *International Journal of Social Science Research and Review*, 5(10), 122–129. <https://doi.org/10.47814/ijssrr.v5i10.592>
- Winzer, M., & Mazurek, K. (2019). UN Convention on the Rights of Persons with Disabilities . A critique of Article 24 of the CRPD: Precedents, polarized paradigms, flawed contingencies. *World Studies in Education*, 20(2), 5–22. <https://doi.org/10.7459/wse/20.2.02>
- Wiratraman, H. P. (2021). Rasisme dan Penerapan Pasal Makar terhadap Kebebasan Ekspresi Politik Papua. *Undang: Jurnal Hukum*, 4(1), 49–80. <https://doi.org/10.22437/ujh.4.1.49-80>
- Xie, T. H., Ahuja, M., McCutcheon, V. V., & Bucholz, K. K. (2020). Associations between racial and socioeconomic discrimination and risk behaviors among African-American adolescents and young adults: a latent class analysis. *Social Psychiatry and Psychiatric Epidemiology*, 55(11), 1479–1489. <https://doi.org/10.1007/s00127-020-01884-y>