

RESISTANCE FORGES AHEAD IN THE FACE OF STORM OF THREATS

2020 Situation Report of Environmental Human
Rights Defenders



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Foreword

After 2019, the Environmental Human Rights Defenders went through a year full of distress that was full of conflicts of economic interest in the environmental sector altogether the simultaneous general election was followed by a conflict amid two supporters of the presidential candidate between the Jokowi-Ma'ruf and Prabowo-Sandi, in general, the work of environmental human rights defenders has not changed for the better. On the other hand, the environmental human rights defenders faced extraordinary concerns after the government and the house of representatives (DPR) agreed to accelerate the regulatory process related to the Job Creation Bill (Ciptaker) and the revision of the Mineral and Coal Law (Minerba). In relation to this, news about attacks and threats against the environmental Human Rights Defenders is increasing and spreading to various regions in the country.

The efforts of the environmental human rights defenders to confine the regulatory process have triggered an enormous escalation of the civil movement. The movement includes various community groups, including workers, NGOs, students, fishermen, rural and urban communities. In ELSAM's view, this resistance is a breath of fresh air for democracy and a struggle for the sovereignty of natural resources that needs to be supported and strengthened by all parties, although, the Environmental Human Rights Defenders and civil society are relatively vulnerable from various repression and threats from various parties.

Evidently, the weak protection of environmental human rights defenders and many loopholes for perpetrators to spread threats led to a significant increase in the number of cases throughout 2020 compared to 2019. For example, in the case of Pak Manre, a fisherman on Kodingareng Island, Lompopo Makassar, balked at the sand mining activities of PT Boskalis due to the bad impact to the environment. His action has been reported to the police with the accused case as tearing paper money (allegedly bribes). This case shows that the Environmental Human Rights Defenders in the certain level and condition often experience the illogical and improper situations.

From the beginning, ELSAM had projected that the revision of the Minerba Law and the Job Creation Bill (Ciptaker) would become controversial regulatory projects. ELSAM assesses that both in substance and in the preparation process, it tends to be exclusive and does not heed the interests of the people, so that it has the potential to burden the environment and the people in general. Through this report, ELSAM will attempt to summarize case descriptions and views of various political economy factors that affect the vulnerability of the environmental human rights defenders' work throughout 2020.

Considering the problems and dynamics of the political economy above, this report "The Race of Resistance in the Midst of Threats" is written. Through this report, ELSAM not only presents the latest data related to violence and threats against the Environmental Human Rights Defenders in 2020. ELSAM also completes this report with an analysis of trends and the political economy context that draws violence and threats against the environmental Human Rights Defenders. In the end, through this report, ELSAM hopes that this small contribution can provide a roadmap for protection of the environmental human rights defenders, environmental justice and sovereignty, and the fulfillment of human rights.

Happy Reading !

Jakarta, 31 Maret 2021

Wahyudi Djafar
Direktur Eksekutif ELSAM

Resistance forges ahead in the face of storm of threats

I. Introduction

Since being re-elected as President of the Republic of Indonesia for the second term in 2019, Joko Widodo remains shadowed by various problems: environmental, natural resources and human rights. The economic dependence on extractive industries and primary commodity exports is considered to be a factor in the accelerating environmental damage and the climate crisis (Greenpeace, March 21, 2021).

On the other hand, efforts of the civil society in encouraging the government to improve the quality of the economy and governance in the natural resource sector is increasingly constrained by increasing threats and acts of violence, whether coming from the state or the private sector. This has the implication in the decline in the quality of democracy in Indonesia; The Economist Intelligence Unit (EIU) placing Indonesia in the 64th place with a score of 6.3, the lowest in 14 years, in the 2020 Democracy Index Report (Democracy Index, 2020).¹

In the policy context, the Government together with the DPR in fact actually accelerated the discussion and enactment of a number of legislations that further facilitate oligarchic interests and with the potential of eroding guarantees of protection of human rights and the potential of damaging the environment and natural resources, such as the revision of Law Number 4 of 2009 concerning Mineral and Coal Mining into Law No. 3 of 2020 (Minerals and Coal Mining Law) and the enactment of Law Number 11 of 2020 concerning Job Creation (Job Creation Law), or also known as the Omnibus Law and all its derivative regulations. The creation of these policies has the potential of legitimizing acts of violence in various forms against community groups who are fighting for their rights, as well as human rights defenders accompanying them.

According to Herlambang P. Wiratraman, the Job Creation Law is nothing but a *draconian law* or a law with a repressive nature, that only benefits the lawmakers (The Conversation, November 3, 2020).² Hence it is

¹ The Economist Intelligence Unit's *Democracy Index* provides a brief overview of the state of democracy around the world in 165 independent countries and two territories. It includes almost the entire world population and most major world states (excluding micro-states). The Democracy Index is based on five categories: election process and pluralism, government functions, political participation, political culture, and civil liberties. Based on its score on the various indicators in this category, each country is then classified as one of four types of regimes: "full democracy", "flawed democracy", "hybrid regime" or "authoritarian regime".

² The Job Creation Law constitutes a *draconian law*, which is a law that is perceived more as repression, exclusion of rights, and biased towards the power of the legislators, expected to exacerbate efforts to protect environmental defenders.

not surprising that the government's actions succeeded in triggering a “motion of no confidence” among the people, who are struggling to face the threat of the Covid-19 pandemic and a multidimensional crisis.

However, 2020 presented new, better possibilities for social movements and the struggle for environmental human rights in Indonesia. This hope comes from the increasing solidarity and participation of the people and environmental human rights defenders. This assumption is based on the increasingly wide distribution of community advocacy acts against the entry of capital, which result in the erosion of environmental sustainability. This also comes with disappointment and anger — resulting from the significantly increasing number of cases and victims of human rights violations against environmental human rights defenders in comparison to that in 2019.

Not much different from what we encountered in the first quarter of 2020, throughout the year, the situation of environmental human rights defenders is still influenced by three factors, namely: *first*, the increasing trend of violence and threats to environmental human rights defenders, especially those committed and/or related to corporate actors. *Second*, the emergence of the Covid-19 pandemic, and *third*, the maneuvers of Indonesia's political elites in passing the Job Creation Law and the Minerals and Coal Mining Law (Ahsinin, Fahriza, and Rosyidi 2020).

These three factors mutually influence each other, constituting the context in which the work of environmental human rights defenders must be observed, including without exception all elements of society involved in various direct actions. However, in this report, we try to highlight two things, *first*, how the formulation of regulatory policies as part of the political economy movement can escalate popular resistance in various locations, and *second*, the significantly increasing number of cases of human rights violations against the environment compared to that in 2019.

As has been noted in the two previous quarterly reports showing evidence that the Covid-19 pandemic is totally unable to prevent actors who are implicated in human rights violations against the environment from continuing to carry out acts of violence and threats to environmental human rights defenders, this report will not discuss about the impacts of the pandemic in the following chapters.

This report also complements ELSAM's notes in the two previous reports on the situation of environmental human rights defenders related to how the creation of two regulations related to the environment, namely the Minerals and Coal Mining Law and the Job Creation Law, has become one of the political economy factors in 2020 marking the pace of market expansion and the reason for the various political strategies of the inner elite in welcoming the penetration of capital, which then encourages the occurrence of environmental human rights violations that accompany it (Tempo, October 5, 2019).

This report is the compilation of results of news media monitoring and reports from networks of organizations or activists in various regions related to violence against environmental human rights defenders throughout 2020. ELSAM conducted data collection via Google browser using 16 keywords. Data search is carried out on a monthly basis and all data related to agrarian conflicts, forestry, mining,

environment, and coastal areas are then archived. All data were then checked for involvement of environmental human rights defenders and corroborated with similar news reports (at least three) in trusted media or releases from credible civil society organizations (Ahsinin, Fahriza, and Rosyidi 2020). Some data with inadequate or doubtful information are further verified through interviews with actors/organizations assisting the case.

Through the Polanyian framework, the second part of this report will explore how the formulation of these regulations escalated popular resistance in various locations. The third part explains data on violence against environmental human rights defenders in 2020, emphasizing the emergence of victims from the ranks of activists in large numbers connected with the popular resistance in various locations. The fourth part will propose how the civil society movements working in advocating for environmental human rights defenders protection policies must embrace the existing material reality — on the stage of the movement, to have more intense dialogue with the broader movement group — either in terms of issues or strategies for creating a more contextual environmental human rights defenders protection framework. Finally, this article will close with an effort to project the trend of policies and situation of environmental human rights defenders in 2021.

II. Draconian Regulations and the Wave of Resistance

In the report on the situation of environmental human rights defenders for 2019, ELSAM reminded about the risk of incoming dangerous years for environmental human rights defenders amidst the efforts of the Indonesian Government to accelerate capital flow and investment, especially in rural areas, through restructuring of policies and laws (ELSAM 2019: 38). This warning is precisely confirmed by the data presented in this report (see the table comparing the situation data on human rights defenders for 2019 and 2020 in Chapter 4). What was unanticipated in the report on the situation of environmental human rights defenders in 2019 was that the precarious situation in 2020 also contributed to a large wave of resistance focused on one specific issue: the environment and natural resource sovereignty.

In the context of struggles on environmental issues and natural resource sovereignty, perhaps it is not an exaggeration to say that 2020 is a most volatile year and unequaled in recent years. Sporadic resistance actions have emerged since this year with an issue that has been discussed by many: the Omnibus Law (Djumaena, January 20, 2020).

Of course, the Omnibus Law is not the only political step in the Indonesian Government's legislation process that has sparked a strong response from the society at large. In the cluster of bills related to the environment and natural resources, the Revision of the Minerals and Coal Mining Law also gave rise to a series of rejections and demonstrations in various places, with the bill being enacted on May 12, 2020 (CNN Indonesia, May 12, 2020). However, the Omnibus Law seems to provide a common issue on which to rally around, continuing to escalate the demands of the society into colossal protests in many locations in Indonesia.

The Job Creation Law,³ which was formulated using the omnibus law method, actually does not specifically talk about the environment or natural resources. As the name implies, since the beginning the bill was rolled out as a public discourse by the government in the early weeks of President Joko Widodo's second term, ostensibly aiming to combine many laws that are deemed to overlap with each other or impede the pace of development. The problem with the law is that the articles in the draft law were widely known by the public to contain many changes to the articles in the original bill relating to the ease of investment permits, vulnerability of labor conditions, and the threat of degradation of natural resources. (Deborah, October 5, 2020).

The existence of these problematic articles has led to sporadic actions, critical discussions, and public consolidation to reject this bill by many elements of social movements in Indonesia, including workers.⁴ The culmination of all these processes took place on October 8, 2020, the day the Indonesian Parliament ratified the bill to become the Job Creation Law. It was recorded that large demonstrations took place in 18 provinces in Indonesia on that day (BBC News Indonesia, October 9, 2020). However, the biggest spotlight came from the demonstration in Jakarta-because the demonstration on that day was marked by arson of several public facilities. This incident resulted in several government officials, including Coordinating Minister for the Economy, Airlangga Hartarto, claiming that there were unscrupulous elements behind the mass action (CNN Indonesia, October 10, 2020).

Airlangga's statement can be understood not only as a personal response by someone who happens to be a public official, a common excuse for officials in Indonesia when making wrongful public statements. The Indonesian government has indeed consistently responded to various acts of resistance, including demonstrations, to the Omnibus Law that has emerged throughout 2020 through various accusations that accuse and delegitimize the actions and demands of the demonstrators. President Joko Widodo himself is noted to be most influential in deflecting the Omnibus Law opponents, claiming that they were misled by erroneous information or hoaxes about the Job Creation Law (Idris, October 28, 2020).

Following arson incidents that took place in Jakarta on October 8, as well as riots in other places, the Indonesian National Police confidently mentioned the involvement of 'anarchist' groups in acts of violence that occurred during the demonstrations in rejection of the Job Creation Law. Some media reported about hundreds, even thousands of people, were arrested in anti-Omnibus Law actions throughout Indonesia, most of whom were accused of being part of anarchist groups (Adyatama, October 10, 2020; Maullana, October 9, 2020, October 8, 2020).

³ The language war between the government and opponents of the Job Creation Law tells an interesting story. While still in the form of a draft law, the Job Creation Law had the official name of the Employment (= *lapangan kerja*) Creation Bill. The name of the draft was then officially changed by the Government of Indonesia to Job (= *kerja*) Creation Bill (Krisiandi, February 14, 2020). The initial name of the Bill was made into an acronym by its opponents, *Cilaka*, meaning 'disastrous' Bill.

⁴ One of the recordings of demonstrations carried out by workers' groups can be seen on a website managed by a trade union (<https://buruh.co/tag/ruu-cilaka/>).

Unfortunately, the allegations, claims, and even the official police statement above seem dubious when referring to convincing data and analysis of the actions on October 8. A note about the demonstration against the Omnibus Law on October 8, 2020 from two locations, Jakarta and Semarang, appearing in an editorial of an alternative media, for example, denied allegations that the action led by workers and students carried an agenda of violence (Islam Bergerak Editorial, October 12, 2020). One national media conducted an in-depth analysis based on CCTV footage at busway stops in Jakarta which were burned down during the demonstration. While it did not draw any conclusions about who was the actor behind the arson, the analysis showed a discrepancy between the perpetrators shown by the security forces with the perpetrator caught by CCTV cameras at the bus stop (Narasi Newsroom 2020).

Proving or concluding who is responsible for acts of violence that occur in demonstrations against the Omnibus Law is not the purpose of this report. Nevertheless, some of the information above shows one thing that is directly related to what is the subject of the monitoring of this report: environmental human rights defenders.

Instrumentally, referring to the definition used in the UN document, environmental human rights defenders are recognized, among others, by recognizing the universality of Human Rights.⁵ Within this framework, for example, it is impossible to assign the category of Environmental Human Rights Defenders to individuals or groups who commit acts of violence in their work. The narrative that denies all claims about acts of violence initiated and/or carried out by sympathizers of the demonstration against the Job Creation Act, thus, opens up a wide space for their mention as part of environmental human rights defenders.⁶

Even further, the counter narrative shows a phenomenon that is important to observe in the greater scheme of things of the work of environmental human rights defenders throughout 2020, namely the emergence of a counter movement wave.

Polanyi defines the counter movement as a spontaneous reaction that cannot be avoided from the operation of economic liberalism and the creation of a market economy. This reality can be seen from how in many historical moments, the stakeholders and promoters of the market economy intervened to oppose the counter movement, through an intervention mechanism that does not change the "laissez faire" character of the exploiting system. Since it is a spontaneous reaction, the counter movement, therefore, cannot be simplified in a singular collectivist movement, as is often accused by the advocates of the market economy (Polanyi 2001, 156-57).

⁵ An overview of this issue can be seen in the earliest environmental human rights defenders situation report compiled by ELSAM (2018: Chapter I)

⁶ ELSAM, despite seeing the possibility of including anti-Ciptaker Law demonstrators in the environmental human rights defenders situation data, did not include all acts of violence against groups or individuals in the demonstrations as violence against human rights defenders, because of limitations of methodology and ability to verify all available data.

In detail, Polanyi explains the origins of the emergence of this counter movement through his elaboration of Robert Owen's thesis on the inevitability of a market economy in creating a massive, permanent enemy. According to Polanyi, fundamentally, production is nothing but a relationship between humans and nature. In a production process that is regulated through a self-regulatory mechanism, whether it be in a barter and exchange scheme, both humans and nature must become part of the mechanism; becoming commodities or goods that are produced for sale. Here, the problem of the market economy arises, because the process of commodification of man and nature ultimately has the goal of nullifying both. Moreover, putting humans into the production factors of the creation of a market economy always forces radical changes in the social relations that originally took place between humans and nature. (Polanyi 2001, 136-37; Gemici and Nair 2016).

Polanyi strings the process of eliminating the two factors of production (human and natural) that support the market economy with the term fictitious commodity. This term is related to, although given different emphases, how Karl Marx saw the labor movement in historical trajectories. Both refer to how labor and workers (humans) are treated like other commodities in the input of production, triggering anger and resistance. What distinguishes them is how the two read the commodification of work and man. While Marx puts his analysis on what is "hidden in the production process" to see how the process of commodification contributes to increasing the degree of labor exploitation which ultimately conditions a resistance movement, Polanyi put his analysis on a spectrum outside the production process of capitalism, namely in the process of creating and expanding markets, which have an impact on the availability of labor. For Polanyi, although labor, land and money have vital functions in the production process, these three are not really commodities that can be produced. Moreover, the existence of work and land is directly related to human existence and nature. Including both into factors of production put people and nature, and the relations of both, under the subordination of the market (Silver 2003, 16-17; Gemici and Nair 2016, 584).

This subordination of the social relations of man and nature, another term for the separation of economic questions from society, is the imaginary fiction of the proponents of a market economy, which has long proved unsuccessful. However, the proponents of this economic system have always argued that the failure of the market economy system in human history (including the failure of the construction of the market system of the USSR) is outside the conceptual framework, or simply because of the fault of its operators. However, Polanyi offered one opinion that goes beyond the debate about the failure or success of the market economy in extracting economy from society's problems without creating disaster. In Polanyi's view, the fundamental problem of the market economy is not the extent to which the economic system is inherently destructive of mankind, but first of all, how the economic system conditions the emergence of what he called a double movement-the movement of ideological backers of laissez-faire to expand the market, and a counter-movement aimed at stemming efforts to remove economic problems from society (Block in Polanyi 2001, xxvii-xxviii).⁷ Through the formulation of this double movement, Polanyi seems to

⁷ In principle, according to Polanyi, these two movements are divided based on two aspects. The first is based on liberal economic principles, which pretend to perpetuate the market through institutionalization and self-regulatory market development by using laissez-faire as an ideology. Second, based on the principle

be stating that the market economy system, from the beginning, has never been accepted by society itself, long before it has proven to be catastrophic or not, and thus the existence of this economic system conditions an endless war process.

Polanyi even stated that the dynamics of modern society since the emergence of the market economy were determined by multiple movements. Counter movements, historically, have always corrected every movement that supports market expansion. Because of its nature that always accompanies market expansion movements, counter movements, in Polanyi's language, "is more than just a public self-defense mechanism in response to change; it is a reaction to the dislocation that attacks the fabric of society and destroys their buildings of production" (Polanyi 2001, 136). Polanyi's emphasis on society as an exponent of the counter movement is important to observe, because even though he agrees with the instrumental role of labor⁸ in the emergence of the counter movement, Polanyi saw an opportunity for other actors to initiate a counter movement because after all, the labor and the wider community are connected by various interests that intersect in front of the power of the market (Polanyi 2001, xxviii) (Block in Polanyi 2001, xxviii and Polanyi, 243-44).

Polanyi's explanation of the actors who compose the counter movement, as well as his explanation of the origins of the counter movement via fictitious commodities, is not without flaws. Polanyian analysis has a gap that makes it possible to see the power as a factor that is also important in the process of the emergence of the anti-market economy.⁹ Nevertheless, as Silver (2003, 17-18) notes, this analysis can at least be used as a pendulum of social movements. Silver's thesis regarding Polanyian analysis as a pendulum of social movement can be seen from the history of the emergence of the global environmental movement.

Levien and Paret (2012, 732), in their analysis of the dataset from the World Values Survey for 1990-2021, found that the 1990's marked the beginning of the emergence of a counter movement as the deepening of the instrumentalisation of market economies around the world. Although not basing themselves on the actual records of emerging social movements, only measuring the persistence of the counter movement, the findings of Levien and Paret show two important things, 1) that public ownership and social security

of protection which aims to protect humans and nature by safeguarding subjects that are potentially eliminated by the market, including by using legislation that safeguards these objectives. (Polanyi 2001, 138-39).

⁸ An important note regarding the Polanyian argument regarding the involvement of workers in the counter movement is given by Burawoy (2014, 4), which emphasizes that first of all the involvement of workers in this counter movement is not related to the daily exploitation that is borne in the relations of production of capitalism, but more because of the demands for protection, both for the group of workers and the labor it sells during the production process, from the commodification carried out by the market. The position of workers here is side by side with other groups of society in opposing the market.

⁹ Marxist scholars, particularly analytical Marxists, have contributed a lot to studies explaining why in one context the labor movement can have a strong bargaining position, while in another it is nothing but conditioned through the power of active actors/groups in the movement. Wright, for example, identified workplaces that affect working conditions as a key factor in the consolidation of the labor movement. See Wright, 2010.

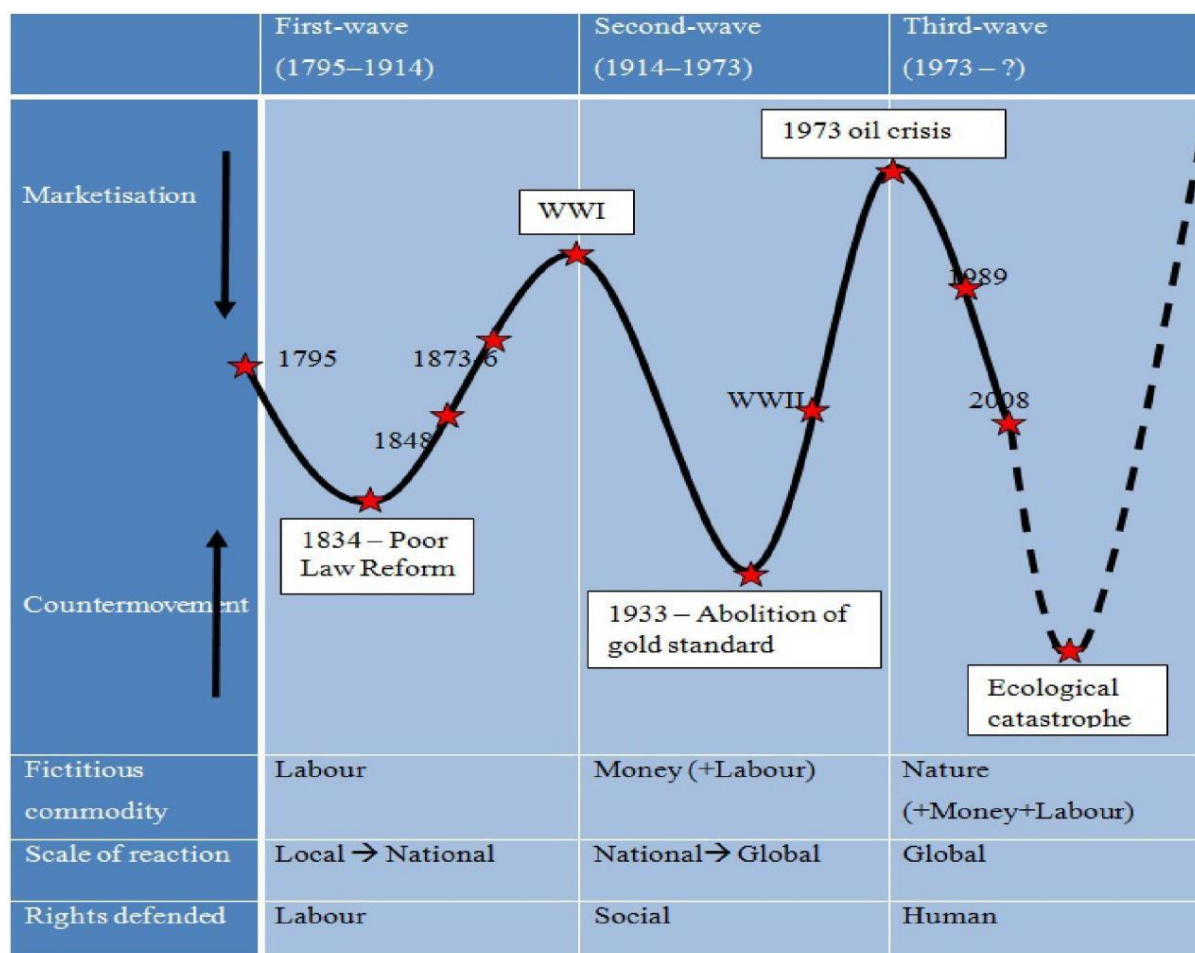
are the main demands voiced against the operation of a market economy, 2) that the movement is far from uniform, especially from the composition of the actors. In the same article, Levien and Paret state that the latent counter movements that emerged in their findings are dominated by women and low income groups (Levien and Paret 2012, 726, 2012, 741)

Gemici and Nair (2016, 584) provide a more empirical picture that corroborates Levien and Paret. They emphasized that in the context of political dynamics in the southern hemisphere (Global South), much resistance against the market economy emerged through protests against the exploitation of natural resources, land grabbing, and environmental damage, which are considered to be damaging the social, economic and political structures within the local community. This includes protests over mining and oil exploration.

Gemici and Nair's findings above are not new. Born as part of a new social movement driven by the student movement in the late 60s, the environmental movement has long been recognized as having the longest lasting political influence and developing significantly both in terms of organizing and influencing policy makers (Rootes 1999, 1). The resilience of the environmental movement is indeed directly affected by economic development. Burawoy (2014, 5) identifies three waves of changes in the market economy. This periodization is interesting because it presents the influence of the development of the market economy on the scale of the counter movements that correspond to it. An important note given by Burawoy is that the third period of market economy presents its own uniqueness, especially in its close association with the problems of environmental degradation and ecological disasters, which are deeply affected by the expansion and production of capitalism. It is the derived impact of the production of capitalism, on an increasingly globalized scale, which damages the environment and the ecology that makes the anti-capitalist movement in the third market economy period develop with a more diverse range of actors - something closer to the Polanyian definition of a counter movement.¹⁰

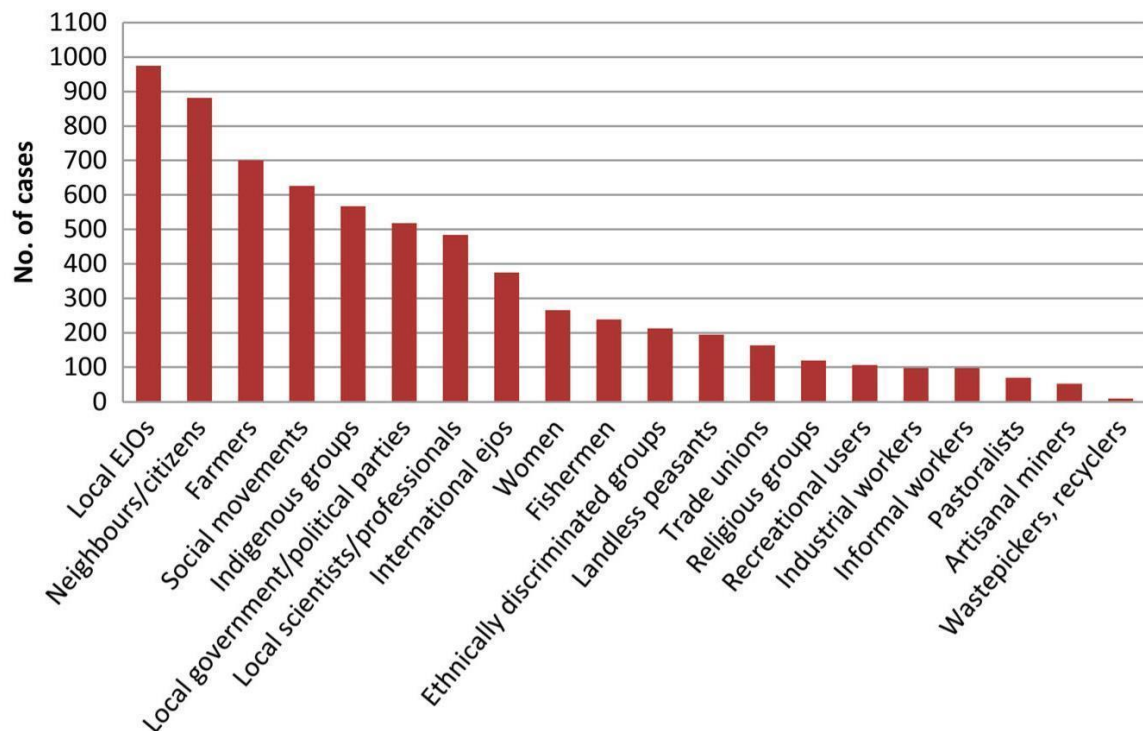
¹⁰ Through this categorization of the market economy, Burawoy is highlighting the importance of considering the Polanyian analysis, in addition to the Marxian analysis, in dissecting the problem of capitalism, especially in a specific context: the construction of an alternative political movement bloc. (See also Levien and Paret, 2012, p. 725)

Table: Three Waves of Economic Marketization (Burawoy 2014: 6)



Martinez-Alier et al's (2016) study of data on environmental movements over the last few decades in The Environmental Justice Atlas shows how the global capitalist-economic structure in the market economic system affects global environmental movements. According to Martinez-Alier et al., these data show that the majority of environmental and natural resource conflicts are related to global corporate operations, especially in areas where the extractive sector and core sectors supporting social metabolism such as land, mining, oil, water management (particularly dams) are located. Even so, it does not mean that global environmental movements are only concentrated in rural areas, because data show that the distribution of movements occurs among rural and rural-urban or rural-urban areas (5-6). In the same article, reaffirming the previously mentioned formulation by Burawoy, Martinez-Alier et al. also point out the high level of diversity, not only of actors, but also of strategy, in the environmental movement.

Table: Actors involved in the global environmental movement (Martinez-Alier et al. 2016, 6)



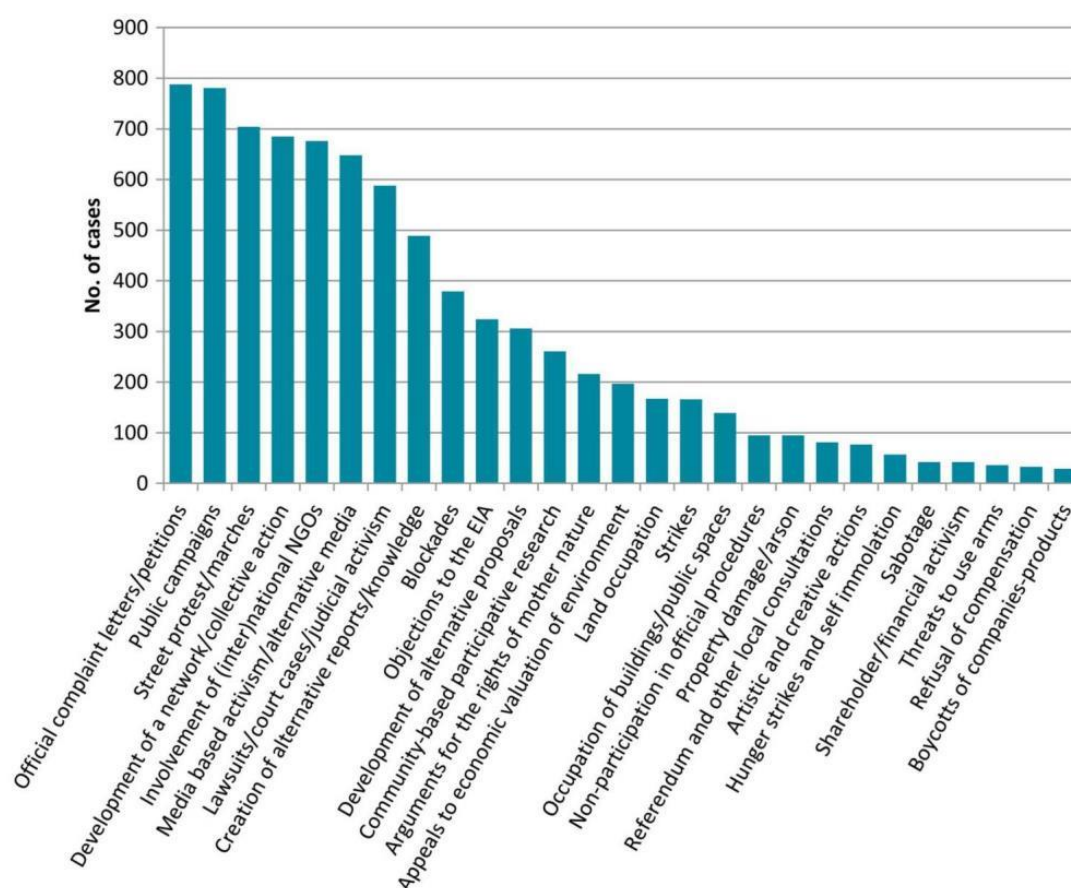
Referring to the explanation of how counter movements and dual movements are theoretically formulated, as well as how the concept is contextualized through studies of social movements, especially after the institutionalization of the market economy in the 70s, it is clear that demonstrations taking place simultaneously in various regions in Indonesia in 2020 are part of a similar movement. Because they are part of a counter movement, the emergence of these actions cannot be separated from the rise of environmental issues that bridge the diversity of issues on the stage of the global movement. In a shorter timeline, the increase in environmental issues can be seen, for example, from the attention of the global public that has been manifested in major actions that have occurred in the last 5 years, including protests at the G-20 meeting in Germany in July 2017, simultaneous actions all over the world initiated by Greta Thunberg,¹¹ until the very latest and perhaps the largest, farmer demonstrations in India involving about 250 million participants (Pahwa, December 10, 2020).

¹¹ This action was started by Thunberg at the end of 2018 (Crouch, September 1, 2018), before transforming into a major action under the umbrella of the *Fridays for Future* movement. According to the official website (<https://fridaysforfuture.org/>), at the time of writing, the action has more than 14 million participants worldwide.

Of all the actions mentioned above, what are most interesting, and at the same time having the strongest relevance to actions in Indonesia with their environmental and ecological demands, including demonstrations against the Omnibus Law, are the demonstrations against the G-20 in Hamburg. This action is widely misperceived globally, especially by the media in the United States (such as The New York Times, July 6, 2017), as an act of terror, or simply a protest against Trump (See BBC News, July 7, 2017 for an explanation) Such a perception is similar to that of the anti-Omnibus Law demonstration on October 8, 2020. The difference is that the misinformation in the October demonstrations, first of all, came directly from the Government of Indonesia as the target of opposition in the demonstration.

What should be underlined regarding massive demonstrations such as in Hamburg and in Jakarta in October 2020, as well as other actions in counter movements around the world, as already mentioned in the opening section of Chapter II, is how to see them in the perspective of environmental human rights defenders. Apart from the variety of actors involved in counter movements, what needs to be seen is the variety of actions chosen by these actors. In mapping counter movements based on the EJ Atlas dataset, Martinez-Alier et al. (2016) show the diversity of actions chosen, of which some are perceived as violent acts both publicly and theoretically.

Table: Preferred modes of protest by counter movement communities around the world
(Martinez-Alier et al. 2016, 8)



The mapping done by Martinez-Alier above, however, fails to address the question of how violence initially appears in a counter movement.

This report is not in the capacity to elaborate on the root causes of violence in every protest action, especially in protests containing environmental and ecological issues. However, through the description of counter movements and all possible options for action, some of which may include the choice of violent action, ELSAM is of the opinion that any attempt to map the situation of human rights defenders, wherever it may be, will eventually find its own limitations.¹² In the end, it must be admitted, that efforts to map to what extent human rights defenders are affected by the backlash from both state and non-state actors are far from precise.

III. The Situation of Environmental Human Rights Defenders in 2020

In this chapter, ELSAM will present descriptions of the situation of environmental human rights defenders, arranged according to two timelines: the third quarter of 2020, and 2020. The description for 2020 recapitulates data from two previous ELSAM reports on the situation of environmental human rights defenders in the first and second quarters, with the addition of data from the third quarter report.

An important thing that must be stated in this report is that there were changes to the data on the situation of environmental human rights defenders in the second quarter of 2020, found during a review in the 2020 data recapitulation process, as can be seen in the following table:

No	Data changes	Reason for change
1	The land grabbing case in Pasiraji, Cikarang Baru, West Java has been taken out of analysis. This reduces the number of victims from the community category	Cannot find valid comparison data
2	In the case of eviction of farmers from agricultural lands in Hambalang, West Java, the number of victims has been corrected from 18 to 19, raising the number of victims from the individuals and groups category	Data calculation error

¹² It is important to note here that by definition, there are different views on violence in the various exponents that make up the counter movement. Anarchist groups, for example, as reviewed by Graeber (2002) have undergone a significant transformation since the 1980s. This change, as Graeber notes, adopted a spirit of non-violence at the strategic level to gain broader sympathy. Nonetheless, within the framework of human rights, it is still likely that these strategic choices are still considered to be the opposition to the definition of nonviolence, both theoretically and in a public perspective.

No	Data changes	Reason for change
3	Removal of data from the eviction case in Pubabu, East Nusa Tenggara, reducing the number of victims from the indigenous category	Double counting of data
4	The number of victims identified as students has been corrected from 15 to 16.	Data calculation error
5	The number of victims identified as indigenous has been corrected from 16 to 17.	Data calculation error

Overall, the changes in the data above led to an increase in the number of individual victims by 3 persons and a reduction in the number of group victims by 2 groups.

a. Quarter III Data and Special Notes

Throughout the third quarter of 2020, there were 10 cases of violence that occurred in 7 provinces, namely North Sumatra (2), Jambi (1), Bengkulu (1), West Java (1), East Nusa Tenggara (1) South Sulawesi (3) and Papua (1). The cases caused 51 individuals and 10 groups of environmental human rights defenders to become victims, of which all of the individual victims were men. Students make up the majority of individual victims, namely 29 persons, followed by activists (9), fishermen (7), and farmers (1), while for groups, communities make up the largest group (6 groups) followed by indigenous people (4 groups).

Overall, in the third quarter of 2020, environmental human rights defenders experienced 10 acts of violence. Intimidation is the most common action against environmental human rights defenders, with 4 actions, followed by arrests (3 actions), land grabbing (2 actions) and physical assault (1 action).

The above actions involved 8 state actors and 4 non-state actors. The state actor committing the most acts of violence is the **police** with 6 actors. **Satpol PP** and **TNI** carried out one act of violence each. **Corporations** are the non-state actors who commit the most acts of violence, with 3 actors. There is another non-state actor classified as **other**.

Judging from the data above, it can be said that in general, the vulnerability of human rights defenders to the environment in the third quarter showed a decrease compared to the two previous quarters. This decline can be seen from the number of cases, victims, actors, and actions. However, in this period the number of groups as victims experienced a relatively sharp increase from before.

Comparison of Data on the Situation of Human Rights Defenders in Each Quarter of 2020

Data on the Situation of Human Rights Defenders	Number of cases			Individual victims			Group victims			Actors (state and non-state)			Actions		
Quarter	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	22	28	10	68	59	51	5	6	10	55	44	12	24	31	10

In addition to the declining trend in the level of vulnerability of environmental human rights defenders, during this period ELSAM noted three specific details related to the overall data. These details relate to the limitations of the case recording system and the background of the cases that emerged in the third quarter of 2020.

First, in the case of the land conflict in Besipae, NTT, the actors consisted of multiple actors. Data obtained by ELSAM from various publications stated that the number of security personnel involved in the conflict was as many as 200. ELSAM records do not include joint personnel into the categorization, so in this report it is recorded as actions committed by 3 actors, namely the Police, TNI and Satpol PP with the number of actor being one for each group, taking into account the limitations in the ability of the authors of this report to verify how many personnel were actually involved in acts of violence.

Second, activists and students as the largest group of environmental human rights defenders who become victims. Cumulatively, activists and students as individuals make up the largest proportion of individual victims, with 29 students and 8 activists out of a total of 51 victims. What should be underlined is not only the significant increase in the number of students and activists as victims,¹³ but also the incidents or cases that became the origin of their involvement. All 37 students and activists who became victims in the third quarter were involved in the massive action that took place on Farmers Day, on September 24, 2020 in two different locations: Bengkulu and Makassar. It should also be mentioned that during the observance of Farmers Day in Makassar, 7 fishermen were also arrested in the same location, on Kodingareng Island. It is important to note that the conflict, triggered by the sea sand mining activities carried out by PT Boskalis, was the zenith of a conflict that has escalated since the previous quarter. The Farmers Day demonstrations, which resulted in the arrest of 29 students, also included demands for the termination of mining activities.

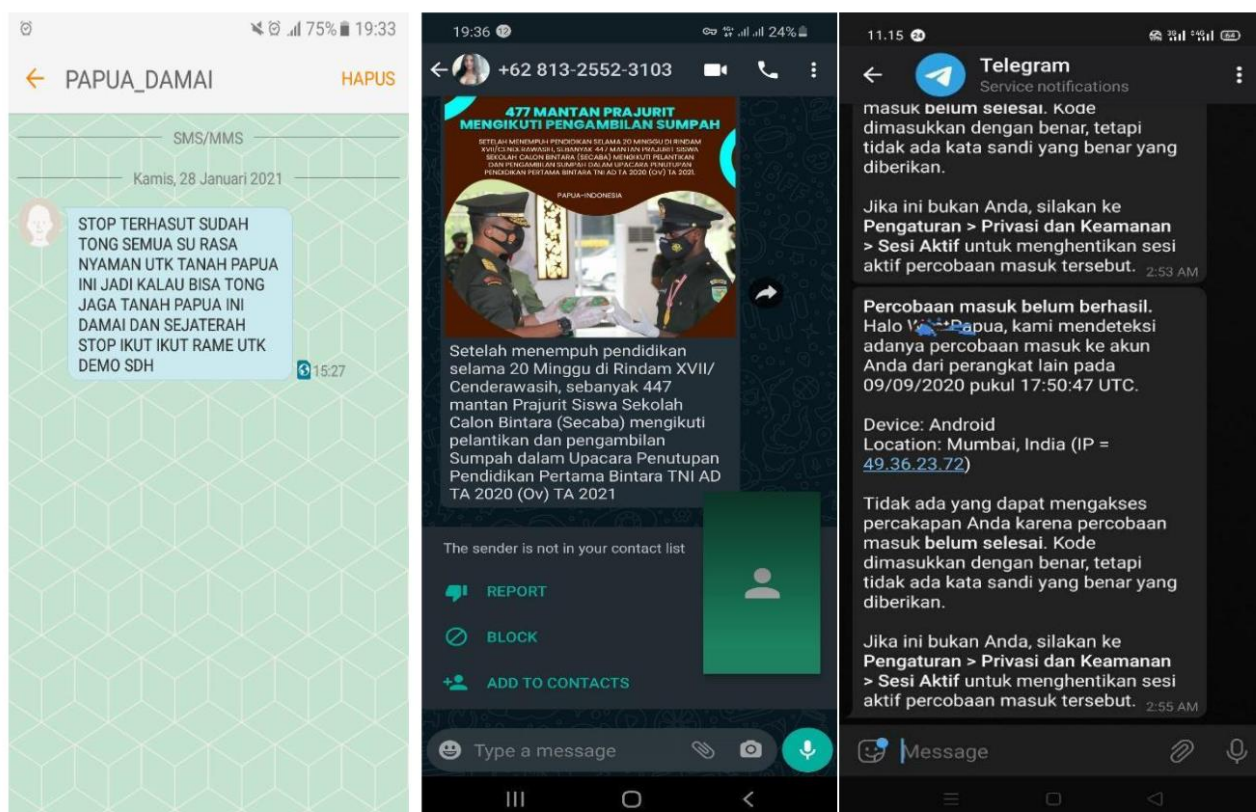
The last is intimidation of an NGO staff in Jayapura, Papua, through the digital platform. The staff received intimidation in the midst of their intensive work in campaigning against the food estate project in Papua and assisting residents evicted by the opening of oil palm plantations in the Jayapura Regency area. The intimidation was in the form of an attempt to hack their Telegram account. Every day, the staff uses two

¹³ This figure is especially striking when compared to the cumulative number of victims included in the two categories in 2019, i.e. 7 persons.

cellphones, one of which does not have an internet connection and is used mainly for social media verification. When the hack occurred, there was an attempt to verify a login on their unconnected cellphone. Based on their statement to ELSAM, since their activity in digital campaigns that led to the hacking, the staff has also frequently received messages in support of special autonomy, either through cell phone messages or WhatsApp conversations.

In addition to the digital attack on the NGO staff in Jayapura, at almost the same time there has been a physical attack on another staff of the same NGO. The human rights defender was hit in their neck on their way home from work. This case has been reported to the Abepura Police. According to police information, it was carried out by a trained person, although the motive was not known. It should be noted that this case occurred in the midst of an incessant campaign by the NGO where the victim worked, advocating against the oil palm plantations and the special autonomy. This case is also considered as an anomaly because the victim was not an indigenous Papuan (OAP) - most violent attacks on activists in Papua happened to OAP. However, further investigation is needed on the relationship between this attack and the victim's activities as an environmental human rights defender. ELSAM was unable to find further information because the victim was not willing to be interviewed for unstated reasons.

Evidence of hacking attempts and special autonomy campaign messages



b. Overview of the Situation of Environmental Human Rights Defenders in 2020

Through the verification process, as mentioned in the opening of this chapter, ELSAM has obtained an overview of the situation of environmental human rights defenders throughout 2020. Overall, ELSAM noted that there were 60 cases of violence against environmental human rights defenders in that year. These cases have resulted in 178 individual victims and 21 group victims, caused by 108 perpetrators.

The cases of violence that occurred in 2020 can be described based on time and location. March is the month in which violence against environmental human rights defenders occurs most often, with 8 cases, while November is the only month in which no cases of violence against environmental human rights defenders occur. Based on the location of the incident, cases of violence against environmental human rights defenders were identified in 18 provinces, of which South Sulawesi was the province with the most cases with 13.

The number of individual and group victims in 2020 can be identified based on several categories. Based on their individual categorization, the largest number of victims in 2020 were indigenous persons (69 victims) while the fewest were journalists (2 victims). Communities, as a group, make up the group most victimized by acts of violence in 2020, with 12 groups becoming victims, while the remaining 9 groups were indigenous peoples.

In terms of the number of perpetrators, identification based on state and non-state actors shows that the majority of violent acts are committed by state actors, with 72, while 36 non-state actors were involved in cases of violence throughout 2020. Among the state actors, police committed most of the violence, with 60, and among the non-state actors, corporations committed most of the violence, with 28.

The total number of actions committed by all actors is 65, with arrests being the most common, with 20 actions. In 2020, there were 2 murder cases, both of which occurred in the second quarter.

IV. The Dynamics, Complexity of EHRD Roles and Actions: The Challenge of Advocacy

Data on the situation of environmental human rights defenders in 2020 as presented in Chapter III bring an overview of the increase in the level of vulnerability of environmental human rights defenders in a quantitative way compared to 2019. This increase is especially striking in the number of cases, victims, and actors that have emerged. While the number of groups who became victims in 2020 decreased by more than half, cumulatively the number of victims experienced a significant increase (21 victims).

Table: Comparison of Data on the Situation of Human Rights Defenders, 2019 and 2020

Data on the Situation of Human Rights Defenders	Number of cases		Individual victims		Group victims		Actors (state and non-state)	
	2019	2020	2019	2020	2019	2020	2019	2020
	27	60	128	178	50	21	39	108

It is important to note that the significant increase in the number of victims does not lead to a higher diversity in the identities of victims. In fact, compared to 2019, in 2020 there were only 6 categories of victims compared to 8 in 2019.

Table: Comparison of Victim Categories, 2019 and 2020

2019		2020	
Identity	# of victims	Identity	# of victims
Farmer	32	Farmer	40
Indigenous people	12	Indigenous people	69
Village apparatus	1	Fishermen	11
Student	4	Student	45
Activist	3	Activist	11
Academic	1	Journalist	2
Children	4		
Not identified	71		

As can be seen in the table above, in 2020 there was a sharp increase in victims hailing from rural areas, as many as 75. Additionally, 8 of the 11 activists experienced violence alongside farmers. Referring to this figure, it is clear that rural areas are the main stage in the struggle for environmental human rights defenders.

Yet, ELSAM admits that such a conclusion emerging from the above data is equally likely to be inaccurate, considering the wider context of environmental human rights defenders' struggle. As discussed in Chapter 2, the main background of the struggle of environmental human rights defenders in 2020 is opposing the exploitative regulations passed in the year. Observing the counter movement emerging in that year, there is no doubt that the main stage in the struggle of environmental human rights defenders in 2020 was found in urban areas, where major protests are held. However, the methodological limitation in this report is unable to comprehensively record the dynamics that occurred in these actions. Narratives about the strategy of violence carried out by some of the demonstrators are among the aspects that hindered the recording of these actions as being carried out by environmental human rights defenders.

Another important thing that needs to be observed in this report is the process of emergence of protest actions in rural areas. ELSAM holds the opinion that the victimization of *Pak Manre*, for example, who was criminalized for allegedly tearing banknotes is a repeat of the model of resistance carried out by ordinary people: farmers, indigenous peoples, fishermen, which can occur spontaneously, sporadically, and in units that are difficult to predict. Moreover, such resistance, in fact occurs on a daily level following the intensity of the oppression that befell them. The narrative report on the situation of environmental human rights defenders in three areas written by ELSAM (2018) even shows that at certain times these protests can turn into acts of sabotage or physical resistance.

Beyond the question of the validity of acts of sabotage or physical resistance within the framework of the struggle for environmental human rights defenders, ELSAM is of the opinion that a more specific observation on protest actions in rural areas, as done by *Pak Manre*, is required to see how such protests are conditioned by specific circumstances. Scott (1976) in his seminal work on the roots of peasant protest in Southeast Asia sees the importance of looking at the subsistence ethic in peasant societies. According to Scott, this ethic is a consequence of the life of a pre-capitalist society, always lying on the fence of success or failure of crops in fulfilling their daily lives (p. 2).

Scott argues that the subsistence ethic can be seen further in the economic practices and social interactions in which peasant communities share risks both in their production processes and in the face of threats to larger powers outside them, including landlords. This is formulated theoretically by Scott as the peasant economic morale, which if disturbed, will condition the emergence of protests from the peasant community. Scott notes that this moral disruption in the way of life of the peasant community cannot only be framed as an attack on the source of life, but also their rights to livelihood. In the historical trajectory of peasant communities in Southeast Asia, Scott identifies two main things that radically destroy the pattern of social security and destroy the economic morale of the subsistence ethic. These two things are the implementation of forced cultivation and the development of a modern state under the banner of

colonialism. These two things transform land and labor into commodities, which ultimately make the peasant community lose control over land and its subsistence economic resources (pp. 6-7).

An alternative opinion about how the emergence of protests in Southeast Asia in general originated is proposed by Adas (1980) by taking a critical position on the Scottian argument which was considered too limited to the peasants' way of life and worldview. For Adas, the moral thesis of the peasant economy presupposes a homogeneous rural community structure that adheres to a subsistence economy, which is then shattered through taxes and food availability due to the entry of external forces, namely European colonialism. This assumption is wrong not only because it has been convincingly refuted by many empirical studies, but also ignores relations in pre-colonial structures in rural Southeast Asia such as the kingdom, local elites, including landlord-cultivator relations, which actually dampen "protests" in a structure full of inequality. Instead of emphasizing the economic morale aspect, Adas suggests paying more attention to the socio-economic, technological, and organizational transformation aspects of external forces that disrupt the old rural structure. According to Adas, it is this transformational change in rural structure that in many cases in Southeast Asia conditions the emergence of peasant protests (pp. 527 and 538).

Despite taking a different position on the origins of protests among farming communities, Adas shares with Scott the idea about transformational changes within the peasant community that condition the emergence of protests. ELSAM is of the opinion that, in the context of working to protect environmental human rights defenders in Indonesia, the two analyzes described by Scott and Adas can be used to unravel the complexity of the roles and actions taken, not only by environmental human rights defenders, but also anyone who cannot be classified as environmental human rights defenders, but has involvement, rights, and commitments in the struggle to realize ecological and environmental sovereignty. A more comprehensive description of the complexity of the roles and actions of environmental defenders (human rights defenders or not), in the end, requires theoretical work that is supported by broader and in-depth empirical observations about the extent of the formulation of environmental human rights defenders and to what extent they can be defined through their work in the struggle.

Moreover, we are of the opinion that the work of protecting environmental human rights defenders in the future must take into account more carefully the comprehensive protection model for anyone who struggles against every attempt of deprivation and oppression that threatens ecological and environmental sovereignty. Apart from being an effort to place the work of protecting environmental human rights defenders in a more contextual manner and having maximum use value, this effort is also important to ensure that the work that has been, is being, and will be carried out does not stray from the currents of the ecological and environmental sovereignty movement. which is now becoming a strong current in the midst of present-day Indonesian society.

Conclusion

As described in the report above, the situation of environmental human rights defenders in 2020 has shown an increasingly worrying situation and condition. The increase in cases reaching 100% compared to 2019 is a proof that in 2020 the intensity of interaction between environmental human rights defenders with actors violating human rights is increasing along with the increase in exploitation of natural resources and the passage of the Minerals and Coal Mining Law and the Employment Creation Law (Omnibus Law).

The resistance of environmental human rights defenders manifests itself beyond sectoral boundaries, paralleling and complementing each other - facing the attempts of the ruling elite - to disarm the people and the environment through draft regulations which have proven to marginalize human rights, disregard popular participation and reduce natural resources as mere commodities.

Resistance, which is then greeted by various forms of threats and acts of violence from various actors, is seen as a manifestation of the capitalist mode of production in the economy, relentlessly insatiable for capital, production space and stability created by the repressive measures by the state either through regulations or actions by law enforcement officials.

Throughout 2020, the Joko Widodo administration has demonstrated its commitment to disregard the issue of human rights violations on its political agenda, continuing to prioritize development, which directly addresses the vulnerability of environmental human rights defenders.

Without further efforts to strengthen the position of environmental human rights defenders and encourage improvement in the quality of governance in the environmental, natural resources and human rights sectors, it is not impossible that we will witness a situation of environmental human rights defenders that is even worse than what we have seen in 2020.

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