

## PROVIDING HOUSING TO THE INDIGENOUS PEOPLE OF ORANG LAUT: Fulfilling Rights or Changing Culture?

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**Abstract:** The right to get a decent place to live is the right of every person, including the sea people. Therefore, the local government builds houses and moves the sea people from living on boats and nomads to houses. The problem is that living in a house has changed their culture, which usually lives a nomadic life at sea. The purpose of this study is first to analyze the accuracy of the local government's steps. Second, to analyze the right legal solution in providing decent housing for the sea people. The method in this study is empirical juridical. The type of data used is primary data, namely observations and interviews, and secondary data, namely laws and regulations. In addressing the formulation of the problem in this study, the legal and theoretical basis is the Progressive Legal Theory. The results of the study indicate that the steps taken by the local government in providing physical housing and legalizing the houses are good, but not right, because they have changed the culture of the sea people. A house is a manifestation of a group's culture, so moving the sea people into houses not only changes their culture but also their lifestyle and work patterns. Therefore, the legal solution is to establish a halfway house with an empowerment program for the sea people, which can be regulated under the Lingga, Indonesia regional regulation. Then it is also necessary to form a law that specifically regulates indigenous peoples to accommodate the traditional rights of indigenous peoples.

**Keywords:** Indigenous, Sea People, Culture, Human Rights

**Abstrak:** Hak untuk mendapatkan tempat tinggal yang layak adalah hak setiap orang, termasuk masyarakat pelaut. Oleh karena itu, pemerintah daerah membangun rumah dan memindahkan masyarakat pelaut dari kehidupan di perahu dan nomaden ke rumah. Masalahnya adalah, tinggal di rumah telah mengubah budaya mereka, yang biasanya hidup nomaden di laut. Tujuan penelitian ini adalah pertama, untuk menganalisis ketepatan langkah-langkah pemerintah daerah. Kedua, untuk menganalisis solusi hukum yang tepat dalam menyediakan perumahan yang layak bagi masyarakat pelaut. Metode dalam penelitian ini adalah empiris yuridis. Jenis data yang digunakan adalah data primer, yaitu observasi dan wawancara, dan data sekunder, yaitu hukum dan peraturan. Dalam merumuskan masalah dalam penelitian ini, dasar hukum dan teori yang digunakan adalah Teori Hukum Progresif. Hasil penelitian menunjukkan bahwa langkah-langkah yang diambil oleh pemerintah daerah dalam menyediakan perumahan fisik dan melegalkan rumah adalah baik, tetapi tidak tepat, karena telah mengubah budaya masyarakat pelaut. Rumah adalah manifestasi budaya suatu kelompok, sehingga memindahkan masyarakat pelaut ke rumah tidak hanya mengubah budaya mereka tetapi juga gaya hidup dan pola kerja mereka. Oleh karena itu, solusi hukumnya adalah mendirikan rumah singgah dengan program pemberdayaan bagi masyarakat laut, yang dapat diatur di bawah peraturan daerah Lingga, Indonesia. Kemudian, perlu juga dibentuk undang-undang yang secara khusus mengatur masyarakat adat untuk mengakomodasi hak-hak tradisional masyarakat adat.

**Kata Kunci:** Masyarakat Adat, Masyarakat Laut, Budaya, Hak Asasi Manusia

## Introduction

Remote Indigenous Communities (KAT), or what has been better known as isolated communities, are local and scattered, with little or no involvement in networks or service sectors, both social, economic, and political. Viewed from the location or place of residence, KAT can gather, such as indigenous communities living in the highlands or mountainous areas.<sup>1</sup> Then, there are indigenous communities living in the lowlands, such as swampy areas, rivers, and even lakes, while others live in the interior or border areas, and others live on boats/sampans or in areas such as the coast and small islands. One of the Remote

Indigenous Communities (KAT) in the Riau Islands Province is the Sea Tribe, which is still widely spread across remote islands. The sea tribe is one of the tribes that have long lived and settled in an area mostly covered by sea. Based on their origins, experts classify the Sea People as the descendants of the proto-Malay (Old Malay) nation, who migrated from the Asian continent around 2500-1500 BC and then spread to Sumatra.<sup>2</sup> The sea people are an ethnic group who live in boats/sampans, and live nomadically in the waters of the Riau Islands Province and along the coast of South Johor.<sup>3</sup> The Sea Tribe, according to the Big Indonesian Dictionary, signifies a group or ethnicity. The sea represents a very large (salty) water-gathering place that separates

<sup>1</sup> Sugiyanto, Mochamad Syawie, "Mewujudkan Komunitas Adat Terpencil Sejarah Dengan Masyarakat Pada Umumnya", *Jurnal Informasi* 12, no. 2 (2007), 10.33007/inf.v12i2.981

<sup>2</sup> Shelia Nanda, Mely Wulandari, Khoirul Iqbal, Sani Safitri, Rani Oktapiani, "Telaah Geomorfologis: Jalur Migrasi Nenek Moyang Bangsa Indonesia Proto dan

Deutro Melayu", *El-Jughrafiyah* 5, no. 2 (2025), <http://dx.doi.org/10.24014/jej.v5i2.36740>

<sup>3</sup> Rio Lingga Wijaya, Sri Wahyuni, Rahma Syafitri, "Adaptasi Masyarakat Suku Laut Pulau Air Ingat Setelah Dirumahkan", *Buletin Antropologi Indonesia* 1, no. 1 (2024), <https://doi.org/10.47134/bai.v1i1.2235>

the land to form islands. Therefore, the Sea Tribe is a group of people or communities living in the sea.<sup>4</sup>

Orang Laut is the term for the sea nomad community in the Riau Islands (Kepulauan Riau), Indonesia. The Sea Nomads are an indigenous community (Indigenous People) who inhabit the waters of the Riau Islands, with the largest number based on data from the Indonesian Department of Social Affairs (Depso) in 1988, around 11.23% are concentrated in the waters of Batam, around the Strait of Malacca, the Strait of Philip, and the South China Sea.<sup>5</sup> The Sea Tribe community (Suku Orang Laut) is one of the groups that still inhabit various areas in the Riau Islands Province. They are considered one of the province's indigenous tribes.<sup>6</sup> The Sea Tribe originally lived nomadically. Moving from one island to another, using a Sampan, which was also used as their residence. The Sampans, which were also used as residences, had a Kajang roof. Kajang is the roof of a Sampan house made of pandan leaves or Rumbia leaves; others call it Rumbia. Their lives are dependent on the sea and tradition, and they are known not to adhere to religion (animism).<sup>7</sup> Lingga Regency is one of the regencies in the Riau Province that still has a sea people tribe. The object of this research is the Sea People Tribe in Lingga Regency.

The population data of the Sea Tribe (Suku Laut) in Lingga Regency as of November 2021 shows a diverse distribution across several villages. The largest concentration is in Mentuda Village, with 560 individuals across

176 families, followed by Tanjung Kelit Village, with 365 individuals in 118 families. These two villages serve as the community's primary residential centers. Other locations with notable populations include Penuba (281 individuals, 92 families) and Sungai Buluh (255 individuals, 86 families). Meanwhile, several villages have considerably smaller populations, such as Pasir Panjang with only 28 residents and Persiapan Berjung with 13 residents, indicating minor settlement clusters. In terms of gender distribution, the data shows relatively balanced proportions of male and female residents in most villages, reflecting stable demographic patterns within the Sea Tribe communities.<sup>8</sup> Overall, the table illustrates that the Sea Tribe population is widely dispersed across 14 village points in Lingga Regency, with settlement sizes ranging from small family groups to large community clusters exceeding 500 individuals. This distribution reflects both the geographical spread and the varying levels of settlement consolidation resulting from government-led relocation and empowerment programs.<sup>9</sup>

Various names are used for Orang Laut in the Riau Islands; some identify as Suku Laut, Suku Duano, Suku Asli, and Suku Akit. There are 36 distribution points of Suku Laut in the Riau Islands. As of 2024, there are still 44 locations of Suku Laut in the Riau Islands. The increase in the spread of Suku Laut indicates that more Suku Laut communities are being settled. After the government gradually resettled the Suku Laut, this caused

<sup>4</sup> Winsherly Tan, "Child Marriage within the Sea Tribe of Kelumu Island: Issues and Problems", *Jurnal Media Hukum* 29, no. 2 (2022).

<sup>5</sup> Arum Sariana, Monika Sari, Fitri Yanti, "Change in Social and Economic Life Patterns as The Impact of The Movement of Suku Laut Communities in Pasir Panjang Village Lingga District, Riau Islands Province", *Historia: Jurnal Program Studi Pendidikan Sejarah* 8, no. 1 (2023).

<sup>6</sup> Winsherly Tan, Henry Soelistyo Budi, Rina Shahriyani,S, Manashi Kalita, "Child Marriage in The Reciprocity Culture of The Sea Tribe Community: Legal

Conflicts and Violations of Education and Health Rights", *Jurnal Veritas et Justitia* 11, No. 1 (2025), <https://doi.org/10.25123/0xsjxk19>

<sup>7</sup> Marisa Elsera, "Identifikasi Permasalahan dan Upaya Pemberdayaan Suku Laut di Dusun Linau Batu, Desa Tanjungkelit, Kabupaten Lingga, Provinsi KEPRI", *Sosioglobal: Jurnal Pemikiran dan Penelitian Sosiologi* 3, no. 2 (2019), [10.24198/jsg.v3i2.21054](https://doi.org/10.24198/jsg.v3i2.21054)

<sup>8</sup> Empowerment Roadmap for the Sea People in Lingga Regency

<sup>9</sup> Empowerment Roadmap for the Sea People in Lingga Regency, Indonesia

many changes in their lives. Changes in settlement patterns, economy, livelihoods, beliefs, health, marriage, family, social, and cultural.<sup>10</sup> The sea tribe in Lingga Regency is currently experiencing a significant change, with residents who usually live in Kajang relocating to houses built by the local government. The revitalization of the sea tribe's houses spans 8 villages in Lingga Regency. Of the 8 villages, 7 villages, namely Air Ingat Baran Village, Mentengah, Penaah, Tajur Biru Village, Temiang Lingga Village, Pasir Panjang, and Kentar Akat, have reached 100 percent progress. Meanwhile, another village, namely Tanjung Kelit Village, Lingga Regency, whose progress to date remains at 90 percent. The delay in constructing the sea tribe's house in the village was due to weather conditions and limited human resources.<sup>11</sup>

The revitalization of the sea tribe's houses is one of the efforts of the Riau Islands Provincial Government to make the sea tribe in the Riau Islands, who are mainly fishermen, more competitive. The legal basis for building houses for the Sea Tribe in Lingga is the Lingga Regency Regional Regulation Number 4 of 2022 concerning the Empowerment of the Sea Tribe Community, as well as the Implementing Regulations of the Lingga Regent Regulation, which are regulated in Lingga Regent Regulation Number 44 of 2021. This local government regulation is the legal basis for various measures to empower the Sea Tribe<sup>12</sup>, including building houses as part of efforts to improve their welfare.<sup>13</sup> Lingga Regent Regulation Number 44 of 2021 serves as a more detailed implementing regulation for

the local government regulation on the empowerment of the Sea Tribe. The Lingga Regency local government program is good, but, indirectly, it has changed the culture of the sea people tribe, who usually live nomadically on boats, moving from one place to another, to living in houses. This not only affects cultural change but also their lifestyle and work patterns. The progress of the era seems to have led to the disappearance of the culture of the Sea People tribe. The place that is the life of indigenous people is important because one of the general characteristics of indigenous people lies in their territorial relations. The region provides a distinct social, spiritual, and cultural identity for indigenous communities, which creates economic dependence.<sup>14</sup>

Although the local government has built houses as a form of housing rights for the Sea Tribe in Lingga Regency, the shift from nomadic life on boats to a settled lifestyle has created new problems that have not been thoroughly studied. This relocation policy has significant socio-cultural consequences, ranging from the loss of communal identity to the disruption of traditional livelihood patterns that depend on maritime mobility. However, to date, there has been no academic study that specifically assesses whether the settlement program truly fulfills the right to adequate housing in accordance with the characteristics of indigenous communities, or actually eliminates traditional rights to marine living space. This gap is the core of the problem: the absence of a legal framework or policy model capable of balancing the right to housing with the protection of the Sea Tribe's cultural identity as a nomadic indigenous

<sup>10</sup> Marisa Elsara, Darsono Wisadirana, Wawan Edi Kuswadoro, Anif Fatma Chawa, Anggaunitakiranantika, Rahma Syafitri, "The Suku Laut View of the Settlement Program in Lingga Regency", *Jurnal Sosiologi Andalas* 10, No. 2 (2024), <https://doi.org/10.25077/jsa.10.2.79-94.2024>

<sup>11</sup> Pemerintah Provinsi Kepulauan Riau, [kepriprov.go.id](http://kepriprov.go.id)

<sup>12</sup> Layyin Mahfiana et al., "Influence of Religion and Culture on Women's Rights in Joint Property Settlements in Java, Indonesia," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 1 (June 2025):

117–38, <https://doi.org/10.18326/IJTIHAD.V25I1.117-138>.

<sup>13</sup> Hamzah et al., "Sustainable Development of Mangrove Ecosystem Policy in South Sulawesi from the Perspectives of Siy-üsah and Fiqh Al-BiÖÇÖah," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 2023):367–80.

<sup>14</sup> Ahmad Syofan, "Perlindungan Hak-Hak Masyarakat Adat Menurut Hukum Internasional", *Fiat Justitia Jurnal Ilmu Hukum* 6, no. 2 (2012)

community. Based on this, the purpose of this study is to analyze the suitability of the Sea Tribe relocation policy to permanent housing settlements as an effort to fulfill the right to decent housing, and to assess the extent to which the policy impacts the loss or maintenance of the traditional rights of the Sea Tribe as a nomadic indigenous community. In addition, this study aims to formulate the most appropriate legal solution model in providing the right to decent housing without eliminating the cultural identity, lifestyle, and traditional rights of the Sea Tribe, so that the policies implemented by the government can be more just, contextual, and in line with the characteristics of the indigenous community.

## Method

The research method used is empirical legal. Empirical legal research then discusses developments and actions in the real world (social) related to legal regulations, either to influence this world, to facilitate, or to legalize what is common/ordinary practice.<sup>1516</sup> Empirical legal research (socio-legal) is a legal study of the legal culture and behavior of society and law enforcement officers.<sup>17</sup> The study uses primary data collected through field observations with direct participation in the sea people community in Lingga Regency, by taking several sample villages, namely Kelumu Village, Lipan Village, and Tombok Village. The reason for choosing the sea people community in Lingga Regency is that the community still exists, and Lingga Regency has the highest poverty rate in the Riau

Islands Province. Then also conducting interview techniques with the sea tribe community, local religious leaders, and the Head of the Land Registration and Institutional Relations Subsection and Acting Chief of the Dispute Management and Resolution Section (2021). Then also using secondary data consisting of primary legal materials, namely the 1945 Constitution, Law Number 39 of 1999 concerning Human Rights, Law Number 4 of 1992 concerning Housing and Settlements, Lingga Regent Regulation Number 44 of 2021, Lingga Regency Regional Regulation Number 4 of 2022 concerning the Empowerment of the Sea Tribe Community.

## Result and Discussion

### Providing Housing to The Indigenous People of Orang Laut Lingga Regency, Indonesia

From an international perspective, International law provides rules and arenas to further the interests of indigenous peoples. There are declarations passed by the United Nations, which, while not binding on states, often receive such widespread support that their principles are deemed part of customary international law and/or of the "general principles of law recognized by civilized nations". Two declarations, arguably a part of customary international law or "general principle-

Principles," by reason of their recognition by international and state tribunals, are the Declaration of the Rights of Indigenous Peoples and the American Declaration of the Rights and Duties of Man.<sup>18</sup> In the Indonesian

<sup>15</sup> Imam Sukadi and Erfaniah Zuhriah, "The Legal Policy of Judicial Power: The Idea of Implementation of Small Claim Courts in Religious Courts," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 1 (July 2021): 1–13, <https://doi.org/10.18860/J-FSH.V13I1.10913>.

<sup>16</sup> Hidayatullah *et al.*, "Analysis Of Groundwater Conservation Policy In Provincial Regulation Of South Kalimantan Number 5 Of 2018 On Groundwater Management Reviewed From Ecological Fiqh,"

*Syariah: Jurnal Hukum Dan Pemikiran* 22, no. 1 (May 2022): 1–29.

<sup>17</sup> David Tan, "Metode Penelitian Hukum: Mengupas dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum", *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021), [10.31604/jips.v8i8.2021.2463-2478](https://doi.org/10.31604/jips.v8i8.2021.2463-2478)

<sup>18</sup> James S. Phillips, "The Rights of Indigenous Peoples Under International Law", *Global Bioethics* 26, no. 2 (2015), <https://doi.org/10.1080/11287462.2015.1036514>

context, Indonesia is a country that respects and honors the existence of customary law communities as long as they still exist, as mandated in Article 18B paragraph (2) of the 1945 Constitution and Article 28I paragraph (3). The following is the text of Article 18B paragraph (2): "The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated by law."

More fully, it is stated that customary law communities are (1) a group of citizens who have the same ancestors (genealogy), (2) live in a place (geography), (3) have the same life goals to maintain and preserve values and norms, (4) apply a customary law system which is adhered to and binding, (5) are led by customary leaders, (6) there is a place where the administration of power can be coordinated, and (7) there are institutions for resolving disputes between customary law communities of the same tribe or between tribes of different nationalities.<sup>19</sup> Based on the characteristics of customary law communities, the Sea People tribe is not categorized as a customary law community because it lacks a clear territorial area, but other characteristics are met, such as the presence of a traditional leader, indigenous people, and customary courts. This is because the Sea People, a tribe that lives on boats and is nomadic at sea, have these cultural and

characteristic traits. Therefore, they are called "sea people".<sup>20</sup>

Based on this, it can be seen that the sea tribe community is no longer a community governed by customary law. This is also emphasized by the fact that the sea tribe community in the Riau Islands Province has not been officially recognized as a secluded indigenous community by the Ministry of Social Affairs, Directorate of Customary Affairs, since 2015.<sup>21</sup>

However, the Sea People community remains a category of indigenous communities. Indigenous community is a permanent and orderly community unit where its members are not only bound to a place of residence in a certain area<sup>22</sup>, both in worldly terms as a place of life and in spiritual terms as a place of worship for ancestral spirits (territorial), but also related to the relationship of descent in the bonds of blood ties and or the same kinship from one ancestor, either indirectly because of marriage ties or customary ties (genealogical).<sup>23</sup> Every indigenous community has customary law, which regulates all issues that arise in the customary environment. This customary law is a collection of rules of conduct that apply only to the native community or the indigenous Indonesian community, is mandatory, and has not been codified as statutory regulations.<sup>24</sup> Indigenous communities must also be protected, including their traditional rights, because their customs reflect a nation's identity.<sup>25</sup> Every nation in the world has its

<sup>19</sup> Jawahir Thontowi, "Perlindungan dan Pengakuan Masyarakat Adat dan Tantangannya dalam Hukum Indonesia", *Jurnal Hukum Ius Quia Iustum* 20, no. 1, (2013), file:///C:/Users/user/Downloads/\_4509-Article%20Text-5661-6884-10-20160421.pdf

<sup>20</sup> Observation Results on the Orang Laut Tribe Community in Lipan Village, Kelumu Village, Tombok Village, Lingga Regency.

<sup>21</sup> Marisa Elsara, Nanik Rahmawati, Annisa Valentina, "Intervensi Masyarakat Suku Laut oleh Tokoh Agama di Kepulauan Riau", *Indonesian Journal of Religion and Society* 4, no. 1 (2022), <https://doi.org/10.36256/ijrs.v4i1.266>

<sup>22</sup> Erika Sarivaara, Kaarina Maatta, Satu Uusiaittti, "Who is Indigenous? Definitions of Indigeneity", *European*

*Scientific Journal* 1, (2013), file:///C:/Users/user/Downloads/2317-Article%20Text-7098-1-10-20140114-1.pdf

<sup>23</sup> Hilman Hadikusuma, *Pengantar Ilmu Hukum Adat Indonesia*, CV Mandar Maju, Bandung, 2003, p. 108-109.

<sup>24</sup> Abdul Manan, *Hukum Islam Dalam Berbagai Wacana*, Pustaka Bangsa, Jakarta, 2003, p. 221.

<sup>25</sup> Christina, Brandie, James, Stephen, Alvaro, Julia, Sharon, Joseph, "Indigenous People's Lands are Threatened by Industrial Development; Conversion Risk Assessment Reveals Need to Support Indigenous Stewardship", *International Journal One Earth* 6, no. 8 (2023), <https://doi.org/10.1016/j.oneear.2023.07.006>

own customs that are not the same as those of other nations.<sup>26</sup> It is precisely because of this dissimilarity that we can say that customs are the most important element that gives identity to the nation in question. In the Republic of Indonesia, customs are owned by different ethnic groups, although their basis and nature are one, namely Indonesianness. Therefore, the customs of the Indonesian nation are said to be "Bhinneka Tunggal Ika," and the customs of the Indonesian nation that are "Bhinneka Tunggal Ika" do not die, but are always developing, always moving, and based on necessity are always in a state of evolution following the development process of the civilization of their nation. One characteristic of traditional life in indigenous communities can be seen in their homes. The definition of a house, as set out in Law Number 4 of 1992 concerning Housing and Settlements, states that a house is a building that serves as a place to live or residence and a means of fostering a family.

The relationship between house and culture, according to Rapoport, is that the house and the environment are an expression of society about culture, including religion, family, social structure, and social relations between individuals. Furthermore, Rapoport said that in many cases, cultural factors are very important as factors that determine the form of the house. The climate is a factor that modifies the form.<sup>27</sup> The Sea People were moved to live in houses built on land and on water (stilt houses). In addition, the local government also provided legality for the houses that had been built and given to the sea people.<sup>28</sup> A decent place to live is part of a human right, as regulated in Law Number 39

of 1999 concerning Human Rights, Article 40, which states that "everyone has the right to live and live a decent life". The fulfillment of the right to housing as a basic right stems from the continuity of life and the maintenance of human dignity. In the past few years, housing rights have become a major locus of activity in the field of economic and social human rights.<sup>29</sup> The right to adequate housing is universally recognized as an integral part of human rights.<sup>30</sup> From an international perspective, International law recognizes a right to adequate housing ("the Right"). The first international instrument to recognize the Right is the nonbinding Universal Declaration of Human Rights (1948). The binding International Covenant on Economic, Social and Cultural Rights (ICESCR) has the broadest language and is ratified by most states (169 parties, 71 signatories), stating: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." Housing affordability is one component of this right. In Indonesia context, this principle is codified in Law No. 39 of 1999 on Human Rights, particularly Article 40, which affirms that "*everyone has the right to live and to have a decent life.*" This provision establishes that dignified living conditions are inseparable from access to proper housing. Adequate housing is not limited to the provision of a physical structure; it encompasses safety, habitability, access to basic services, cultural appropriateness, and legal security of tenure. As such, housing is

<sup>26</sup> Jorayev Atham Karakulovich, "Psychological Analysis of The Concept of Cross in Ethnopsychology", *European Journal of Research Development and Sustainability (EJRDS)* 4, no. 9 (2023), <https://scholarzest.com/index.php/ejrds/article/view/3897>

<sup>27</sup> Rapoport, Amos (1977), *Human Aspect of Urban Form*, Pergamon Press Inc, New York, p. 6

<sup>28</sup> Observation Result

<sup>29</sup> Bogumil Terminski, "The Right to Adequate Housing in International Human Rights Law: Polish Transformation Experiences", *Revista Latinoamericana de Derechos Humanos* 22, no. 2, (2011), <https://www.corteidh.or.cr/tablas/r31406.pdf>

<sup>30</sup> Sahar Segal, "The International Human Right to Adequate Housing: An Economic Approach", *Chicago Journal of International Law* 20, no. 2 (2020), <https://chicagounbound.uchicago.edu/cjil/vol20/iss2/17/>

considered a fundamental human right because it forms the basis for individuals to exercise other rights, including health, education, privacy, and participation in social and economic life. The reference to "continuity of life and maintaining human dignity" reflects that stable shelter is essential for sustaining daily life and for ensuring that individuals can live with dignity and autonomy. In this context, fulfilling the right to housing requires states not only to provide physical dwellings but also to ensure that living conditions respect and uphold human dignity in accordance with broader principles of social justice and human rights protection. However, the problem is that adapting to living in a house is very difficult, so the condition of the houses that have been built by the government is not arranged properly; they are less able to maintain cleanliness inside the house, the houses that are built are often only used as a stopover during bad weather, and they cannot sail at sea.<sup>31</sup>

Indigenous people's way of life is often perceived as a symbol of backwardness and as an obstacle to modernization.<sup>32</sup> So if it is related to the fulfillment of the right to a decent place to live, it has been done by the local government. The problem is that a "decent" house, according to the community in general, must be a house built on land, with a roof and so on. However, for the sea people, the boat is their home. Living nomadically using a boat is their lifestyle. Therefore, indirectly, the local government program that builds houses and moves the sea people to live in houses has eliminated their culture and changed their lifestyle as well. The law that is made must provide a sense of justice that lives in society. This is also expressed in the Theory of Progressive Law. The paradigm

in progressive law is that law is an institution that aims to lead humans to a just, prosperous, and happy life. This means that the paradigm of progressive law says that law is for humans. This basic grip, optics, or belief does not see law as central to law; rather, humans are at the center of the rotation of law. The law revolves around humans as its center. Law exists for humans, not humans for law.<sup>33</sup> The 1945 Constitution and the Law on the Protection of Human Rights have provided protection for indigenous peoples, specifically regarding access to decent housing. The Lingga Regency government has also taken very good steps by building houses for the sea people and providing legality for the houses that were built. However, it turns out that this implementation is not that easy. Moving the sea people who usually live nomadically on boats into residential houses is very difficult for the sea people to adapt. Most of these houses are not well arranged as houses because most of these houses are only used as stopovers when the weather at sea is not good for sailing, so that in the end, the ideals mandated in positive law to provide decent housing remain unrealized because the sea people have a nomadic culture that lives on boats.<sup>34</sup>

### **The Best Legal Solution In Providing The Right to A Decent Place to Live Without Eliminating the Traditional Rights of The Sea People**

Indonesia, the largest nation in Southeast Asia, encompasses a vast archipelago of 17,499 islands spanning a total land area of 1,919,440 square kilometres. This nation boasts a rich abundance of natural resources.<sup>35</sup> The Riau Islands Province is one

<sup>31</sup> Observation Result

<sup>32</sup> John Mamba, "Recognition "In Kind": Indonesian Indigenous Peoples and State Legislation", in Christian Erni (Ed.), 2008, The Concept of Indigenous Peoples in Asia A Resource Book, International Work Group for Indigenous People/Asia Indigenous People Pact Foundation, Copenhagen/Chiang Mai, p. 267.

<sup>33</sup> Afrohatul Laila, Anisa Rizki Fadhila, "Teori Hukum Progresif (Prof Satjipto Rahardjo)", *Comprehensive Journal of Islamic Social Studies* 10, no.10 (2021), <https://doi.org/10.28926/sinda.v1i1.966>

<sup>34</sup> Observation Result

<sup>35</sup> Chairul Fahmi, "The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia", *AlterNative: An International*

of the provinces in Indonesia, and Lingga Regency is one of the regencies located in the Riau Islands Province, which is surrounded by a sea area that is also quite extensive, so that the existence of the sea people still exists and wanders in the waters around the Riau Islands Province. According to Cynthia Chou, in Malay history, the Orang Laut were known as the guardians of the sultanate's waters and war troops, and were tasked with meeting the sultanate's maritime needs. The Orang Laut were tribes that lived in boats that always wandered the ocean. In the 18th century, the Orang Laut had completely submitted to the Riau-Lingga sultanate. They were a group of different ethnic groups or clans based on their domicile territory, and were very loyal to the Malay Zuriat. When the Orang Laut clan united, they were called "Orang Kerahan", they always believed that the Malays were nobles and traders who should be respected. The Orang Laut, together with the Bugis and Banjar people, were tribes that in the past were always involved in defending the kingdom. The waters of the Riau Islands are home to several clans of the Sea People, each led by a Batin (Tribal Chief). The Tambus Tribe, Galang Tribe, Mantang Tribe, Barok Tribe, and Mapor Tribe are Sea People tribes that inhabit this water area. In one group of sea tribes or clans, there can be around 30 kajangs/sampans. One kajang/sampan is usually inhabited by one family. The Sea People who live in the waters of the Riau Islands are classified differently from other Sea Tribes in Southeast Asia, such as Orak Lawoi, Bajau, Moken, and Ameng Sawang.<sup>36</sup> The Bill on the Indigenous Peoples or Customary Law Community underlies the legal requirement that the state recognize that

Indigenous Peoples have the same rights as other citizens.<sup>37</sup> The Sea People are an indigenous group in the Riau Islands province. Indigenous people, as part of the people of a nation or country, have interests that must be respected by the government or state, especially in relation to the utilization of natural resources. The government is obliged to advance development and the welfare of the people, including indigenous peoples, in the Management and utilization of natural resources. These obligations are regulated in several provisions of international law, for example, the United Nations (UN) General Assembly Resolution No. 41/128 concerning the Declaration on the Right to Development. Article 1 paragraph (1) but 2 of the declaration states that:

"The right to development is an inalienable right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized."

Article 2, paragraph (1) of the Declaration states: "The human person is the central subject of development and should be the active participant and beneficiary of the right to development."

Likewise, Article 2 Paragraph (3) states that: "States have the right and duty to formulate the appropriate national development policies that aim at the constant improvement of the well-being of the population and of all individuals, on the basis of their free and meaningful participation in development, and in the fair distribution of the benefits resulting therefrom."

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<https://doi.org/10.1177/11771801241235261>

<sup>36</sup> Petra Wahyu Utama, "Suku Laut di Kepulauan Riau: Mewujudkan Masyarakat Terdidik dan Sehat", *Jurnal Pusaka* 5, no. 1 (2025), file:///C:/Users/user/Downloads/10281-28788-1-PB.pdf

<sup>37</sup> Syahriza Alkohir Anggoro and Tunggal Anshari Setia Negara, "The Struggle for Recognition: Adat Law Trajectories under Indonesian Politics of Legal Unification," *International Journal on Minority and Group Rights* 29, no. 1 (2021), [10.1163/15718115-bja10040](https://doi.org/10.1163/15718115-bja10040)

The above provisions show that the state is obliged to fulfill the development needs of the people in all areas, both as individuals and groups. In addition, the state is obliged to involve the people in the development process, and fairly distribute the results of development to all people, including indigenous people.<sup>38</sup> The provision of social housing plays an essential role in the realization of the international right to adequate housing (hereafter the right to housing). This right has been interpreted as requiring states to provide sufficient affordable housing to those without the necessary means. While the definition of public or social housing may vary by country, a key feature is that it includes housing provided with state support.<sup>39</sup> Regarding the right to decent housing, everyone has that right including indigenous peoples and the state is obliged to fulfill it. In this case, the local government of Lingga Regency has taken a very good step by building houses for the sea people and granting legal status to the houses built and intended for them.

The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency has a Complete Systematic Land Registration (PTSL) program as a concrete step by the government to accelerate land registration in Indonesia, the implementing regulations can be found in the Regulation of the Minister of ATR/KBPN Number 6 of 2018 concerning Complete Systematic Land Registration, the role of the Lingga Regency Government is to provide support for the Ministry of ATR/BPN program, the implementation of this form of support is the Village government which is structurally under the Regency Government, helping us in providing counseling, collecting physical data (measurements) and legal data (legal

relations) of the community to the land, and helping to record data on communities who do not yet have a legal basis (proof of land ownership). In addition, at the time of the submission of the Land Title Certificate, the Regency Government strongly supports this.<sup>40</sup> Then referring to the provisions of the Regulation of the Minister of ATR/KBPN Number 17 of 2016 concerning the Arrangement of Coastal Areas and Small Islands, the Granting of Land Rights can be carried out in the Coastal area for the residence of customary law communities or community members who have lived in that place for generations, in fact the Lingga Regency government's rare move in providing the basis for these rights is the right step, so that the element of proof that the community is truly a customary law community who has lived there for generations.<sup>41</sup> The Complete Systematic Land Registration Program (PTSL) is essentially a government effort to accelerate land legalization nationwide, including in coastal areas. In the context of the Sea Tribe in Lingga Regency, this policy appears normatively positive because it provides legal certainty over the houses or land the government has built for them. The article suggests that PTSL's legality is even considered to strengthen the Sea Tribe's position as an indigenous community with a clear locus of ownership. However, critically, this program has structural problems because the PTSL approach is based on a land-ownership paradigm, while the Sea Tribe's identity and customary rights are grounded in marine living spaces and nomadic patterns that do not recognize the concept of individual land ownership. Rather than protecting customary rights, land certification has the potential to change their sociocultural structure, create a form of assimilation disguised through law,

<sup>38</sup> Muazzin, "Hak Masyarakat Adat atas Sumber Daya Alam: Perspektif Hukum Internasional", *Padjadjaran Jurnal Ilmu Hukum* 1, No. 2 (2014), [10.22304/pjih.v1n2.a7](https://doi.org/10.22304/pjih.v1n2.a7)

<sup>39</sup> Emma N. Nic Shuibhne, "Understanding the International Right to Adequate Housing in the Irish

Social Housing Sector: Empirical Insights into Eviction Cases", *Journal of Human Rights Practice* 17, no. 3 (2025), <https://doi.org/10.1093/jhuman/huaf021>

<sup>40</sup> Interview with BPN Kabupaten Lingga

<sup>41</sup> Ibid,

and enforce the normalization of a sedentary lifestyle that contradicts their character as a maritime people. Thus, PTSL in the case of the Sea Tribe creates a dilemma between the needs of state administration and respect for the non-territorial customary rights that are central to the community's cultural identity. Meanwhile, Minister of ATR/BPN Regulation No. 17 of 2016 provides a legal basis for granting land rights in coastal areas and small islands, including for indigenous communities who have lived in these areas for generations. The article shows that this regulation was used by the Lingga regional government to legalize houses given to the Sea Tribe. However, this regulation has fundamental limitations because it assumes that indigenous communities always have a fixed land-based territory that can be proven genealogically and geographically. This assumption does not align with the character of the Sea Tribe, who live nomadically at sea and have no settled territory on land. The application of Regulation 17/2016 to the Sea Tribe ultimately encourages the establishment of an inauthentic identity, namely, constructing them as if they were a settled community in order to be included in the land rights scheme. Furthermore, this regulation does not protect customary rights to marine space as cultural territory, thus failing to address the most basic needs of maritime communities. The regulation's greater focus on coastal spatial planning rather than cultural protection makes it less compatible with the needs of the Sea Tribes and has the potential to alter their cultural identity and undermine their customary rights as nomadic sea communities.

Based on the findings, the provision of housing for the sea people is indeed the right step normatively; it can also help the sea people be recognized as a category of customary law community by providing a

tutorial or residence with a clear locus. Then, the form or type of house that can be built and is suitable for the sea tribe's culture is a floating house that remains close to marine life. Floating houses represent a manifestation of a floating strategy. They take the form of urban architectural and engineering innovations equipped with environmentally friendly infrastructure for generating energy, water, and food, as well as managing waste.<sup>42</sup> However, moving the Sea People, who have been nomadic for decades and live on boats, is not that easy. The house is a manifestation of a person's cultural expression. By moving the Sea People into the house, it has indirectly changed their culture, lifestyle, and work.

Therefore, the legal solution offered in this study is to fulfill the right to a decent place to live without eliminating the customs or culture of the sea people who live nomadically on boats, so the legal solution that can be offered is to build a halfway house. The legal basis for the construction of a halfway house is set out in Riau Islands Governor Regulation Number 26 of 2014 concerning the Halfway House. This regulation governs the formation, position, duties, functions, and scope of the Halfway House, including the implementation of administrative services and the secretariat at the P2TP2A Engku Puteri in the Riau Islands Province. This halfway house is more appropriate to the needs of the sea people, because, based on the results of observations, the houses built by the Lingga Regency government are currently mostly only used as a stopover for the sea people when natural conditions and weather do not allow them to travel to sea. As a result, the house becomes dirty and unkempt because it is left unoccupied for a long time. If there are sea people who live in the house for a long time, the house is also not arranged neatly and

<sup>42</sup> Rukuh Setiadi, Joerg Baumeister, Alex, Luna, "Living on Top of Water: Public Attitude Toward Floating Houses in North Jakarta, Indonesia", *Environmental*

cleanly like a house, because their culture of living on boats for decades is very different from living in a house.

Empowering the Sea Tribe community through shelters is an effort to improve their standard of living and welfare by providing access to decent housing and various supporting facilities. This shelter is not just a place to live but also a center for social, economic, and educational activities for the Sea Tribe, enabling them to actively participate in development and preserve their culture. Then, it would be good to establish regional regulations at the Lingga district level regarding the provision of transit houses for the sea people. Through the transit house, it is not only a place of transit but also a place to empower the sea people without eliminating their nomadic culture or way of life at sea. Then it is necessary to immediately ratify the Law on Indigenous Peoples in Indonesia and regulate the characteristics of indigenous peoples, namely regarding territorial areas. Territorial areas should not only be interpreted in a certain land, because the sea is also included in territorial areas. The sea people are called "sea people" because they live in the territorial sea. Life at sea is a culture and customs of the sea people. Therefore, the sea people can also be recognized as a customary law community. Countries with significant indigenous communities, such as Indonesia, face major challenges in their national legal systems and in ensuring effective and fair implementation.<sup>43</sup> So, seeing this empirical phenomenon, Indonesia should make a law on indigenous peoples that specifically regulates indigenous peoples and their traditional rights. The idea of building transit houses is a more contextual and responsive solution than permanent settlements. The article points out that the permanent houses currently built by the government are only used as shelters during bad weather, are

poorly maintained, and are difficult for the Sea Tribe, accustomed to living on canoes, to adapt to. Transit houses align with their mobile and flexible lifestyles because they do not force drastic cultural changes and meet the minimum standards for "decent housing" stipulated by national and international law. Transit houses can also serve as empowerment centers by providing health services, education, economic training, and even logistics storage for those returning to sea. Thus, transit houses are not merely a technical solution, but rather a compromise mechanism between the needs of modernization and cultural preservation. This solution is more in line with the progressive legal paradigm that places people and their culture at the center of policy rather than the state's administrative interests.

Furthermore, the drafting of a specific Regional Regulation (Perda) regarding transit houses and the empowerment of the Sea Tribe needs refinement, as current regional regulations focus solely on providing permanent housing without adapting to maritime nomadic culture. The new Perda must define "marine territory" as customary territory, establish standards for the construction of transit houses, establish empowerment mechanisms based on marine culture, and ensure the Sea Tribe's participation at every stage of policy formulation. Furthermore, the urgency of ratifying the Customary Law Communities Law is crucial because it can provide equal recognition for non-land-based indigenous communities such as the Sea Tribe. This law must expand the definition of customary territory to include marine spaces, establish protections for traditional rights not based on land, and ensure that modernization programs do not eliminate the cultural identity of indigenous communities. With a strong national legal basis, Perda and

<sup>43</sup> Dina, Tahura, Muhadi, Aqilla, Yonnawati, "International Legal Framework for Traditional Knowledge and Intellectual Property Rights", *International Journal of*

*Multicultural and Multireligious Understanding* 11, no. 10 (2024), <http://dx.doi.org/10.18415/ijmmu.v11i10.5917>

regional policies can operate within a more targeted, just, and consistent framework with the principles of human rights and cultural diversity in Indonesia.

## Conclusion

This research contributes to international scholarly discourse in several significant ways. First, it offers an empirical case study of the Orang Laut tribe that enriches global discussions on indigenous rights, cultural sustainability, and legal pluralism. While much of the existing literature on indigenous peoples focuses on land-based communities, this study expands the scope by examining a maritime, nomadic, and boat-dwelling indigenous group, a category that remains underrepresented in global academic work. By bringing the Orang Laut experience into the international arena, the study highlights the unique vulnerabilities and cultural patterns of sea-based indigenous societies. Second, the research advances theoretical development in progressive law (hukum progresif) by applying it to the complex interface between modernization policies and the cultural continuity of indigenous groups. This contributes to broader comparative legal studies by demonstrating how progressive law can be adapted to indigenous contexts outside the dominant state-centric frameworks. It shows that legal reform is not only a normative aspiration but also a culturally sensitive process requiring dynamic alignment with community values. This adds depth to international debates on responsive law, post-positivist legal theories, and culturally grounded legal policymaking. Third, the study provides a comparative standpoint for global scholars interested in state-indigenous relations, particularly regarding involuntary sedentarization, housing interventions, and the transformation of traditional lifestyles. Similar issues arise among the Sami (Nordic region), Inuit (Canada), Maasai (East Africa), and Bajau Laut (Southeast Asia), but research

on the Orang Laut offers a distinctive Southeast Asian perspective on how well-intentioned government policies may inadvertently erode indigenous cultural systems. The analysis thus enriches cross-regional dialogues on cultural rights, identity preservation, and human-centered development models.

Lastly, by proposing a “halfway house” model supported by a locally grounded legal framework and complemented by a national law protecting indigenous peoples, the research provides a normative and policy-relevant contribution. It introduces a context-sensitive, hybrid approach to indigenous empowerment that international legal scholars and policymakers can evaluate, compare, and potentially adapt to other indigenous communities worldwide. This positions the study not merely as a descriptive analysis but as an innovative contribution to global policy experimentation in indigenous governance.

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