

## IMPLEMENTATION OF UN DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS (UN-DROP) FOR INDONESIA

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### ABSTRACT

*The UN Declaration (UN Declaration On The Rights Of Peasants And Other People Working In Rural Areas) , though not a legally binding instrument, is a form of international political statement on what is important for the survival of civilized human life. The United Nations Declaration shows the shared political will of the international community to advance civilization by respecting each other's human rights and re-occupying the country's position to protect and fulfill it. Therefore, the United Nations Declaration should still be a legal reference in the formation of the policies of its member countries, especially for countries that agree with the contents of the declaration.*

*Keywords: UNDROP, Declaration, Farmers, Human Rights.*

### INTRODUCTION

Social protection is an inseparable aspect in the development process as well as poverty alleviation and gap reduction in a country. The ideals of the Indonesian people for a social protection system have been mandated in the 1945 Constitution as the foundation of the country's constitution. The Preamble to the 1945 Constitution mandates that the government must protect the whole nation and all spilled blood, promote public welfare, and educate the nation's life. Article 34 of the 1945 Constitution also mandates that the poor and neglected children be cared for by the state and the state is obliged to develop a national system of protection and social security. Scott, Z. (2012) defines social protection as all initiatives carried out by the government, private sector, or community to realize the transfer of income or consumption to the poor, protect vulnerable groups against livelihood risks, and improve the social status of marginalized groups (Social Assistance as an Economic Investment for Indonesia).

The implementation of the social protection system in Indonesia has gone a long way. Programs that are actually classified as social protection programs have been implemented since the New Order government. Even so, these programs have not been explicitly designed under a social protection system (Akhmadi, N., & Sumarto, S. (2010). Indonesia's social protection system is directed to help achieve more equitable and equitable development. social protection in Indonesia has been written in various strategic plans and documents such as the Master Plan for the Acceleration of Poverty Reduction in Indonesia (MP3KI) and the Social Protection Floor, and the designs of various parties are important to be aligned with government planning documents in a framework that becomes foundation of program implementation during the development period that will run (Widyanti; 2002).

Based on Law Number 25 of 2004 concerning the National Development Planning System, development planning in Indonesia is divided into three stages, namely long-term development planning, medium-term development planning, and short-term development planning (Foster, M. (2001). long formulated in the 2005-2025 Long-term Development Plan (RPJPN) document (Ortiz, I; 2001). Medium-term development is formulated in the Medium-Term Development Plan (RPJMN) which is prepared every five years during the long-term development period. in the Government Work Plan that is prepared every year, currently Indonesia will enter the implementation period of RPJMN III (2015-2019) .From this, identification of the potential and design of the direction of the development of social protection systems in Indonesia is very important to continue (Towards Health Insurance) National 2012-2019).

Nearly half of the world's population is farmers and the majority of Indonesian citizens are farmers. Even in the era of high technology, sources of human food are produced by farmers. Small-scale agriculture is not just an economic activity; but also life for all of us. The security and order of the world and the Indonesian state depend on the lives of farmers and the sustainability of agriculture. To protect the lives of humanity, it is very important to respect, protect and fulfill the rights of peasants. In fact, a number of violations of peasant rights continue to threaten the lives of humankind.

That millions of peasants have been forced to leave their agricultural land due to land grabbing or land grabbing which is facilitated by national policies supported by law and security forces. Land is taken from farmers for large scale industrial development or infrastructure projects, extraction industries such as mining, areas tourism, special economic zones, supermarkets and plantations to produce fast money turns. As a result, the amount of land is only concentrated on several parties.

Farmers in the world, male and female, are still in a condition far from prosperity and justice. The massive wave of oppression from the state and corporations that carry neoliberalism makes farmers poor, helpless and miserable. This condition was triggered by violations of farmers' human rights as human beings and major producers of global food. Basic rights attached to farmers such as land, seeds and agricultural resources have not been recognized, fulfilled and protected. On the contrary, eviction and criminalization still haunt the farmers, hampering his noble work in providing food for all humanity (<https://spi.or.id/>).

Despite the severe oppression, the peasants were able to organize themselves and their families in a movement, to work together against the oppressors. Give pressure after pressure to voice the voice of the grassroots community about a just, prosperous and

prosperous life. Farmers unite and move to defend their agroecological agricultural models and traditional ways of life. Although they often get resistance from oppressing actors, the peasant movement is optimistically often producing several positive results for its future, one of which is the UN Declaration on the Rights of Farmers and Communities Working in Rural Areas / United Nations Declaration on the Rights of Peasant and Other People Working in Rural Areas or abbreviated as UNDROP.

UNDROP is a new international human rights instrument that recognizes the human rights of farmers and communities working in rural areas and was adopted by the United Nations on December 17, 2018. This adoption is a victory for farmers and all rural communities, because previously there were no human rights instruments that recognized their rights in particular. Not only that, the victory in UNDROP also meant that this instrument was authentically originated from the farmers themselves, farmers who worked daily in the fields to be able to produce food for their families and communities. Farmers who are members of the Indonesian Peasant Union (SPI) and La Via Campesina (LVC) have struggled for 17 years, from the village level to the international level, so that their rights are officially recognized by international audiences (<https://spi.or.id/>).

The Declaration of Peasants' Rights was recently adopted by the United Nations General Assembly (New York, United States) on November 19, 2018. In making decisions, out of a total of 174 UN member states, 117 countries agreed to the declaration, 50 abstained, and 7 of them refused. Countries that reject this declaration are Australia, Hungary, Israel, New Zealand, Sweden, United Kingdom and the United States.

Especially the United States, they strongly reject this declaration because they think the UN is trying to widen the interpretation of existing rights. Indonesia itself on that occasion became a co-sponsor of a UN Human Rights Council resolution that passed the declaration of Peasant Rights. The struggle for the Declaration of Peasants' Rights began 17 years ago, precisely in 2001 when the Indonesian Peasants Union (SPI) and various other organizations held the National Farmers' Rights Conference in Cibubur, Jakarta. This is the initial momentum of the Peasants' Rights struggle which was subsequently brought by SPI together with La Via Campesina (World Farmers Organization) to the international level (<https://news.detik.com/>).

2018 is a historic year for farmers and Indonesia's agrarian struggle. There are at least two things behind this argument. First, Indonesian President Joko Widodo has signed Presidential Regulation No. 86 of the Agrarian Reform on 24 September 2018 which will be an instrument for resolving agrarian conflicts in Indonesia. Secondly, the UN General Assembly has endorsed the Declaration of Peasant Rights which was the forerunner of the struggle born of Indonesia. These two things should be a momentum for the rise of Indonesia to implement the True Agrarian Reform as a way to achieve complete sovereignty as the dream of the nation's founders in the Preamble of the 1945 Constitution the second paragraph reads "and the struggle for the Indonesian independence movement has arrived at a happy moment, safely delivering the Indonesian people to front gate of the independence of the Indonesian state, which is independent, united, sovereign, just and prosperous". This research will discuss the Implementation of Un Declaration on the Rights of Peasants and Other People Working in Rural Areas (UN-DROP) for Indonesia.

## DISCUSSION

### **Law of the Republic of Indonesia Number 19 of 2013 concerning Protection and Empowerment of Farmers**

The Pancasila and the 1945 Constitution of the Republic of Indonesia mandate that the State has the responsibility to protect all Indonesians and promote public welfare, educate the nation's life and realize social justice for all Indonesian people. In the fifth precepts of the Pancasila and the opening of the 1945 Constitution of the Republic of Indonesia, it is clearly stated that social justice for all Indonesian people is the basis of one of the philosophies of nation development, so that every Indonesian citizen has the right to prosperity. Therefore, every Indonesian citizen has the right and obligation in accordance with his ability to participate in business development to improve welfare, especially in the field of Agriculture.

In line with the mandate of the Pancasila and the 1945 Constitution of the Republic of Indonesia, one of the objectives of Agricultural development is directed at improving farmers' welfare. So far, farmers have made a real contribution in the development of agriculture and rural economic development. Farmers as actors of agricultural development need to be given Protection and Empowerment to support the fulfillment of food needs which are the basic rights of every person to realize food sovereignty, food independence, and food security in a sustainable manner. In carrying out agricultural development, farmers have a central role and make a major contribution. The main actors in the development of Agriculture are Farmers, who generally try on a small scale, that is, the average area of Farming is less than 0.5 hectare, and even some of the Farmers do not own their own Farm Business land or are called Farmers, even farmers. . Farmers in general have a weak position in obtaining production facilities, farm business financing, and market access.

Farmer Protection and Empowerment includes planning, Farmer Protection, Farmer Empowerment, financing and funding, supervision, and community participation, which is organized based on the principles of sovereignty, independence, usefulness, togetherness, cohesiveness, openness, openness, efficiency-justice, and sustainability (Article 2, Law of the Republic of Indonesia Number 19 of 2013). The form of policy that can be given to protect the interests of Farmers, among others is the regulation of imports of Agricultural Commodities in accordance with the harvest season and / or domestic consumption needs; the provision of agricultural production facilities that are timely, appropriate quality, and affordable prices for farmers, as well as subsidizing production facilities; stipulation of import duties on Agricultural Commodities, and stipulation of importing places for Agricultural Commodities from abroad in customs areas. In addition, the determination of the Farming Business area is also based on the conditions and potential of natural resources, human resources, and artificial resources; facilitation of Agricultural Insurance to protect Farmers from loss of crop failure due to natural disasters, infectious animal diseases, climate change; and /

or other types of risks determined by the Minister; and can provide assistance in compensation for crop failure due to extraordinary events in accordance with the financial capacity of the state.

In addition to the Protection of Farmers policy, Empowerment efforts also have an important role to achieve better Farmers' welfare. Empowerment is done to advance and develop the mindset of Farmers, improve Farming Businesses, as well as grow and strengthen Farmer Institutions to be able to be independent and highly competitive in Farming Enterprises. Some activities are expected to be able to stimulate farmers to be more empowered, among others, in the form of education and training, counseling and assistance, system development and marketing facilities for agricultural products; prioritizing domestic agricultural products to meet national food needs; consolidation and guarantee of Agricultural land area; provision of financing and capital facilities; easy access to science, technology, and information; and strengthening Farmer Institutions.

Farmers' Protection and Empowerment Targets are Farmers, especially to 2 (two) hectare cultivating farmers (no land whose main livelihood is to conduct Farming Business); Farmers who own land and carry out food crop cultivation business in the most extensive land area of 2 (two) hectares; Horticultural farmers, planters, or small scale business farmers in accordance with statutory provisions. Farmer Protection and Empowerment aims to realize the sovereignty and independence of Farmers in order to improve the level of welfare, quality, and a better life; protect farmers from crop failure and price risk; provide agricultural infrastructure and facilities needed in developing the Farming Business; developing institutional financing for Agriculture that serves the interests of Farming Enterprises; increase the ability and capacity of Farmers and Institutional Farmers in carrying out Farming Enterprises that are productive, advanced, modern, value-added, competitive, have market share and are sustainable; as well as providing legal certainty for the implementation of Farming Enterprises.

### **Agricultural Land Protection**

The Preamble to the 1945 Constitution of the Republic of Indonesia states that the aim of the state is to "protect all Indonesians and all Indonesian blood and to promote public welfare, educate the nation's life and participate in carrying out world order based on independence, lasting peace and social justice". Therefore, the protection of the whole nation and the improvement of public welfare are important responsibilities of the state.

One form of such protection is the guarantee of the right to food for all people which is a fundamental human right that is the responsibility of the state to fulfill it. This is in line with the provisions in Article 28A and Article 28C of the 1945 Constitution of the Republic of Indonesia and also in accordance with Article 25 of the Universal Declaration of Human Rights Article 11 of the International Covenant on Economic, Social, and Cultural Right (ICESCR).

In line with that, efforts to build food security and sovereignty to realize people's welfare are very important things to realize. In order to realize food security and sovereignty, it is necessary to hold sustainable agricultural development. Agricultural land has a strategic role and function for an agrarian-style Indonesian society because there are a large number of Indonesians who depend on agriculture for their livelihoods. Thus, land does not only have economic value, but also social, even religious value. In the context of sustainable agricultural development, land is the main resource in agricultural business, especially in conditions where most of the business sectors still depend on land-based farming patterns. Land is a natural resource that is scarce because the amount does not increase, but the need for land is always increasing.

Transfer of function of agricultural land is a threat to the achievement of food security and sovereignty. Transfer of land functions has serious implications for food production, the physical environment, and the welfare of agricultural and rural communities whose lives depend on their land. The transfer of functions of arable agricultural land has not been matched by integrated efforts to develop agricultural land through the printing of potential new agricultural land. On the other hand, the conversion of the function of food agriculture land causes increasingly narrow land area cultivated and often has an impact on decreasing the level of welfare of farmers. Therefore, controlling the conversion of the function of food agricultural land through the protection of food agricultural land is one of the efforts to realize food security and sovereignty, in order to improve the prosperity and welfare of farmers and the community in general.

The increase in the number of agricultural households grows is not proportional to the area of land cultivated. As a result, the number of small farmers and farm laborers without tenure / ownership of land in Java continues to grow. This has an impact on the difficulty of efforts to improve the welfare of farmers and poverty alleviation in rural areas. On the other hand, the uncontrolled urbanization process has an impact on the expansion of urban activities that increasingly push agricultural activities in rural areas that border directly with urban areas. Transfer of land functions related to the loss of access of rural residents to the main resources that can guarantee their welfare and loss of livelihoods of the agrarian population. The logical consequence is the migration of rural to urban populations in large numbers without offset the availability of employment in urban areas.

Threats to food security have resulted in Indonesia having to frequently import food products to meet domestic needs. In a situation where the population is still increasing in number, threats to food production have raised concerns that food insecurity will occur in the future. As a result, in the future Indonesia needs additional food and land availability. The protection of agricultural land for food is an inseparable effort from agrarian reform. The agrarian reform covers structuring efforts related to aspects of control / ownership as well as aspects of use / utilization as stipulated in Article 2 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX / MPR-RI / 2001 concerning Agrarian Reform and Management of Natural Resources.

In Article 2 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX / MPR-RI / 2001 concerning Agrarian Reform and Management of Natural Resources, it is explained that Agrarian Reform includes a continuous

process regarding the restructuring of the control, ownership, use and utilization of agrarian resources, implemented in order to achieve legal certainty and protection as well as justice and prosperity for all Indonesian people. In Article 4 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX / MPR-RI / 2001 concerning Agrarian Reform and Natural Resource Management, it is explained that agrarian reform and natural resource management must be carried out in accordance with the following principles:

1. maintain and maintain the integrity of the Unitary Republic of Indonesia;
2. respect and uphold human rights;
3. respect the rule of law by accommodating diversity in law unification;
4. welfare of the people, especially through improving the quality of Indonesian human resources;
5. develop democracy, legal compliance, transparency and optimization of people's participation;
6. realizing justice including gender equality in the control, ownership, use, utilization, and maintenance of agrarian resources / natural resources;
7. maintain sustainability that can provide optimal benefits, both for present and future generations, while still taking into account the capacity and carrying capacity of the environment;
8. carry out social functions, sustainability, and ecological functions in accordance with local socio-cultural conditions;
9. increasing integration and coordination between development sectors and between regions in the implementation of agrarian reform and natural resource management;
10. recognize, respect and protect the rights of indigenous and tribal peoples and the cultural diversity of the nation over agrarian resources / natural resources;
11. strive for a balance of rights and obligations of the state, government (central, provincial, district / city, and village or equivalent), communities and individuals;
12. implement decentralization in the form of division of authority at the national, provincial, district / city, and village level or the equivalent, relating to the allocation and management of agrarian resources / natural resources.

In Article 5 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX / MPR-RI / 2001 concerning Agrarian Reform and Natural Resource Management, it is explained that (1) The direction of agrarian reform policy is:

1. To review the various laws and regulations relating to agrarian affairs in the context of synchronizing inter-sectoral policies for the realization of laws and regulations based on the principles as intended in Article 4 of this Stipulation.
2. carry out the restructuring of the ownership, ownership, use and utilization of land (landreform) with due regard to the ownership of land for the people.
3. organizing land data collection through inventory and registration of control, ownership, use and use of land in a comprehensive and systematic manner in the context of implementing land reform.
4. resolving conflicts relating to agrarian resources that have arisen so far as well as being able to anticipate potential conflicts in the future in order to ensure the implementation of law enforcement based on the principles referred to in Article 4 of this Decree.
5. strengthen its institutions and authorities in order to carry out the implementation of agrarian reform and resolve conflicts relating to agrarian resources that occur.
6. earnestly seek financing in implementing agrarian reform programs and resolution of agrarian resource conflicts that occur.

The policy direction in natural resource management is:

1. To review the various laws and regulations relating to natural resource management in the context of synchronizing inter-sectoral policies based on the principles referred to in Article 4 of this Decree.
2. Realizing the optimization of the use of various natural resources through the identification and inventory of the quality and quantity of natural resources as a potential for national development.
3. expand the provision of access to information to the public about the potential of natural resources in the area and encourage the realization of social responsibility to use environmentally friendly technologies including traditional technologies.
4. pay attention to the nature and characteristics of various types of natural resources and make efforts to increase the added value of these natural resource products.
5. resolve conflicts over the use of natural resources that have arisen up to now and can anticipate potential conflicts in the future in order to ensure the implementation of law enforcement based on the principles referred to in Article 4 of this Decree.
6. strive for the recovery of ecosystems that have been damaged by over-exploitation of natural resources.
7. develop strategies for utilizing natural resources based on optimizing benefits by taking into account the potential, contributions, interests of the community and regional and national conditions.

The ownership / ownership aspect relates to the legal relationship between humans and land, while the use / utilization aspect is related to the activity of taking benefits or adding value to land resources. Provisions on the Protection of Sustainable Agricultural Land are intended so that certain parcels of land may only be used for suitable food agriculture activities. To implement this, arrangements are needed relating to the tenure / ownership of the land so that the tenure / ownership of the land is distributed efficiently and fairly. At the same time, it is expected that the area of land cultivated by farmers can increase

sufficiently so as to ensure the welfare of the farmer's family and the achievement of food production that is sufficient to meet the needs.

Food agricultural land protection is an inseparable part in spatial planning. To that end, the protection of agricultural land for food needs to be done by setting food agricultural areas that need to be protected. Food agriculture area is part of the arrangement of rural areas in the district area. In reality, agricultural land located in urban areas also needs protection. Protection of food agriculture areas and food agriculture land includes planning and stipulation, development, research, utilization and guidance, control, supervision, development of information systems, protection and empowerment of farmers, community participation, and financing. Protecting the area and food agriculture land is done by respecting local cultural wisdom and customary communal rights.

### **Understanding of the Village**

Villages or other names have been mentioned before the Unitary State of the Republic of Indonesia was formed. As proof of its existence, the Elucidation of Article 18 of the 1945 Constitution of the Republic of Indonesia (before the amendment) states that "In the territory of the Indonesian State there are approximately 250" *Zelfbesturende landschappen* "and" *Volksgemeenschappen* ", such as villages in Java and Bali, Nagari in Minangkabau , hamlets and clans in Palembang, and so on. These regions have an Original composition and can therefore be considered as special regions. The Republic of Indonesia respects the position of these special regions and all state regulations concerning these regions will commemorate the rights of the origin of these regions ". Therefore, its existence must continue to be recognized and guaranteed its survival in the Unitary State of the Republic of Indonesia.

The diversity of characteristics and types of villages, or what is referred to by other names, does not become a barrier for the founding fathers of this nation to impose their choice on the form of a unitary state. Although it is realized that in a unitary state there needs to be homogeneity, the Unitary State of the Republic of Indonesia continues to provide recognition and guarantees for the existence of a legal community unit and traditional law community unit and their traditional rights. In the history of village regulation, several regulations on villages have been established, namely Law Number 22 of 1948 concerning the Principle of Regional Government, Law Number 1 of 1957 concerning the Principles of Regional Government, Law Number 18 of 1965 concerning Principles Regional Government, Law Number 19 of 1965 concerning Praja Village as a Transitional Form to Accelerate the Establishment of Level III Regions in All Regions of the Republic of Indonesia, Law Number 5 of 1974 concerning Principles of Regional Government, Law Number 5 of 1979 regarding Village Government, Law Number 22 of 1999 concerning Regional Government, and finally by Law Number 32 of 2004 concerning Regional Government.

In its implementation, the regulation regarding the village has not been able to accommodate all the interests and needs of the village community, which until now has totaled around 73,000 (seventy three thousand) villages and around 8,000 (eight thousand) wards. In addition, the implementation of village regulations that have been in effect are no longer in accordance with the times, especially among others concerning the position of customary law communities, democratization, diversity, community participation, as well as development progress and equity, causing disparities between regions, poverty, and socio-cultural issues which can disrupt the integrity of the Unitary Republic of Indonesia.

With the construction of combining the function of self-governing community with local self-government, it is expected that the unity of indigenous and tribal peoples who have been part of the village area, will be arranged in such a way as Village and Traditional Village. *Desa* and *Desa Adat* basically carry out almost the same tasks. Whereas the difference is only in the exercise of original rights, especially regarding the social preservation of the *Adat Village*, the arrangement and management of customary territories, the customary peace session, the maintenance of order and order for the customary law community, as well as the governance arrangements based on the original arrangement.

Indigenous Villages have the functions of government, village finance, village development, as well as getting facilitation and guidance from the regency / city government. In this position, the *Desa* and *Desa Adat* receive the same treatment from the Government and the Regional Government. Therefore, in the future the *Desa* and *Adat Villages* can change the face of the Village and the governance of effective governance, efficient implementation of development, and community coaching and community empowerment in the region.

Villages or so-called other names have characteristics that are generally accepted throughout Indonesia, while *Desa Adat* or so-called by other names have characteristics that are different from villages in general, mainly due to the strong influence of adat on local government systems, local resource management, and Village's social cultural life. *Adat Village* in principle is a legacy of local community governance organizations that are maintained for generations, which are still recognized and championed by leaders and communities of the *Adat Village* so that they can function to develop prosperity and local socio-cultural identity. The *Adat village* has a more dominant original right than the original village since the Indigenous Village was born as an indigenous community in the community. *Adat Village* is a traditional law community unit that historically has territorial boundaries and cultural identities that are formed on the basis of territorial authority to regulate and manage the interests of village communities based on original rights.

Basically the customary law community unit is formed based on three basic principles, namely genealogical, territorial, and / or a combination of genealogical and territorial. What is regulated in this Law is the customary law community unit which is a combination of genealogists and territories. In this connection, the state recognizes and respects the unity of indigenous and tribal peoples along with 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. The implementation of the customary law community unit already

exists and lives in the territory of the Unitary Republic of Indonesia, such as huta / nagori in North Sumatra, gampong in Aceh, nagari in Minangkabau, clan in southern Sumatra, tuh or pekon in Lampung, pakraman village / village adat in Bali, lembang in Toraja, banua and women in Kalimantan, and the country in Maluku.

In its development, the Customary Village has changed to more than 1 (one) Customary Village; 1 (one) Customary Village becomes a Village; more than 1 (one) Customary Village becomes a Village; or 1 (one) Customary Village which also functions as 1 (one) Village / kelurahan. Therefore, this Law enables the change of status from a village or village to a Customary Village as long as it is still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia on community initiatives. Likewise, the status of a Desa Adat can be changed to a Desa / kelurahan at the initiative of the community.

Determination of the Customary Villages as referred to above, the main reference is the Constitutional Court Decision of the Republic of Indonesia, namely:

1. Decision Number 010 / PUU-1 / 2003 concerning the Testing of Law Number 11 of 2003 concerning Amendment to Law Number 53 of 1999 concerning the Establishment of Pelalawan Regency, Rokan Hulu Regency, Rokan Hilir Regency, Siak Regency, Karimun Regency, Regency Natuna, Kuantan Singingi Regency, and Batam City;
2. Decision Number 31 / PUU-V / 2007 concerning the Testing of Law Number 31 Year 2007 concerning the Establishment of City of Tual in Maluku Province;
3. Decision Number 6 / PUU-VI / 2008 concerning the Testing of Law Number 51 of 1999 concerning the Establishment of Buol Regency, Morowali Regency, and Banggai Kepulauan Regency; and
4. Decision Number 35 / PUU-X / 2012 concerning Testing Law Number 41 of 1999 concerning Forestry.

However, because the customary law community unit which is determined to be a Customary Village carries out the function of government (local self government), there is an absolute requirement, namely the existence of a territory with clear boundaries, the existence of government, and other instruments, plus one of the other institutions in the life of the legal community. customs such as shared feelings, assets, and customary government institutions.

#### **Implementation of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UN-DROP) for Indonesia**

The process of formulating the draft UNDROP took place between the period 1998 to 2001, which passed several discussions in farmer, NGO and academic forums. The finalization stage of the formulation occurred on April 17 to 20 2001 when the National Conference on Agrarian Reform for the Fulfillment and Protection of Farmers' Rights in Cibubur. The conference, which was held and attended by several institutions such as government agencies, farmer organizations, NGOs and academics, succeeded in formulating an authentic draft originating from Indonesia which contained 8 (eight) articles. After this conference, SPI brought the draft to the international stage along with La Via Campesina (LVC). and Center Europe-Tiers Monde (CETIM).

After this regional meeting, LVC together with the international and European FoodFirst Information and Action Network (FIAN) began to make reports related to violations of farmers' rights which were presented before the Human Rights Commission in 2004, 2006 and 2008. Then, the next moment was The International Farmers' Rights Conference in Jakarta in 2008 was attended by hundreds of LVC member organizations in the world as well as thousands of SPI members. After this conference, the draft was taken to the LVC's highest decision making forum, the 5th LVC Conference in Maputo, Mozambique. The entry of the draft into the international formal space was marked by a moment when the world was experiencing a food price crisis that occurred in the 2007-2008 period when prices of staple foods experienced a very high price increase. Prices of rice, wheat, corn and soybean simultaneously rose 74%, 130%, 31% and 87% in 2008 compared to the previous year which threatened the lives of 100 million people in poor countries (<https://spi.or.id>).

When the food crisis occurred, the UN General Assembly in New York and the Human Rights Council in Geneva asked LVC leaders about the steps proposed by the peasant movement to improve the situation. The LVC replied that UNDROP was an important tool in the fight against hunger and discrimination against rural populations throughout the world. In 2009, the Human Rights Council mandated the Advisory Committee to conduct a study of discrimination in the context of the right to food. In March 2012, this Committee presented a Final Study on the progress of UNDROP. The Committee recommends that the Human Rights Council establish a new mandate for special procedures to strengthen the promotion and protection of the rights of farmers and communities working in rural areas and develop international instruments (<https://spi.or.id>).

In the formal process that took place from 2013 to 2018, the diplomacy carried out by the LVC in order to pass the HAP as a declaration was filled with negotiations that were quite dynamic and involved state actors and various alliances from civil society organizations and academics. The diplomacy did not only take place in formal spaces but was also played in a variety of informal spaces from personal approaches with stakeholders to public campaigns and scientific activities.

In article 1 For the purposes of the present Declaration, a peasant is any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land. The present Declaration applies to any person engaged in artisanal or small-scale agriculture, crop planting, livestock raising, pastoralism, fishing, forestry, hunting or gathering, and handicrafts related to agriculture or a related occupation in a rural area. It also applies to dependent family

members of peasants. The present Declaration also applies to indigenous peoples and local communities working on the land, transhumant, nomadic and semi-nomadic communities, and the landless, engaged in the above-mentioned activities. The present Declaration further applies to hired workers, including all migrant workers regardless of their migration status, and seasonal workers, on plantations, agricultural farms, forests and farms in aquaculture and in agro-industrial enterprises.

Article 2 explain about States shall respect, protect and fulfil the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative and other appropriate steps to achieve progressively the full realization of the rights of the present Declaration that cannot be immediately guaranteed. Particular attention shall be paid in the implementation of the present Declaration to the rights and special needs of peasants and other people working in rural areas, including older persons, women, youth, children and persons with disabilities, taking into account the need to address multiple forms of discrimination.

Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

States shall elaborate, interpret and apply relevant international agreements and standards to which they are a party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas. States shall take all necessary measures to ensure that non-State actors that they are in a position to regulate, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and strengthen the rights of peasants and other people working in rural areas.

States, recognizing the importance of international cooperation in support of national efforts for the realization of the purposes and objectives of the present Declaration, shall take appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of peasants and other people working in rural areas, among others. Such measures could include:

- a) Ensuring that relevant international cooperation, including international development programmes, is inclusive, accessible and pertinent to peasants and other people working in rural areas;
- b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- c) Facilitating cooperation in research and in access to scientific and technical knowledge;
- d) Providing, as appropriate, technical and economic assistance, facilitating access to and sharing of accessible technologies, and through the transfer of technologies, particularly to developing countries, on mutually agreed terms;
- e) Improving the functioning of markets at the global level and facilitating timely access to market information, including on food reserves, in order to help to limit extreme food price volatility and the attractiveness of speculation.

Article 3 : Peasants and other people working in rural areas have the right to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and all other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on any grounds such as origin, nationality, race, colour, descent, sex, language, culture, marital status, property, disability, age, political or other opinion, religion, birth or economic, social or other status. Peasants and other people working in rural areas have the right to determine and develop priorities and strategies to exercise their right to development. States shall take appropriate measures to eliminate conditions that cause or help to perpetuate discrimination, including multiple and intersecting forms of discrimination, against peasants and people working in rural areas.

Article 4 : States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development. States shall ensure that peasant women and other women working in rural areas enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights:

- (a) To participate equally and effectively in the formulation and implementation of development planning at all levels;
- (b) To have equal access to the highest attainable standard of physical and mental health, including adequate health-care facilities, information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To receive all types of training and education, whether formal or non-formal, including training and education relating to functional literacy, and to benefit from all community and extension services in order to increase their technical proficiency;
- (e) To organize self-help groups, associations and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;

- (g) To have equal access to financial services, agricultural credit and loans, marketing facilities and appropriate technology;
- (h) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes;
- (i) To decent employment, equal remuneration and social protection benefits, and to have access to income-generating activities;
- (j) To be free from all forms of violence.

Article 12 : Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law. States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation. Peasants and other people working in rural areas have the right to legal assistance. States shall consider additional measures, including legal aid, to support peasants and other people working in rural areas who would otherwise not have access to administrative and judicial services.

States shall consider measures to strengthen relevant national institutions for the promotion and protection of all human rights, including the rights described in the present Declaration. States shall provide peasants and other people working in rural areas with effective mechanisms for the prevention of and redress for any action that has the aim or effect of violating their human rights, arbitrarily dispossessing them of their land and natural resources or of depriving them of their means of subsistence and integrity, and for any form of forced sedentarization or population displacement.

Article 13 : Peasants and other people working in rural areas have the right to work, which includes the right to choose freely the way they earn their living. Children of peasants and other people working in rural areas have the right to be protected from any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to a child's health or physical, mental, spiritual, moral or social development. States shall create an enabling environment with opportunities for work for peasants and other people working in rural areas and their families that provide remuneration allowing for an adequate standard of living. In States facing high levels of rural poverty and in the absence of employment opportunities in other sectors, States shall take appropriate measures to establish and promote sustainable food systems that are sufficiently labour intensive to contribute to the creation of decent employment.

States, taking into account the specific characteristics of peasant agriculture and small-scale fisheries, shall monitor compliance with labour legislation by allocating, where required, appropriate resources to ensuring the effective operation of labour inspectorates in rural areas. No one shall be required to perform forced, bonded or compulsory labour, be subject to the risk of becoming a victim of human trafficking or be held in any other form of contemporary slavery. States shall, in consultation and cooperation with peasants and other people working in rural areas and their representative organizations, take appropriate measures to protect them from economic exploitation, child labour and all forms of contemporary slavery, such as debt bondage of women, men and children, and forced labour, including of fishers and fish workers, forest workers, or seasonal or migrant workers.

Article 14 : Peasants and other people working in rural areas, irrespective of whether they are temporary, seasonal or migrant workers, have the rights to work in safe and healthy working conditions, to participate in the application and review of safety and health measures, to select safety and health representatives and representatives in safety and health committees, to the implementation of measures to prevent, reduce and control hazards and risks, to have access to adequate and appropriate protective clothing and equipment and to adequate information and training on occupational safety, to work free from violence and harassment, including sexual harassment, to report unsafe and unhealthy working conditions, and to remove themselves from danger resulting from their work activity when they reasonably believe that there is an imminent and serious risk to their safety or health, without being subject to any work-related retaliation for exercising such rights. Peasants and other people working in rural areas have the right not to use or to be exposed to hazardous substances or toxic chemicals, including agrochemicals or agricultural or industrial pollutants.

States shall take appropriate measures to ensure favourable safe and healthy working conditions for peasants and other people working in rural areas, and shall in particular designate appropriate competent authorities responsible, and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health in agriculture, the agro-industry and fisheries, provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection for rural workplaces.

States shall take all measures necessary to ensure:

- a) The prevention of risks to health and safety derived from technologies, chemicals and agricultural practices, including through their prohibition and restriction;
- b) An appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging, distribution, labelling and use of chemicals used in agriculture, and for their prohibition or restriction;

- c) That those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to users in the appropriate official language or languages of the country and, on request, to the competent authority;
- d) That there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment;
- e) The development and implementation of educational and public awareness programmes on the health and environmental effects of chemicals commonly used in rural areas, and on alternatives to them.

Article 15 : Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development. States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.

States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding. Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures. States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.

Article 25 : Peasants and other people working in rural areas have the right to adequate training suited to the specific agroecological, sociocultural and economic environments in which they find themselves. Issues covered by training programmes should include, but not be limited to, improving productivity, marketing, and the ability to cope with pests, pathogens, system shocks, the effects of chemicals, climate change and weather-related events. All children of peasants and other people working in rural areas have the right to education in accordance with their culture, and with all the rights contained in human rights instruments.

States shall encourage equitable and participatory farmer-scientist partnerships, such as farmer field schools, participatory plant breeding, and plant and animal health clinics to respond more appropriately to the immediate and emerging challenges that peasants and other people working in rural areas face. States shall invest in providing training, market information and advisory services at the farm level.

Article 26 : Peasants and other people working in rural areas have the right to enjoy their own culture and to pursue freely their cultural development, without interference or any form of discrimination. They also have the right to maintain, express, control, protect and develop their traditional and local knowledge, such as ways of life, methods of production or technology, or customs and tradition. No one may invoke cultural rights to infringe upon the human rights guaranteed by international law, nor to limit their scope. Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to express their local customs, languages, culture, religions, literature and art, in conformity with international human rights standards. States shall respect, and take measures to recognize and protect, the rights of peasants and other people working in rural areas relating to their traditional knowledge, and eliminate discrimination against the traditional knowledge, practices and technologies of peasants and other people working in rural areas.

Article 27 : The specialized agencies, funds and programmes of the United Nations system, and other intergovernmental organizations, including international and regional financial organizations, shall contribute to the full realization of the present Declaration, including through the mobilization of, inter alia, development assistance and cooperation. Ways and means of ensuring the participation of peasants and other people working in rural areas on issues affecting them shall be considered. The United Nations and its specialized agencies, funds and programmes, and other intergovernmental organizations, including international and regional financial organizations, shall promote respect for and the full application of the present Declaration, and follow up on its effectiveness.

Article 28 : Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that peasants and other people working in rural areas and indigenous peoples currently have or may acquire in the future. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present Declaration. The exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations. Any such limitations shall be non-

discriminatory and necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and for meeting the just and most compelling requirements of a democratic society.

Through UN-DROP a number of their rights, as affirmed in various international human rights instruments, obtain affirmation and reaffirmation to be respected, protected and fulfilled. During this time, these rights are more often not respected, easily violated, and not fulfilled by the state due to various large economic interests and the accumulation of capital working in the countryside. The corporation dominates the control of land and other natural resources and controls the production and trade of agricultural products in the countryside. The state facilitates corporations to control rural livelihoods, exploit and even get rid of peasants and other small community groups.

The endorsement of the UN-DROP should make the Indonesian people proud. Because, the initial idea of "peasant rights" was formulated and compiled by a number of activists and farmer groups in Indonesia since the late 1990s. This idea originated from advocacy work for the improvement of the lives of peasants in Indonesia where land is getting narrower, it is increasingly difficult to access agricultural production facilities, and the quality of the environment and the conflicts they face are decreasing. Towards the year 2000, an initial formula for the "peasants' rights" concept was established in Yogyakarta, which was then discussed and disseminated to various regions in Indonesia. The idea of "peasant rights" was seriously discussed and became one of the declarations that was born at the 2001 National Conference on Agrarian Reform and Farmers' Rights in Cibubur. Since then, the declaration document has been fought for and has become the material for an international campaign by farmers groups incorporated in the Indonesian Peasant Union (SPI), members of the La International Peasant Union via Campesina (LVC).

After a long process of socialization and negotiation, it was only in 2008 that the LVC adopted the Declaration of Peasants' Rights document which was conceived by Indonesian farmers' groups and their supporters. The LVC and a number of transnational civil society organizations then immediately called for stronger international advocacy to push the text into the arena of official discussions at the United Nations. The idea of the rights of peasants was pushed together with various discussions on the protection and fulfillment of the right to food in the UN Human Rights Council, which then asked the UN Human Rights Council Advisory Committee to study it. In 2012, the Advisory Committee of the UN Human Rights Council reported the results of its studies and stated that the UN Human Rights Council should produce a separate declaration related to the rights of farmers and other groups working in rural areas.

The long journey of the campaign, advocacy and international lobbying of agrarian reform fighters, defenders of the rights of the peasants, farm laborers, fishermen, and small farmers who took about two decades, finally paid off. The session of the UN Human Rights Council in September 2018 contained the agenda for ratification of the UN-DROP. Of the 47 member countries of the UN Human Rights Council, 33 supported, 11 declared abstentions, and 3 other countries - Australia, Hungary and the United Kingdom - rejected the presence of DROP. The declaration was then rolled into the UN General Assembly, December 2018, which then ratified it as part of an international human rights law instrument through UN-SU Resolution No. A / RES / 73/165.

The UN Declaration, though not a legally binding instrument, is a form of international political statement on what is important for the survival of civilized human life. The United Nations Declaration shows the shared political will of the international community to advance civilization by respecting each other's human rights and re-occupying the country's position to protect and fulfill it. Therefore, the United Nations Declaration should still be a legal reference in the formation of the policies of its member countries, especially for countries that agree with the contents of the declaration. UN-DROP reaffirms the need for better protection for farmers, including landless, tunakisma and farm laborers, fishermen, and small farmers, regardless of their different backgrounds, in order to obtain a better livelihood. UN-DROP underlines the need for agrarian reform to be carried out seriously in the context of fulfilling the right to food and encouraging the creation of food sovereignty and increasing opportunities for the poor in rural areas to work independently.

UN-DROP also stressed the need to protect the rights of farmers in maintaining, developing, and glorifying native seeds, including to exchange and trade them. The aim is not only to respect indigenous knowledge and their cultural rights, but also in the context of fulfilling the right to the environment and promoting biodiversity. Most of the contents of UN-DROP indeed only reaffirm a number of rights that have been listed in various international human rights instruments and other international agreements. However there are several types of new rights in the realm of human rights that have arisen, such as: rights to land and territory, rights to seeds and protection of original knowledge relating to seedlings, rights to biodiversity and protecting the environment, rights to agricultural production equipment, rights to sovereignty food, the rights of farmers and other groups in rural areas to obtain a decent income, and their rights to develop community-based trading systems.

The new human rights instrument in the DROP is needed to increase the coherence and realization of a number of human rights - as stated in various international human rights instruments that were born first - specifically in the midst of the lives of peasants and other rural groups that have been continually marginalized. A difficult fact to deny is that after half a century the world community has a Covenant on Economic, Social and Cultural Rights, and a Covenant on Civil and Political Rights, the majority of the world's population living in extreme poverty and suffering from hunger in the countryside. The rights of farm laborers have also not been protected, because they are not covered by labor conventions which are generally effective only for workers in the formal sector. Poverty statistics, both national and global, illustrate that rural areas remain large pockets of poverty. Global data shows that up to 10 years ago around 75% of the poor population were in rural areas. If seen more comprehensively by including health, education, and standard of living aspects besides income as the main measuring indicator, up to 4 years ago, of the approximately 1.4 billion poor people in the world, 85% of them lived in the countryside (Alkire et al. 2014).

In Indonesia, accounting for 61% of the population included in the poor category are in rural areas (BPS 2018). While the number of people in extreme poverty (extreme poverty) in 2017, according to the World Bank calculation method that uses the

USD 1.90 poverty line per day, has indeed been declared to have dropped significantly in the past decade and a half. According to the World Bank the number now lives around 15.1 million (5.7% of the population).

With the new methodology calculating poverty rates adjusted to the status of the Indonesian economy as a Lower Middle-Income Country, the number of poor people or those who spend less than USD 3.20 is around 72.1 million or around 27.3% of the total population. But it must be noted that the World Bank uses an exchange rate based on global Purchasing Power Parity, which is valued at around Rp 5,366 per US dollar. If the prevailing exchange rate is used in the market, or currently around Rp. 14 thousand per one dollar, the population of "very poor" is at least around 16% of the total population. By using the same exchange rate, more than half of Indonesia's population, which currently amounts to around 260 million, can be categorized as a poor population.

The 2018 Inter Census Agriculture Survey (SUTAS) states there are around 27.7 million farm households, or around 38% of the population, whose livelihoods depend on agricultural economic activities. These activities include agricultural activities, plantations, the cultivation and management of forest products, fishing and animal husbandry. If you do not control the land for farming or raising livestock, then other job opportunities available in rural areas are odd jobs (informal wages) in agriculture or construction. The percentage of informal workers (odd jobs) in the agricultural sector is 88.5% (BPS 2018). The average net income of workers in the agricultural sector is only around 54% of the average minimum wage set by the government (BPS 2018). In addition to very low wages, rural workers (such as farm laborers, daily / casual laborers on plantations, or other coolies) also do not have certainty and guarantees in terms of wages, employment opportunities, or work safety (<https://arc.or.id>). Inequality of land tenure that developed since the colonial period and is getting worse is now the main base of the survival of rural poverty. Increasing inequality over time coupled with the incessant conversion of agricultural land for non-agricultural activities, has narrowed employment opportunities, and leaves the type of odd jobs (loose wages) in rural areas. The calculation of the Gini ratio of land tenure by peasant households in Indonesia since 1963 until now shows that the problem which is the main cause of poverty has never been seriously resolved (<https://arc.or.id>).

Since 1963 until now, the range of gini ratios of land tenure has been in the range of 0.52-0.59 (Bachriadi 2017). This means that the distribution of land tenure in Indonesia has always been very lame. Landless peasants are not included in this calculation. If they are included as a dividing factor, the figures for the ratio of land tenure in Indonesia are terrible: ranging from 0.64 to 0.72. In addition to the unequal tenure structure, the peasants in Indonesia since the New Order until now have only controlled small-scale land on average: never more than 1 hectare. The latest Agricultural Census (SP) and the Inter-Census Agriculture Survey (SUTAS) conducted by BPS in 2013 and 2018, show that the majority of Indonesian farmers are small farmers or farmers who only control less than 0.5 hectares of land. When the census was held in 2013, the number was around 55%, five years later (2018) the number had increased to 57%. The percentage of our small farmers has continued to increase since the 1960s. In 1963 and 1993, for example, there were 44% and 49% of the total farm household (Bachriadi 2017).

The process of de-peasantization or the reduction in the number of farmers and agricultural activities of the people in Indonesia as a logical consequence of industrialization, apparently did not bring the community groups that have been working in rural areas - mostly farmers - to a better standard of living. On the other hand, rural poor people are increasingly marginalized by widespread land eviction and seizure, closure of access to water areas for small fishermen, and various agrarian conflicts. Likewise, the criminalization of them and their defenders has never diminished - even though the authoritarian regime is often said to have ended, and now is the era of the return of democracy and respect for human rights.

The presence of the UN-DROP will certainly not stop all negative treatment of the peasants and other marginalized groups living in rural areas. The text of the United Nations declaration is even just a text. Moreover, it is not a legally binding legal instrument. The UN-DROP Declaration will only be meaningful if the governing regime - especially the governments whose countries have signed it - take concrete steps according to the contents of the text of the declaration. One interesting thing is in the process of the endorsement of the DROP ratification. From the start, when farmers and civil society groups from Indonesia and their allies from various other parts of the world fought for DROP, the Indonesian government and its permanent delegation at the UN did not respond too much to the proposals of this community. In fact, a number of countries from Central and South America and Africa that are on the UN Human Rights Council, have from the beginning supported the idea of peasant rights. Even though from 2007 to 2017 Indonesia has been a member of the UN Human Rights Council several times (<https://arc.or.id>).

In 2015, for example, when the UN Human Rights Council decided on the formation of the Intergovernmental Working Group, a group was formed to discuss more deeply the design of the UN-DROP. The four countries that make up the "core support group" or "core group of sponsors" are Bolivia, Cuba, Ecuador and South Africa. While Indonesia, together with Brazil and Switzerland, "only" became a group referred to as "friends of the core group". This is certainly interesting to discuss in another place: to see how the power relations that develop between social movement groups and the ruling regime in Indonesia and in the countries mentioned above, are related to the priority of human rights issues championed at the United Nations.

Hopefully the Indonesian government in the aftermath of the 2019 general election and so on - whoever the head of state will be elected - consistently responds to Indonesia's position as one of the signatories of the UN-DROP. Namely providing full protection to the peasants and other community groups working in the countryside. Mainly to carry out real agrarian reform - as an important basis for upholding food sovereignty; not agrarian reform "imitation" as shown during the past decade.

## CONCLUSION

The UN Declaration, though not a legally binding instrument, is a form of international political statement on what is important for the survival of civilized human life. The United Nations Declaration shows the shared political will of the international community to advance civilization by respecting each other's human rights and re-occupying the country's position to protect and fulfill it. Therefore, the United Nations Declaration should still be a legal reference in the formation of the policies of its member countries, especially for countries that agree with the contents of the declaration. The UN Declaration will be a good international setting for the protection and empowerment of farmers and rural communities. Developing countries in Asia, Africa and Latin America are generally expected to ratify this declaration so that it can be implemented and of course monitored through mechanisms at national, regional and international levels. policies that have existed so far, which protect and fulfill the human rights of farmers and communities working in rural areas.

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