CONSTITUTIONAL RIGHTS OF INDIGENOUS PEOPLES AFFECTED BRITISH PETROLEUM TANGGUH (BP) EXPLORATION AND EXPLOITATION IN BINTUNI BAY

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ABSTRACT

Purpose: The primary objective of this research is to conduct a comprehensive investigation comprising two key facets: first, the analysis of the constitutional rights of indigenous communities affected by the operations of British Petroleum (BP) Tangguh in Bintuni Bay; and second, an examination of the environmental ramifications resulting from the exploration and exploitation activities of BP Tangguh in the same region.

Theoretical Framework: The research adopts a qualitative methodology, specifically employing a juridical-sociological framework, aimed at meticulously evaluating the degree of safeguarding afforded to the rights of indigenous populations in Papua, particularly in response to the repercussions arising from the operational activities conducted by BP Tangguh in Bintuni Bay, Papua.

Methods: The methodology employed in this study involves a qualitative inquiry that harnesses the juridical-sociological approach as a fundamental framework to comprehensively assess and gauge the extent of safeguarding extended to the rights of indigenous communities adversely impacted by the exploration and exploitation endeavors of BP Tangguh in the region of Bintuni Bay. Through in-depth qualitative analysis and examination within this juridical-sociological paradigm, the research aims to delve into the intricate nuances and complexities surrounding the protection, or lack thereof, of these indigenous populations in the face of BP Tangguh's activities, aiming to illuminate the challenges and shortcomings in safeguarding their rights within this context.

Conclusion: The research findings highlight a significant lack of protection for constitutional rights among Bintuni Bay's indigenous communities, mainly due to BP Tangguh's operations. They reveal BP Tangguh's failure in upholding these rights and emphasize the critical issue of inadequate government oversight, resulting in widespread violations. Urgent actions, including a thorough audit of BP Tangguh and swift implementation of corrective measures by the Government, are recommended to restore and safeguard the violated rights of affected indigenous communities, aiming to ensure their well-being and uphold constitutional rights.

Originality/Value: The research contributes original insights by highlighting the failure to protect indigenous rights and the absence of corporate responsibility by BP Tangguh. Moreover, it emphasizes the urgency of governmental intervention, proposing specific steps to rectify the
situation. This adds significant value to the discourse on corporate accountability, indigenous rights, and environmental protection in Papua's context.

Keywords: constitutional rights, indigenous peoples, exploration & exploitation.

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DIREITOS CONSTITUCIONAIS DE POVOS INDÍGENAS AFETADOS BRITIS PETROLEM TANGGUH (BP) EXPLORAÇÃO E EXPLORAÇÃO NA BAÍA DE BINTUNI

RESUMO

Propósito: O objetivo principal desta pesquisa é realizar uma investigação abrangente que compreende duas facetas-chave: primeiro, a análise dos direitos constitucionais das comunidades indígenas afetadas pelas operações da British Petroleum (BP) Tangguh na Baía de Bintuni; e segundo, um exame das ramificações ambientais resultantes das atividades de exploração e exploração da BP Tangguh na mesma região.

Estrutura Teórica: A pesquisa adota uma metodologia qualitativa, empregando especificamente um quadro jurídico-sociológico, visando avaliar meticulosamente o grau de salvaguarda concedido aos direitos das populações indígenas em Papua, particularmente em resposta às repercussões decorrentes das atividades operacionais conduzidas pela BP Tangguh na Baía de Bintuni. Através de uma análise qualitativa e aprofundada e de um exame dentro deste paradigma jurídico-sociológico, a pesquisa busca aprofundar as intricadas nuances e complexidades que cercam a proteção, ou falta dela, dessas populações indígenas em face das atividades da BP Tangguh, buscando iluminar os desafios e deficiências na salvaguarda de seus direitos neste contexto.

Conclusão: Os resultados da pesquisa destacam uma significativa falta de proteção dos direitos constitucionais entre as comunidades indígenas da Baía de Bintuni, principalmente devido às operações da BP Tangguh. Eles revelam o fracasso da BP Tangguh em defender esses direitos e enfatizam a questão crítica da supervisão inadequada do governo, resultando em violações generalizadas. Recomenda-se a adoção de medidas urgentes, incluindo uma auditoria minuciosa da BP Tangguh e a rápida implementação de medidas corretivas pelo Governo, para restaurar e salvaguardar os direitos violados das comunidades indígenas afetadas, com o objetivo de garantir o seu bem-estar e defender os direitos constitucionais.

Originalidade/valor: A pesquisa contribui com percepções originais ao destacar a falha em proteger os direitos indígenas e a ausência de responsabilidade corporativa da BP Tangguh. Além disso, sublinha a urgência da intervenção governamental, propondo medidas específicas para corrigir a situação. Isso agrega um valor significativo ao discurso sobre responsabilidade corporativa, direitos indígenas e proteção ambiental no contexto de Papua.

Palavras-chave: direitos constitucionais, povos indígenas, exploração e exploração.
1 INTRODUCTION

The Constitution of the Republic of Indonesia (NRI) emphasizes the objectives of the NRI, namely to protect the entire nation and the blood of Indonesia, to promote general welfare, to educate the nation's life, and to participate in implementing world order/international relations. These state objectives are then derived in the Body of the Constitution, which in principle respects, nurtures, recognizes and safeguards the human rights of citizens.

BP Tangguh in Bintuni Bay is the latest in a history of natural resource exploitation projects in the western half of the island of New Guinea. It is arguably the most significant of these projects because it opens up the region to a new wave of exploitation. Just as Freeport's huge profits from gold and copper mining have attracted other mining companies to Papua, Tangguh is attracting other oil and gas companies to Papua.

This Constitutional mandate should be implemented in all aspects of the life of society, nation and state, including in the relationship between investment and the rights of indigenous peoples. Article 18B paragraph (2) of the Constitution affirms that the State recognises and respects the unity of customary law communities 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, which are regulated by law. Furthermore, Article 18B paragraph (2) of the 1945 Constitution is reinforced by Article 28I paragraph (3) that cultural identity and traditional communities are respected in line with the development of the times and civilisation.

Prior to the enactment of the Omnibus Law on Job Creation, the existence of Article 18B paragraph (2) and Article 28I paragraph (3) was facilitated in various sectoral laws such as Law No. 5 of 1960 on Agrarian Principles, Law No. 4 of 2009 on Mining, Minerals and Coal, Law No. 7 of 2004 on Water Resources, and other related laws, which basically sought to recognise and respect the Customary Law Community Units (KMA).

West Papua Province, as one of the conservation provinces, has the largest percentage of forest area, at 87.3%. This percentage is derived from West Papua's land area of 9.6 million ha, while its forest area reaches 8.39 million ha. However, until 2020, West Papua lost approximately 2.1 million ha of primary forest. The conversion of forests to oil palm plantations has left communities unable to hunt, garden, and the number of endemic animals is decreasing, such as mambruk birds, and birds of paradise. This is happening in the Domberai customary area which covers 10 regencies and 1 city in West Papua.
Papua, namely Manokwari Regency, South Manokwari Regency, Arfak Mountains Regency, Maybrat Regency, Sorong City, Sorong Regency, South Sorong Regency, Raja Ampat Regency, Bintuni Bay Regency, Wondama Bay Regency, and Tambrauw Regency.  

BP Tangguh/Tangguh LNG is an integrated development of six gas fields located in the Wiriagar, Berau and Muturi PSCs in Bintuni Bay, Papua Barat. The gas reserves were discovered in the mid-1990s by Atlantic Richfield Co. (ARCO). Tangguh LNG is operated by BP Berau Ltd (100% owned by bp). BP's other subsidiaries in the Tangguh LNG development are BP Muturi Holdings B.V., BP Wiriagar Ltd. and Wiriagar Overseas Ltd - giving BP a 40.22% interest in Tangguh LNG. Other partners are MI Berau B.V. (16.30%), CNOOC Muturi Ltd. (13.90%), Nippon Oil Exploration (Berau) Ltd. (12.23%), KG Berau Petroleum Ltd (8.56%), KG Wiriagar Petroleum Ltd. (1.44%), and Indonesia Natural Gas Resources Muturi Inc. (7.35%). BP Tangguh began production in 2009, just four years after receiving approval from the government. Construction of Train 3 is now nearing completion, and is expected to contribute an additional 3.8 million tons per annum (mtpa) to the Tangguh LNG plant's production capacity, bringing the plant's total capacity to 11.4 mtpa. The investment in the project, which is operated by, and majority-owned by, BP Tangguh Berau Ltd, is approximately USD8 billion.

2 PROBLEM FORMULATION

1. What are the constitutional rights of indigenous peoples affected by the exploration and exploitation of British Petroleum (BP) Tangguh in Bintuni Bay?
2. What are the environmental impacts resulting from the exploration and exploitation of British Petroleum (BP) Tangguh in Bintuni Bay?
3 THEORETICAL OVERVIEW

3.1 INDIGENOUS PEOPLES CONSTITUTIONAL RIGHTS

The United Nations General Assembly in New York on September 13, 2007, adopted the United Nations Declaration on the Rights of Indigenous Peoples. It describes the rights of indigenous peoples both individually and collectively, including their rights to culture, identity, language, employment, health, and education, among other things. It also highlights their right to development to suit their needs and ambitions, as well as their right to uphold and strengthen their institutions, culture, and traditions. Additionally, it forbids discrimination against indigenous peoples and encourages their active and complete participation in all decisions that affect them as well as their freedom to maintain their cultural identity and pursue their own ideas about economic and social development. As a country born out of hundreds of years of colonization, human rights are not new to Indonesia. Therefore, the Indonesian people understand the meaning and nature of human rights. As evidence, the preamble of the 1945 Constitution is a determination to abolish colonialism from the surface of the earth because it is not in accordance with humanity and justice. Indonesia is dedicated to upholding and realizing human rights for this reason. An expansion of the Universal Declaration of Human Rights is the Universal Declaration on the Rights of Indigenous Peoples.\(^5\)

In reality, in carrying out various economic, social and cultural activities, indigenous peoples can experience various obstacles from third parties as a result of various regulations and policies of the Government and Regional Governments relating to land, forestry and marine that give third parties permission to carry out activities in indigenous peoples' territories. This results in communities losing their rights to carry out economic, social and cultural activities that have been carried out for a long time and for generations.\(^6\)

Indications of violations of community rights occur throughout Indonesia in the form of violations of rights to land, forests and other natural resources. The preliminary findings of Komnas HAM's national inquiry into the rights of indigenous peoples to

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\(^5\) Muhammad Zulkifli Muhdar, La Ode Husen & Zainuddin, The Constitutionality of Customary Courts Dispute Resolution in Indigenous Communities from Tana Toraja Regency, https://www.mendeley.com/catalogue/9625a7d6-0c7e-37d0-b779-29f3bb802b66/

territories within forest areas in 7 regions, namely Sulawesi, Sumatra, Kalimantan, Bali-Nusa Tenggara, Maluku-North Maluku, Java, and Papua found several conditions and impacts on respect, fulfilment, and protection of human rights. Some of the problems and impacts of respect, protection and fulfilment of human rights experienced by indigenous peoples in the 7 indigenous territories include the conversion of land function/status in various forms such as into production forest areas, unilateral determination of forest functions, omission of land disputes and others. The fact is that forests in indigenous territories are important sources of life and livelihoods for indigenous peoples that have been passed down from generation to generation. The impact of changes in forest governance and forest status/function causes the absence and/or limitation of access to control and management of indigenous territories, the loss of indigenous peoples' sources of life and livelihoods, the destruction of cultural systems, damage to ecosystems, and the decline in the quality of life and welfare of indigenous peoples.  

4 RESEARCH RESULTS AND DISCUSSION

4.1 THE CONSTITUTIONAL RIGHTS OF INDIGENOUS PEOPLES AFFECTED BY THE BRITISH PETROLEM (BP) TANGGUH EXPLORATION AND EXPLOITATION IN BINTUNI BAY

4.1.1 Claims of Social Responsibility Transparency (TJS/CSR) BP Tangguh

Tuti Rastuti, et al argue that Corporate Social Responsibility ("CSR") is an action or concept carried out by a company (according to the company's ability) as a form of their responsibility to the social / environment around where the company is located. Examples of this form of responsibility vary, ranging from conducting activities that can improve community welfare and environmental improvement, providing scholarships for underprivileged children, providing funds for the maintenance of public facilities, donations to villages/community facilities that are social and useful for many people, especially the community around the company. Not only that, CSR arrangements for mining companies are further regulated in Government Regulation Number 23 of 2010 concerning the Implementation of Mineral and Coal Mining Business Activities ("PP 23/2010") as last amended by Government Regulation Number 8 of 2018 concerning the Fifth Amendment to Government Regulation Number 23 of 2010 concerning the Implementation of Mineral and Coal Mining Business Activities. ("PP 8/2018"). IUP and

7 Ibid
IUPK holders must develop community development and empowerment programmes around WIUP and WIUPK.[8] For information, WIUP stands for Mining Business Permit Area, which is the area granted to IUP holders, and WIUPK stands for Special Mining Business Permit Area in the Special Mining Business Area, which is the area granted to IUPK holders. BP Tangguh/Tangguh LNG is an integrated development of six gas fields located in the Wiriagar, Berau and Muturi PSCs in Bintuni Bay, Papua Barat. The gas reserves were discovered in the mid-1990s by Atlantic Richfield Co. (ARCO). Tangguh LNG is operated by BP Berau Ltd (100% owned by bp). Another bp subsidiary in the Tangguh LNG development is BP Muturi Holdings B.V., BP Wiriagar Ltd. and Wiriagar Overseas Ltd. - giving BP a 40.22% interest in Tangguh LNG. Other partners are MI Berau B.V. (16.30%), CNOOC Muturi Ltd. (13.90%), Nippon Oil Exploration (Berau) Ltd. (12.23%), KG Berau Petroleum Ltd (8.56%), KG Wiriagar Petroleum Ltd. (1.44%), and Indonesia Natural Gas Resources Muturi Inc. (7.35%). BP Tangguh began production in 2009, just four years after receiving approval from the government. Construction of Train 3 is now nearing completion, and is expected to contribute an additional 3.8 million tons per annum (mtpa) to the Tangguh LNG plant's production capacity, bringing the plant's total capacity to 11.4 mtpa. The investment in the project, which is operated by, and majority-owned by, BP Tangguh Berau Ltd, is approximately USD 8 billion.8

From these projected benefits, the biggest fundamental question is whether the lives of the indigenous people in the areas affected by Tangguh exploration and exploitation have been fulfilled with their constitutional and traditional rights? Have the indigenous people of Bintuni prospered physically and mentally with the presence of BP Tangguh? Or, do BP Tangguh's claims in the media about its successes really match the facts on the ground? It is on the basis of this constitution that this research is undertaken, as the advocacy by West Papua Senator Filep Wamafma aims to hold BP Tangguh and the Government accountable for the neglect of the rights of indigenous peoples in the affected areas.9

BP Indonesia's Social Performance & Delivery Manager, Samuk Konyorah, said that BP Indonesia continues to be committed to working with all parties in an effort to provide long-term benefits to stakeholders, including partners and communities around its operational areas. Furthermore, Samuk said that Tangguh LNG's social programmes

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include health, governance, community development in Papua and West Papua, and entrepreneurship development programmes for indigenous people. These claims raise doubts, leading to the question, are they true and real?

Based on advocacy work conducted by Senator Filep Wamafma, it shows that in both national and international publications, BP has never transparently published the source of BP Tangguh's CSR funds. BP masks the explanation of the source of CSR funds with the phrase "BP with the support of SKK Migas, or BP with Government Support". This phrase masks information about the source of CSR funds, which come from cost recovery, which reduces state revenues and the Regional Oil and Gas Revenue Sharing Fund. BP's lack of transparency regarding the source of its CSR funds has misled the public into believing that BP's CSR funds are sourced from BP's profits, even though CSR funds should be expended separately from BP Tangguh's total profits, not using cost recovery. However, it is suspected that there has been regulatory gaming that is detrimental to the region and local communities but beneficial to BP Tangguh, SKK Migas and other related parties. This is very clear in Government Regulation No. 35/2004 on Upstream Oil and Gas Business Activities and Permen of ESDM No. 22/2008, which contradicts Law No. 40/2007 on Limited Liability Companies. That this Law provides an obligation to every company, both foreign and domestic companies, to implement a social responsibility programme (CSR) whose budget is an obligation of the Company in accordance with Article 74 of the PT Law paragraph (1) and (2) as follows:

(1) Companies carrying out business activities in the field of and/or related to natural resources must perform Environmental and Social Responsibility.

(2) The Social and Environmental Responsibility contemplated in paragraph (1) shall be an obligation of the Company which shall be budgeted for and calculated as a cost of the Company, the implementation of which shall be carried out with due attention to propriety and fairness.

Meanwhile, the government under Minister of Energy and Mineral Resources Jero Wacik included CSR activities as cost recovery by withdrawing Minister of Energy and Mineral Resources Regulation No. 22/2008 on Types of Costs of Upstream Oil and Gas Business Activities that cannot be refunded to the Cooperation Contractor. As is known, the regulation stipulates 17 activities that cannot be charged, one of which is the charging of funds for the development of the environment and local communities (Community Development, also understood as CSR) during exploitation activities. This regulation
emerged because the community demanded contributions from companies in oil and gas producing areas. The lack of contributions led to communities not giving up their areas as mining areas and conflicts arose. By the government at the time, this was seen as an investment disruption. This kind of disruption causes oil and gas investment to be hampered and potentially reduces state revenue. That is why Minister of Energy and Mineral Resources Jero Wacik supports the inclusion of CSR funds in recovery costs to increase state revenues. Recovery costs are operating costs that can be recovered in the calculation of revenue sharing (DBH).\textsuperscript{10}

4.1.2 Claiming BP Tangguh's Role in Health

BP claims its role is to reduce the incidence of malaria in 2021 from 87.50\% in 2002 as well as to reduce stunting. The reality shows that the facts in the field show that there is murky water that has an impact on the community with inadequate health facilities, access to transportation is only by using wooden boats that are self-supporting by the community, including bridges that are also self-supporting so that the community has difficulty accessing health facilities for treatment.

Figure 1 - The following picture shows what is actually happening in Bintuni Bay, which is not in accordance with the BP.

![Figure 1](image1.jpg)


Inadequate water consumption has caused the community to always be sick and seek doctors for medicine for stomach pain, defecation, itching, but other facts also show that the community is faced with the condition of health facilities that are not suitable for

\textsuperscript{10} Ib\textsuperscript{id}
hospitalisation due to poor lighting. Local people must go to the forest for clean water, especially during the dry season. BP has not established a clean water programme for the Bintuni community. BPS 2023 data shows that as of 2021 there is only 1 hospital in Bintuni. There is no maternity hospital. There are only 2 (two) polyclinics in Babo and Bintuni. Puskesmas numbered 25 from 2020-2021, and Puskesmas Pembantu numbered 42. There are no Puskesmas in Beirnes Plain, Kamun and, Weriagar, Moskona Barat, Moskona Timur, Menday, and Biscoop. Meanwhile, there are only 8 pharmacies in Bintuni and Manimeri. In terms of health infrastructure alone, it is almost certain that health development in Bintuni is not optimal. Until 2022, there will still be malnourished babies (44 children). In conjunction with the presence of Tangguh LNG in Bintuni, ideally the LNG could assist in the development of public health aspects, for example through the establishment of a hospital, polyclinic and posyandu. There is water tank assistance from BP Tangguh, but clean water is not available at all. There is an endowment fund, but the community does not understand the transparency of its use. Furthermore, various opinions of community leaders who are domiciled in the Bintuni area are as follows that the testimony about clean water came from Piter Nurlete, a Welagar resident. The consumption of unfit water causes the community to always be sick and look for doctors to ask for medicine \stomach pain, difficulty defecating, itching, but dealing with the condition of the Health facility is not suitable for hospitalisation because of the makeshift lighting as seen in the following picture:

Figure 2- Picture of an inadequate Health Facility

These conditions have left the community to bemoan their own fate, watching their natural gas being extracted with no reciprocity from BP Tangguh. According to Marthen Wersin, Chairman of LMA 7 Suku Teluk Bintuni, until now there has been no
good coordination/cooperation with BP. He believes that BP Tangguh's expansion activities should have started by reporting to the 7 tribes. When there are problems in the field, BP should only contact them. This is what he thinks is wrong. As a guest, BP should respect the existence of the seven tribes in Bintuni. He also complained that the 7 tribes were not involved in the recruitment of workers for indigenous Papuan children. Furthermore, the testimony of Haji Jamaludin, Head of the 7 Tribes’ Customary Government, stated that the indigenous people are not a priority for BP Tangguh. There is no transparency in the relationship between BP Tangguh and the indigenous people. Endowment funds, BLT, education funds, health funds, there is no clear transparency because the community never knows where all these funds go and where they are stored.

BPS 2023 data shows that until 2021 there is only 1 hospital in Bintuni. There is no maternity hospital. There are only 2 (two) polyclinics in Babo and Bintuni. Puskesmas are 25 since 2020-2021, and auxiliary Puskesmas are 42. There are no Puskesmas in Beirnes Plain, Kamundan, Weriaigar, West Moskona, East Moskona, Menday, and Biscoop. Meanwhile, there are only 8 pharmacies in Bintuni and Manimeri. In terms of health infrastructure, it is almost certain that health development in Bintuni is not optimal. Until 2022, there will still be malnourished babies (44 children). If linked to the existence of Tangguh LNG in Bintuni, then in an ideal world, LNG should be able to assist the development of public health aspects, for example through the establishment of hospitals, polyclinics, and integrated health centers.

There is water tank assistance from BP Tangguh; however, clean water is not available at all. There is also an endowment fund, but the community does not understand its transparency. The government has provided compensation of 10 M for each gas well, but the entire process is being done in stages and will not be completed until 2022, after a long series of protests from the community. The latest information is that the provinces of West and Southwest Papua are the 23rd and 24th regions to be searched for stunting and extreme poverty by the Coordinating Ministry for Human Development and Culture. Earlier in the dialog, Regent of Arfak Mountains Yosias Saroy said that Arfak Mountains Regency is the region with the highest stunting rate in West Papua, which is 51.5%7. This is due to the lack of access and quality of health services, such as low coverage of infants who get complete basic immunization, lack of clean water facilities and infrastructure.
4.1.3 The environmental impacts of British Petroleum's (BP) Tangguh exploration and exploitation in Bintuni Bay

BP Tangguh claims that the operational impact of the Tangguh LNG Project on the local economy is the value of contracts reaching Rp 4 trillion with 30 Papuan companies involved in the Tangguh Project supply chain for the period 2006-2019. This means that around 30 Papuan companies and suppliers are currently involved in the Tangguh LNG supply chain, with an accumulated contract value since 2006 of more than Rp 4 trillion. In the AMDAL commitment, there is an agreement regarding the economic empowerment of the indigenous people of Bintuni through the establishment of 4 (four) Subitu-flagged companies, namely 1) PT Subitu Karya Busana; 2) PT Subitu Inti Konsultan (SIK); 3) PT Subitu Karya Teknik (SKT) and 4) PT Subitu Trans Maritime (STM). Of the many programs, the Subitu program is the most prominent because it absorbs a large enough budget, involves many partners, (Unipa, Ikopin, Pupuk, Satu Nama Foundation, Matsushita Foundation), where the inauguration and promotion are held on a large scale. Here are the facts about Subitu.

The obligation of Environmental Impact Analysis is based on Article 106 letter a of Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management, the Minister of Environment and Forestry has stipulated Minister of Environment and Forestry Regulation Number 4 of 2021 concerning List of Businesses and/or Activities that are Required to Have an Environmental Impact Analysis, Through Permen LHK 4/2021, the Minister of Environment and Forestry has regulated the types of business plans and/or activities that are required to have an Environmental Impact Analysis (AMDAL), Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) or a Statement of the Ability to Manage and Monitor the Environment (SPPL). Some examples of sector types of business plans and/or activities regulated in Permen LHK 4/2021

The results of this research have shown that BP Tangguh’s claim is not in line with the actual reality in the field because the reality shows that in the AMDAL commitment there is an agreement related to the economic empowerment of the indigenous people of Bintuni through the establishment of 4 (four) Subitu-flagged companies, namely 1) PT Subitu Karya Busana; 2) PT Subitu Inti Konsultan (SIK); 3) PT Subitu Karya Teknik (SKT) and 4) PT Subitu Trans Maritime (STM). Of the many programs, the Subitu program is the most prominent because it absorbs a large enough budget, involves many
partners, (Unipa, Ikopin, Pupuk, Satu Nama Foundation, Matsushita Foundation), where the inauguration and promotion are held on a large scale. Here are the facts about Subitu.

5 CONCLUSION

Amidst the euphoria of these projected profits, the biggest fundamental question is, have the lives of the indigenous people in the areas affected by Tangguh exploration and exploitation been given their constitutional and traditional rights? Put simply, have the indigenous people of Bintuni prospered physically and mentally with the presence of BP Tangguh? Or if reversed, do BP Tangguh's claims in various media regarding its successes, really match the facts on the ground? It is for all these questions that this ADVOCACY is being conducted. So on the basis of the Constitution, this advocacy aims to hold BP Tangguh and the Government accountable for ignoring the rights of indigenous people in the affected areas.

1. BP Tangguh does not implement the constitutional rights of indigenous peoples and communities affected by BP Tangguh's exploration and exploitation. On the other hand, there is no government supervision, which results in more massive and structured violations of community rights. Therefore, the Government should immediately conduct a comprehensive audit of BP Tangguh's existence, and take other concrete steps as necessary, to restore the violated rights of indigenous peoples and affected communities.

2. Environmental impacts caused by the exploration and exploitation of British Petroleum (BP) Tangguh in Bintuni Bay, including environmental pollution and discolored river water so that people around Bintuni Bay can no longer consume clean water from the river but must struggle to find water in other areas.
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