

The Role of Law in Addressing Racial Disparities in the Criminal Justice System: a Social Science Perspective

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Abstract. *This research analyses the ethnic and religious discrimination that is evident in Indonesian Criminal Justice System drawing of Critical Race Theory and Intersectionality Matrix frameworks. By addressing and examining the Appellate Court of Indonesia's rulings on the ethnic Chinese and Papuans this study shows that the law in Indonesia does not act independently and objectively to dispense justice but is instead used as a tool to maintain the domination of the majority. The study further notes how legal developments arising from historical racial and colonial prejudices have continued to disadvantage the minorities up to this present generation. It also discussed the effect of public opinion and the media on the Judicature and showed how populism triggered by the media has a detrimental effect on the independence of the judiciary and the reproduction of bias present in society into the legal framework. In doing so, this study reveals how race and religion interact with political affiliation to create specific kinds of inequalities and ensuring that particular minorities receive severe legal penalties. The implications of these findings are far reaching thus requiring for legal reforms which should be more than merely cosmetic interventions. Based on the research, it is necessary to expand the use of intersectional approach in the legal field, improve the status of the judiciary, as well as raise the general accountability of media.*

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INTRODUCTION

Racial discrimination is not a legal issue confined to the Indonesian criminal justice system since it openly reveals the intrinsic injustice that is thriving in the society and undermines the legal structure of the country. This research questions seek to establish how a legal system that prides itself in the of justice and equity continue to support practices that hurt minorities. They recommend a philosophical and critical approach to the analysis of the legal systems that sustain such inequality with the application of Critical Race Theory (CRT).

According to Critical Race Theory discussed by Delgado & Stefancic (2017), racism is a norm rather than the deviation from it, that involves the legal system as well. Indonesia, a country with diverse ethnic and racial background it is seen that the law itself is operating to a large extent as a tool that merely reflects social power relations over social injustice. CRT opposes the idea of natural law, which posits that whenever there are laws in place they are just because that is the nature of laws, which is fallacious according to CRT because laws are socially constructed and inherently reflect the dominance of the hegemonic group (Bell, 2018). It is therefore relevant to the current research as it relates with the two contrasting theories of law, that is legal positivism and natural law. Legal positivism which H. L. A Hart popularized disapproves the notion that legal validity depends on the morality of the law. However, when norms are law-like and have the effect

of systematically discriminating against the subordinated groups, as it is the case with racism in Indonesia laws, the positivist approach ceases to have any sense. Voice from natural law tradition including the works of Aristotle and Aquinas has it that for a law to be just, it must originate from morality. Therefore, it can be said that the Indonesian legal system's participation in the construction of the racial inequality means that it questions its own ethical permission and the reconsideration of its axiomatics is needed.

This is further supported by the critical legal studies movement which posits that the law does not merely mirror the society but instead is an oppressive tool whereby some members of society especially the dominant ones benefit in the oppressive of the other group's members (Hanna et al., 2000). Over the last few years, emerging research has exposed how the Indonesian legal systems perpetuate the exclusion of minority groups while perpetuating injustice in social and economic differences (Khisbiyah, 2009). For ethnic and racial minorities Indonesia has been witnessing their oppression for long the same as the legal system remained being their enabler. For instance, laws that deal with public order and security work to suppress ethnic minorities and other groups and keeps them in a cycle of social and economical marginalization (Dinnen, 2000).

The present work also makes use of Michel Foucault's postulations that power works within institutions such as the law to maintain power relations in a society (Deacon, 2002). Therefore, when referring to the legal system in Indonesia, it can be asserted that it serves as a place that reproduces racial ethnic differences when protecting minority groups all the while oppressing them. The subject is especially pertinent in the light of Foucault's idea of 'governmentality' which examines the way states govern people with the help of law (Deacon, 2002). This limitation is however a strength because it makes this study specific to Indonesia where we can really look at the factors grounded in the Indonesian history, culture, and politics that can lead to racially unequal criminal justice system (Jones-Brown, 2015). For example, Indonesia's colonial past has resulted in a legal pluralism tradition as well as hierarchical social relations which are still reflected in the modern laws (Benda-Beckmann & Turner, 2018; Rosenfeld, 2008; Baumgartner et al., 2018). Thus, positioning this research within the Indonesian context, the study addresses not only local concerns but also speaks within the contours of race, law, and justice in postcolonial societies.

Furthermore, this study works with the concept known as 'legal consciousness' that deals with how people understand the law (Silbey, 2005). Indonesian legal consciousness of minorities is generally characterized by feelings of exclusion from the legal systems as well as lack of confidence in the legal systems. In the current studies, legal consciousness is proposed as essential for explaining the processes of legal compliance and defiance among the vulnerable groups in Indonesia. This research endeavours to make these points clearer by pointing out that, although there are these perspectives, the education of laws is rather lacking as it is critical to understand this legal consciousness of the inferior groups in order to reform the legal policies.

METHOD

CRT as the theoretical framework offered the lens for analysing how racism is enshrined in the Indonesian criminal justice system. CRT stated that the law was not just the rules of the game but rather a social construct which served to perpetuate the hegemonic aims of the dominating group (Nixon & Neumann, 2018). Through CRT implementation, this study was expected to reveal how Indonesian legal logic maintained racial domination with focus on how the Indonesian perceived racially neutral laws and policies discriminate the Minorities.

This research also adopted critical legal reflexivity in intersection with critical reflexivity that loosely followed Foucault's theories of power and governmentality. These frameworks were used to evaluate the smartphones structuration and how legal institution regulated social conduct, reinforcing the status quo and oppression. This was made possible by the use of a multi-theoretical framework that enabled an appreciation of the dynamism in the intersections of law, power and race in Indonesia. The study employed an qualitative research method to attempt to

capture a complete picture of racism in criminal justice system of Indonesia using multiple qualitative methods. The reason for using this qualitative approach was in its ability to understand and describe emergent, multifaceted, and contextualised experiences of vulnerable populations in legal realms.

One of the main qualitative methods used in this research study was different case studies of legal processes with regards to the Indonesian minorities. These case were had chosen depending on the factors like on concern of racism in legal pleadings, minorities' defendants, and results of the trials. Finally, the case studies again showed and explained the problems of racism in arresting, court trial, and sentencing aspects. From the defendant's imprisonment, defense attorney's advocacy, judge's sentencing, and social justice activist's engagement in the trial, this study investigated the possibilities of first person narratives to offer a thick description of racial minorities' experiences in the criminal justice system. Self-administered questionnaires were used to engage legal practitioners, scholars and activists with a view of identifying their perception about racial inequalities in the legal system. These interviews focused on the professionals' attitude towards racism and racially biased, the difficulties they came across promoting anti-racial bias, and their opinion about the possible changes. In this way, the interview data was subjected to thematic coding in order to uncover recurrent patterns and multiple readings of the system problems which emerged from the interview accounts.

In analysing language, Critical Discourse Analysis (CDA) was used to analyse legal documents, case courts and media coverage in the selected cases. CDA has involved in analyzing specific patterns of discourses as it related with race stereotyping and racism. It proved rather effective in revealing how language in legal contexts perpetuated race and racism by using discursive change as the focus of analysis. This study revealed that language plays an important part in the construction of racism from underpinning some of the racisms endemic legal discourses of the selected cases to compounding the racisms which shape the culmination of the study.

RESULT AND DISCUSSION

A critical discourse analysis of the selected cases, as well as interviews with Indonesian officers and thematically analysing those interviews, show that there are significant racial and ethnic inequalities in Indonesia's criminal justice system.

Table 1. Overview of Key Cases and Legal Outcomes

Case Name	Year	Jurisdiction	Racial/Ethnic Group Involved	Legal Issue	Outcome
Ahok Blasphemy Case	2017	Jakarta	Ethnic Chinese/Christian	Blasphemy	Convicted, 2 years imprisonment
Papua Rights Activists	2019	Papua	Papuan	Treason	Various sentences
Munir Said Thalib Assassination	2004+	Jakarta	Human Rights Activists/Ethnic Javanese	Assassination, State Involvement	Partial convictions, ongoing legal battles

Basuki Tjahaja Purnama (Ahok) was sentenced to prison in 2017 for blasphemy against the religion of Islam; this clearly illustrates that in Indonesia race and religion determines the legal processes of a person. Ironically, Ahok's trial was not only a legal issue of blasphemy but also ethnic Chinese Christian governor had become a point of animosity for ethnic Indonesian Muslims. It further portrayed how legal procedures are influenced by a society's tendency to embrace change and certain religious preferences and made one wonder about the bias of the legal system especially in matters that affect minority icons.

The case of bringing treason charges against Papuan activists in 2019 clearly shows that justice system in Indonesia is biased in favor of Indonesian mainstream and against Papuans. These activists were given different terms of imprisonment for the acts of organizing these protests thereby showing the intolerant approach that the state had on dissent in areas with massive ethnic minority population. These cases reveal the phenomenon of race stipulation of the legal rhetoric, according to which actions of ethnic minorities are punished within the frames of the law more severely.

The murder of Munir Said Thalib, an activist of human rights, and legal process which followed these events provide insight into conflict of power and racism/ethnic discrimination. While a few people have been prosecuted and received jail terms, the continuing court cases indicate a lack of willingness to face the possibility of state involvement in the crime Munir's ethnicity and political affiliations are believed to have played the decisive role. The case demonstrate that it is not easy for the minority and dissident to gain justice especially in a system that might shield the influential people.

Table 2. Critical Discourse Analysis of Legal and Media Documents

Case Name	Key Discourses Identified	Source	Implication on Racial/Ethnic Bias
Ahok Blasphemy Case	"Defender of Islam" vs. "Ethnic Outsider"	Court Transcripts, Media Reports	Ethnic and religious identity framed as a threat to the majority's values, influencing legal outcomes
Papua Rights Activists	"Separatists" vs. "Indigenous Rights Activists"	Legal Documents, Government Statements	Legal framing as separatists justifies harsher legal penalties, reflecting racialized perceptions of Papuan identity
Munir Said Thalib Assassination	"National Hero" vs. "Traitor"	Media Coverage, Public Discourse	Polarized portrayal reflects underlying ethnic tensions and reluctance to challenge state power

Thereby, the discursive constructions of Ahok's trial constantly evolving an "ethnic outsider," a figure competing with the 'proper' representation of Muslims. Such framing is evident from previous articles and legal documents which contributed to the general public influenced the result of trial. The representation of Ahok as a potential danger to Islamic traditions was recognise by most population total and it is example of how race and religion can be used as a tool to erase minority frames in legal frameworks. Even in the case of the Papuan activists, the legal and governmental narrative repeatedly categorised them as 'separatists', a term that already has shades of rebellion and treason. This rationalization not only defended the draconian legal consequences that were subjected, but also signaled the general population's mentality of the Papuans as a source of negative change to Indonesia. The legal process through which these activists are ostracised in the fight against East African social justice illustrates how race maintains its inherent prejudice. The media was especially divided over Munir's assassination, with some naming him a "Hero," while other, with state affiliations labelled him a "Traitor." This too reflects the ethnic and political nature of Munir, as well as the state's difficulty to confront the case. This selective justice evident in the case therefore shows that ethnicity and politics in Indonesia determine power and in law.

Table 3. Thematic Analysis of Interviews with Legal Practitioners

Theme	Key Quotes	Implications
Perception of Judicial Bias	"The judiciary is not immune to societal pressures, especially in high-profile cases involving minorities."	Suggests that racial and ethnic biases are entrenched within the judiciary, influencing case outcomes

Challenges in Addressing Racial Bias	"There's a reluctance to acknowledge racial bias openly, both within the legal system and in society."	Highlights the systemic nature of racial bias and the difficulty in addressing it within legal institutions
Role of Public Opinion	"Public sentiment often sways legal decisions, particularly in cases involving racial or religious issues."	Indicates that public opinion, influenced by racial and ethnic stereotypes, plays a significant role in shaping legal outcomes

The interviews highlighted this notion that the Indonesian judiciary has become socially responsive especially in cases involving Indonesian Asia's ethnic and colored people. Such a perception suggests that the law is not some objective entity that dispenses justice in the society, but is a product of the prejudices that exist in the society. The corollaries are far-reaching; they are presumably a sign that minority parties are at a disadvantage within the legal system. There was admitted racism amongst the legal practitioners but everyone stated that the common approach was almost shameful in its reticence to address the issue. This seems to have stemmed from other weaknesses facing society when addressing race and ethnicity in that there is always a tendency for people to deny the existence of bias. The first reason for this is that overcoming these biases in societies is especially challenging, especially within legal systems, thus maintaining the disparities experienced by minorities. Public opinion and the influence it has in a particular case especially one related to race or religion was a common topic in the interview. This means that the legal outcome of any decision depends on the public and they are normally influenced by racial and ethnic stereotype motifs. The impact of pronoun public opinion on the judiciary underlines the susceptibility of the latter to pressure of the ruling majority thereby necessitating doubt on the procedural fairness of the legal system.

Table 4. Legal Charges and Sentencing Patterns by Ethnic Group

Ethnic Group	Common Legal Charges	Average Sentence Length	Notable Cases	Observations
Ethnic Chinese	Blasphemy, Corruption	2-4 years	Ahok Blasphemy Case (2017)	Often subjected to charges that tap into racial and religious sensitivities, resulting in significant public scrutiny.
Papuan	Treason, Sedition, Public Disorder	5-10 years	Papua Rights Activists (2019)	Frequently face severe charges for political activism, with long sentences indicative of systemic repression.
Javanese (Activists)	Assassination, Subversion	Ongoing/Contested	Munir Said Thalib Assassination (2004 onward)	Legal outcomes are influenced by state interests, with partial or delayed justice, reflecting reluctance to challenge state power.

Ethnic Chinese are mostly charged with issues that are considered very sensitive in society and in court and these include blasphemous charges or corruption related charges. The average length of sentences gave an impression of the fact that enhanced sentencing patterns exist especially where racial and religious elements prevail. : This points to the fact that legal

issues affecting the Ethnic Chinese persons are compounded by social prejudices. The Papuans are commonly arrested on charges of treason and subversion especially in their exercise of political freedom. The long sentences seen in such cases are indicative of systemic oppression that is inherent in China's administrative legal structure, where the law is used to crackdown protesters in the minority regions. This supports the notion of the case that the racial and ethnic identity of the parties in a case contributes greatly to the result of the case. Based on experiences of Javanese activists including Munir Said Thalib, legal procedures are normally fraught and protracted especially where state authority is in view. This can only be interpreted as selective justice where political and ethnic activism collaborate with state authority to determine the legal outcome. Such cases are still being pursued and this explains why it may be hard for activists to secure justice.

Table 5. Media Representation of Ethnic Minorities in Legal Cases

Ethnic Group	Media Framing	Common Themes	Impact on Public Perception	Notable Cases
Ethnic Chinese	Outsider, Wealthy Elite	Corruption, Blasphemy	Reinforces stereotypes of Chinese as wealthy, untrustworthy outsiders.	Ahok Blasphemy Case (2017)
Papuan	Separatist, Violent Rebel	Treason, Disobedience	Depicts Papuans as a threat to national unity, justifying harsh legal actions.	Papua Rights Activists (2019)
Javanese (Activists)	Heroic Martyr, Controversial Figure	Human Rights, State Power	Polarizes public opinion, with divisions based on loyalty to the state or support for human rights.	Munir Said Thalib Assassination (2004 onward)

The media portrayal of Ethnic Chinese individuals and especially in legal matters diminishes them to be foreigners or a part of the nouveau riche. framing of such cases build on historical racism bias and deepen the social mistrust affecting how the justice system handles these cases. It can be said that Ahok was convicted fairly severely due to the fact that he was not only accused of blasphemy, but also because he was rich and an ethnic Chinese man. The media uses 'separatists' or 'violent rebels' to describe Papuans and this is in consonance with the images of Indonesia's separatism threatening its territorial integrity. This representation legitimizes aggressive legal responses against activists in Papua and sustains prejudice in favour of Papuan communities, preventing them to find justice in the Indonesian law. The information about Javanese activists, for example, Munir Said Thalib, the representation of whose activities can be studied in media is rather stereotyped. On one side they are presented as struggling for human rights, as martyrs; on the other, as rebels faces to the authority. This bifurcation is in line with societal cleavage and creates incongruities in the wing of justice, rather the legal system delivers results based on political tendencies and state concerns.

Table 6. Legal Outcomes by Public and Media Influence

Case Name	Level of Media Coverage	Public Opinion	Legal Outcome	Observed Impact of Media/Public Pressure
Ahok Blasphemy Case	Extensive	Divided, Predominantly Negative	Convicted, 2 years imprisonment	High media coverage and negative public sentiment likely influenced the harsh sentencing.

Papua Rights Activists	Moderate	Predominantly Negative	Various sentences	Media framing of activists as "separatists" reinforced public support for severe penalties.
Munir Said Thalib Assassination	Polarized	Divided	Partial convictions, ongoing legal battles	Public opinion is split, reflecting in the partial and delayed justice in the case.

The situation was further exacerbated by the fact that the total number of published media references associated with the trial of Ahok was significantly high and the general public's attitudes in relation to the accused were mainly negative, which, as practice shows, evidence-based judicial processes are vulnerable to such pressure. The case shows that the judiciary bows to pressure from media and general public and especially when the involved person is from the minority who is associated with defying the norms of majority. A medium level of media coverage and negative attitude of the community towards Papuan activists were detected mainly because of the activists' labeling as "separatists". The media synchronized its messages with governments thus solidifying the public behind the stiff legal measures that in turn reflected how influential the media is in construction of rightfully legal social pillars. This is well depicted by the more polarized and divided media coverage together with the general public when it comes to the assassination of Munir. This has probably had serious implications on the legal process because the public opinion is divided half and half and justice is delivered in parts and at times. This case illustrates that the process is not really that easy when the public and media pressures are on different sides.

Law as an Instrument of Power and Social Control

CRT and works using Foucault's view of law depict them as being more than a set of rules and are seen as an instrument of control within society as they tend to reinforce existing order. In Indonesia, this dynamic is most evident in the ethnic and religious minorities including the Chinese and the Papuans where victim outcomes are seen to reflect the defenders' attempts to uphold the Indonesian hegemony.

Basuki Tjahaja Purnama or Ahok's blasphemy case is a good example of how the Muslim organisation pushed their agenda of intolerance, hate and bigotry into an otherwise moderate Indonesian society. Political motivations sank deep into the legal charges that were laid against Ahok, an ethnic Chinese-Christian, the charges were more about violating religious principles of the society than just violating the political rights of the Muslims. This can be associated with Foucault's theory of biopolitics which works to oversee and dominate those who act against the legal norms and punish the outcasts. This use of law as instrument of social control is therefore not peculiar to Indonesia but a common feature of post colonial state in which the legal systems are sometimes mirror images of colonial domination (Philpott, 2000). Indonesia law which has its roots to colonial rule from the Dutch still maintains these repressive features. In this regard, Breman (2020) points out that colonial legal system was intended to institutionalize racism and subjugation of indigenous people which is evident in Indonesia of today where the legal system only serves the interest of those in power and is used as an instrument to keep matters status quo.

Subsequent research has also endeavored to expand this line of analysis with regard to the genealogy of colonial legal practices in postcolonial societies. Kumm, (2004) pointed out that international law from which most domestic laws are derived, was used in the past to justify colonialism, and thus the framework is continued to shape the former colonies legal systems. In Indonesia, selective application of the laws to the minorities with reference to the Papuans and

the ethnic Chinese is a classic case of continuation of this colonial construct in that it has placed the legal system as a tool that protects the interests of the Indonesian majority by denying vary similar liberties to the dominated (Lev, 2000).

However, the idea of legal pluralism was introduced during the colonial time and still prevails in Indonesia and therefore is a contributing factor to the Structural Discriminations that exist in the Legal system. Legal pluralism is a situation where there are two or more legal frameworks in the same state which draws attention to the fact that justice is worked depending on the facet of society somebody belongs to; this was pioneered by Hooker in 1975. In Indonesia for instance the current national law, Islamic law and Customary law are often contradictory, especially against the minority where the worst from all the systems is adopted (Lev, 2000). This system is rather confusing to a legal scholar and it unfairly marginalizes any minority that is neither of the dominating religion or ethnicity.

The Influence of Public Opinion and Media on Legal Decisions

When writing about Law one cannot discount the impact of public opinion and the media on legal decisions in a country like Indonesia, especially when it is a sensationalised case like that of Ahok where blasphemy was involved. Law and public opinion are inextricably linked and this : having implications for the independence of the judiciary.

That is why the approach of legal realism that reflects the impact of the regulative forces on the decision-making is quite helpful to analyze this state of affairs. One of the early legal pragmatists, Oliver Wendell Holmes goes even further by stating that the law is not just a logical deductive system but the sum total of the experiences of society and polity within which it is situated, that the law and the decisions of the court are based on the experiences of the society (McCann & March, 1995). This perspective will be more appropriate for the context of Indonesia's judiciary given the fact that the judiciary in Indonesia is most of the time scrutinized by the public and media. In Ahok's case, the media itself was an influential actor that constructed Ahok as ethnic and religious Other who threatens national culture and norms in Indonesia. These frames, as Zuidweg (2018) pointed out, played a role in mobilising the public to demand for Ahok and subsequently was convicted. Different media started labeling Ahok as a threat to the religious aspect of Muslim majority and so the public was influenced and the judiciary as well was pressurized to deliver a verdict as per the media created public opinion.

The following papers look at real events in Pakistan then and now and how media-driven populism can erode judicial independence especially in ethnically or religiously divided societies as Baig delve into in their article (2008). Judicial political culture in Indonesia implies that the judiciary bowed to the pressure from the masses as demonstrated by their handling of Ahok's case, this implies that legal outcomes are likely to reflect extras legal factors. This is rather worrisome to gauge the efficiency of the judiciary in delivering justice to the vulnerable groups of the population such as the minorities. The effects of the media to legal processes are not only confined in Indonesia. Kahan (2011) provide an illustration of how primacy of communication can turn some groups into 'others' so that they can be easily labeled for legal penalties in United States. In the same way, the Indonesian media has portrayed ethnic Chinese and Papuans as agents of threat to the Indonesian state hence they have not been treated well in the Indonesian legal system. The opinion formed by the media is favorable to the social bias of the society in which the prejudices reflected in the legal decisions are more of prejudice and not legal analysis.

The consequences of this relationship between law, media, and public opinion, calls to question the more conventional notion of the judiciary arm's independence. Nonetheless if legal outcomes are sensitive to sometimes irrational or bigoted sentiments where disputes involve persons of colour or religious minorities, then the rule of law is subverted and the populace loses confidence in arbitration by the judiciary. This aspect also as well draws a lot of ethical concerns regarding the responsibilities of the media in molding the public opinion and the the legal procedures. Is the media responsible for contributing towards the outcome of such cases through its reporting? In what ways can the judiciary be insulated from the effects of the broad public

opinion? These questions call for reforms on how media is handling the judiciary as well as the prejudices from the society. Price & Krug (2002) have written about the idea of creating and overseeing independent bodies that could monitor the coverage of the cases with the purpose to prevent media from publishing inaccurate, inflammatory or biased materials. They would also assist in preventing the manipulation of the media populism on the judicial system because legal body deserves its independence.

Intersectionality of Race, Religion, and Power

Kimberlé Crenshaw coined the term “intersectionality” referring to how different vectors of oppression are not discrete, but realized simultaneously and so are people’s experiences of oppression. In the system of Indonesian law, the intersectionality is manifested most significantly in ethnoreligious minority cases in which the accused’s multiple minority statuses only escalate their vulnerability.

Therefore, Ahok’s case is a good illustration of how intersectionality works in legal framework. Combined with the Christian faith that Ahok professed, his ethnic origin of Chinese descent put him in a rather vulnerable position in Indonesian society. His prosecution for blasphemy was not only a reiteration of religious order but it was a reminder of the imposed ethnic order as well. Notably, there is a shift in interest from ‘the law’ being a comprehensive body of legislation to ‘the law of the law’ where often the purpose of many legal systems is precisely to establish who may be included within societies and who may not: Derrida, 1990. This trial of Ahok was not only about the criminal charges against him but more importantly how is he and his Indonesian identity fitting the imagination and political direction of Indonesia. Thus the experience of legal repression of Papuan activists in general point to the ways in which race, religion, and politics are entwined. Through giving severe legal consequences to the Papuans, who are racially and politically different from the Javanese majority due to the Papuan’s insurgency for independence, the legal ramifications show Papuan intersectionality. According to Rasidjan (2019), the Indonesian legal frameworks are designed for the erasure of the racial identity of Papuans and to suppress any political demand they may make, thus the law is an instrument of perpetuating the racial and even the political stratification within the state.

The intersectional approach makes one appreciate the fact that the traditional legal theories lack the capacity to appreciate the complexity in individuals’ identity. Legal scholars like Harris and Carbado put forward a significant concern to this in a very important but obvious way; the law tends to assume that race, religion and politics are discrete rather than intertwining forms of oppression. Their failure to include intersectionality in the Indonesian legal system is the reason for the continuous prejudice of minority groups in the country. It is therefore clear that there would be significant changes on how legal reform would be undertaken. And these are the questions that articles like this one try to answer to move legal reforms forward from simply anti-discrimination rhetoric adjusted to the multiple and complex identity of the defendants. This would entail the breaking of the traditional legal models of identity and anti-discrimination which will see the engagement of justice that is more appropriate and conscious of the social context.

Recent discourses in academia have emphasised the role and necessity of incorporating an intersectional approach into the legal profession and practice as the way to fight systemic injustice. With regards to Indonesia, this involved legal practitioners and the judiciary being familiar with intersectionality’s tenets and able to identify the various new forms of discrimination that stem from the intersection of race, religion and the political structure of the state. Such reforms would not only increase the efficiency of legal activities in achieving fairness, but also affect citizens’ overall unconscious awareness of anti-discrimination and diversity.

Implications for Legal Reform

In light of the findings of this study one can conclude that the legal reform in Indonesia has to be as thorough and multifaceted as the problems identified by the research. The patterns of discrimination, disclosed by the analysis, indicate that mere improvements, for instance,

judges' enhanced training or the adoption of anti-discrimination legislation will not be adequate to eliminate or even significantly alleviate the prejudice characteristic of the legal system. However, a pro-active approach that requires even more drastic changes at the level of the rules of law and legal practices and knowledge of the Indonesian legislators and scholars is needed. Intersectal analysis could be a possible area of reform with reference to the future process of practice in legal field. Only by acknowledging the fact that defendants might have multiple overlapping identities the judiciary can start addressing the concerns of minority people. This argumentation corresponds with current developments in the legal theory which call for more contextualised use of the law in which the judges are trained for the understanding of the nature of this definition and its interaction with the structures of the law.

Furthermore, legal processes and effects by the media must be critically analyzed in its influence of legal decisions. Currently, there are inadequate levels of accountability and as such the need to foster higher standards especially when reporting legal proceedings that involve minorities. Legal researchers have proposed that independent media watchdog institutions that are able to detect and penalise partisan coverage should be created, to lessen the impact of sensationalist coverage on public opinion formation and judges alike (Norris, 2009). Lastly, the environment in which the legal system is embedded has to be further discussed. Efforts of legal reform cannot be seen in isolation to other efforts for eliminating racism and religious prejudice in Indonesian society. To reduce hate crime this will need to be an ongoing process in terms of constantly raising awareness of the issue and developing the anti-discrimination legislation coupled this with initiatives that encouraged inter faith and inter cultural dialogue. They would assist to foster a social context within which the law can produce more fair results that are not tainted by the prejudices that are today embedded in the law.

CONCLUSION

It would now seem appropriate to note that this research has exposed blatant racism, ethnicism, and religious bias in Indonesia's criminal justice system with the law as a tool of oppression rather than a neutral force for justice. By analyzing the Critical Race Theory model, intersectionality model, and philosophical analysis, it is possible to reveal that the Indonesian legal system is wholly inclusive of the discriminatory power relations in the Indonesian society. The study therefore indicates that structures of legal practices in Indonesia are informed by historical influences especially the Dutch colonial influences that framed the law as a virtuous way of reinforcing societal stratification. This legacy remains with the society today, for instance the unequal protection accorded to the Papuans and the ethnic Chinese laws that seek to maintain the status quo and subvert anyone that deviates from it. This paper demonstrates the case of Ahok as an example how the law works in the favour of the dominant group, where the public opinion and media narratives only add to the biases present in the judicial system. The findings of this research indicate the multifaceted nature of discrimination in Indonesia where race religion and politics converge to form the instances of oppression. It is evident through the legal sanctions the injustice faced by Ahok and the Papuan activists when the legal system cannot prosecute based on fluid identities criminalization of minorities is rife. Based on these outcomes, it is evident that simple modification of Indonesia's legal system will not undertake the severe problems in it. However, a less measured approach is required to rethink the legal system where intersectionality becomes part of the legal approach, judicial accountability free from pressures from the public and the media, as well as understanding the legal bias of society.

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