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Introduction to the Special Issue on Current Legal Problems in Indonesia

In 1937, Fred Rodell from Yale Law School wrote an article entitled Goodbye to Law Reviews criticizing the exclusivity of legal writing. He said, "[t]here are two things wrong with almost all legal writing. One is its style. The other is its content" (Rodell, 1937, p. 43). With regard to the style of legal writing, it has been commonly accepted among legal scholars that a piece of legal writing should maintain the dignity of law as an objective knowledge by saying nothing forcefully and amusingly, using deductive reasoning, and being insular (dedicated for lawyers only).

Although the article was published eight decades ago, Rodell's critics, to some extent, remain valid. In Indonesia, for instance, many legal review journals have retained the traditional style of legal writing. As a result, articles published in those journals are hardly readable by readers without a legal background. This is not to mention impacting society that is supposed to be the beneficiaries of the law and legal studies. Therefore, it is essential to bring legal writing beyond its traditional sphere to widen its readers because, as Lawrence Friedman (1986, p. 780), a prominent scholar of the Law and Society Movement, observed, "law is too important to be left to lawyers".

This is why, in this issue, IKAT: The Indonesian Journal of Southeast Asian Studies puts together articles examining the current legal issues in Indonesia. This attempt plays two purposes: first, an academic journal focusing on Southeast Asia, IKAT consistently brings articles beyond a single disciplinary boundary; secondly, it provides an alternative platform for legal scholars working on Southeast Asian Studies to publish their work to be reachable by non-legal specialist readers. In this special issue, IKAT brings five articles from different authors.

The first article is by Myrna A. Safitri entitled The Prevention of Peatland Fires in Indonesia: 'Law in Action' to Implement the ASEAN Haze Treaty. In this article, she examines peatland governance in Indonesia to reveal political factors shaping the changes in such governance during 2016-2020. Safitri (2021) argues that the improvement of peatland governance in this period had been an attempt to implement the ASEAN Agreement on Transboundary Haze Pollution, in which Indonesia has been a state party. Several factors have been identified to contribute to such improvement: strong political leadership, improved institutional coordination, reforming relevant legal substance, the establishment of a special agency dealing with peatland restoration, and civil society engagement.

Following Safitri's analysis of the peatland governance, an article entitled Achieving the Nationally Determined Contribution (NDC) Through Social Forestry: Challenges for Indonesia

is written by Etheldreda Wongkar. Wongkar (2021) discusses the attempt of the Government of Indonesia to meet its commitment to reducing emissions from forestry sectors as stated in the NDC to the Paris Agreement. One of the potential schemes in this regard is the social forestry program. However, based on her fieldwork, Wongkar finds that there have been several issues that may hinder the ability of Indonesia to achieve the NDC target. They are institutional, technical and methodological, legal, and political-economic challenges.

Putting Safitri and Wongkar's articles together, it remains to be seen how the improvement of peatland governance (in the case of Safitri) and the attempt to the achievement of the NDC (in the case of Wongkar) would be implicated by a newly enacted legislation, Omnibus Law on Job Creation. In this piece of legislation, economic growth has been an overriding policy agenda at the expense of conservation of the environment, including peatland and forest.

The following article is written by Muhammad Dwiki Mahendra (2021) entitled Indigenous Peoples in Regional Institutions: A Comparative Perspective between ASEAN and the Arctic Council. This article aims to discuss the different status of indigenous peoples in two different regional institutions, namely ASEAN and the Arctic Council. The author finds that in ASEAN, indigenous peoples remains unrecognized, leading to the lack of protection of their rights even though ASEAN has established a special body dealing with human rights (AICHR). In contrast, the rights of indigenous peoples in the Arctic Council has been recognized by the council, and they are given status as 'permanent participants', which means that indigenous peoples may represent themselves in the council. Accordingly, Mahendra argues that this Arctic Model is an ideal form of recognition of the status of indigenous peoples within a regional institutional framework in which ASEAN should consider adopting.

Moving from environmental law and international law, the following article falls within business law. The Execution of Bankrupt Assets in the Case of Cross-Border Insolvency: A Comparative Study between Indonesia, Malaysia, Singapore and the Philippines is written by Putu Eka Trisna Dewi. Using a comparative approach, Dewi (2021) discusses the weaknesses of Bankruptcy Law in Indonesia in cross-border insolvency, especially the execution of bankrupt assets located beyond the Indonesian jurisdiction. There have been cases where a court decision on bankruptcy could not be executed because the debtor's assets were located outside Indonesia. Hence, it may create a distrust of economic actors to conduct businesses in the country. Unlike Indonesia, the neighbouring countries, such as Malaysia, Singapore, and the Philippines, have changed their bankruptcy law to address the cross-border insolvency issues by creating a bilateral agreement or adopting the UNICITRAL Model Law on Cross-Border Insolvency. Therefore, the Indonesian Bankruptcy Law must follow this line of reform.

The last but not least article in this special issue is written by Anak Agung Gede Duwira Hadi Santosa, Putu Devi Yustisia Utami, and I Made Marta Wijaya entitled Reforming the Tourism Promotion Board for an Effective Tourism Promotion in Indonesia: A Legal Perspective. This

article contributes to the literature on Tourism Law by examining the Indonesia/Regional Tourism Promotion Board (I/RTPB). They argue that the current structure of the I/RTPB has contributed to the board's ineffectiveness to undertake its roles and duties in the promotion of tourism in the country. Hence, Santosa, Utama and Wijaya (2021) suggest that there should be a reform on how the board should be established, including ensuring its autonomy from government intervention.

In brief, those five articles represent several among many legal issues in contemporary Indonesia. By bringing them to a wider audience, not necessarily readers with a legal background, it is expected that this special issue in IKAT would invite more legal scholars to publish their work beyond traditional legal review journals, as suggested by Rodell.

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