

Constructing multiple and practicable subjects: How does legal mobilization promote indigenous self-government? a case study of the katratripulr solar case

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Abstrak

Do indigenous peoples find the law to be an impediment or an asset in achieving selfgovernment? Past literature on indigenous legal mobilization often suggests that legal procedures and language constrain indigenous expression and may even lead to tribal divisions. For indigenous self-government movements, the law is often viewed as a hindrance. However, these studies often do not consider how the legal consciousness of activists changes during the mobilization process, particularly how interactions with the law can reshape individual and collective subjectivities, as well as the relationships between tribes and the state. Researchers have discussed the judicial role as a legislative lever and its constitutive function, but they have not adequately explained the key mechanisms to challenge unequal power structures. This article, using the Katratripulr Solar Case as a case study, elucidates indigenous legal mobilization strategies that surpass existing academic findings. The breakthrough lies in the exercise of the right to consultation and consent, through which indigenous people and tribes construct a collective subject position that allows for engagement with modern law, thereby showcasing indigenous agency. This article delineates three subject concepts and one subject practice: the strategic subject that reins in moral disputes, the overlapping jurisdiction subject for self-built autonomy, the transboundary subject beyond state administration, and the political subject practicing these three subject concepts. The construction of these subject agencies helps indigenous people and tribes “reposition” the starting point (the self), destination (self-government), and route (practice) of self-government. Although Taiwan has yet to pass any indigenous self-government legislation, if indigenous people or tribes can return to the collective subject expressions internally and externally as described above, it will facilitate turning legal impediments into assets and promote indigenous self-government.