



THE ENFORCEMENT OF HUMAN RIGHTS IN THE CONSTITUTION OF THE REPUBLIC OF INDONESIA

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Abstrak

Pencantuman Hak Asasi Manusia (HAM) dalam Undang-Undang Dasar Negara Republik Indonesia memerlukan kajian menyeluruh terhadap pengamanan dan pengakuan hak-hak dasar individu yang dilindungi oleh konstitusi negara. Artikel ini berupaya mengkaji status hak asasi manusia dalam kerangka konstitusi Indonesia. Bab ini secara khusus akan mengeksplorasi asal usul konstitusi, tujuan perlindungan hak asasi manusia, dan integrasi prinsip-prinsip hak asasi manusia ke dalam sistem hukum Indonesia. Metodologi penelitian yang digunakan adalah pendekatan kualitatif dengan memanfaatkan analisis literatur dan peraturan perundang-undangan sebagai sumber rujukan utama. Analisis yang luas dan rinci dilakukan untuk memberikan gambaran utuh mengenai status hak asasi manusia dalam konstitusi Indonesia. Temuan-temuan penelitian ini menunjukkan pentingnya hak asasi manusia dalam konstitusi Republik Indonesia, karena hak asasi manusia diakui secara universal dan melekat pada setiap individu. Meski demikian, penegakan dan perlindungan hak asasi manusia masih menemui berbagai kendala, seperti lemahnya sistem peradilan, terbatasnya kesadaran masyarakat, dan masih adanya perilaku diskriminatif. Oleh karena itu, sangat penting bagi pemerintah dan masyarakat untuk melakukan upaya yang lebih substansial guna meningkatkan perlindungan hak asasi manusia dan mencapai penerapan prinsip-prinsip konstitusi yang inklusif dan adil.

Kata Kunci: *Hak Asasi Manusia, Konstitusi, Kedudukan*

Abstract

The inclusion of Human Rights (HAM) in the Constitution of the Republic of Indonesia entails a comprehensive examination of the safeguarding and acknowledgement of fundamental individual rights protected by the nation's constitution. This article seeks to examine the status of human rights within the framework of the Indonesian constitution. It will specifically explore the historical origins of the constitution, the goals of safeguarding human rights, and the integration of human rights principles into the Indonesian legal system. The qualitative study methodology uses literature analysis and statutory rules as the primary reference sources. An extensive and detailed analysis was conducted to provide a complete description of the status of human rights inside the Indonesian constitution. The research findings demonstrate the paramount significance of human rights within the constitution of the Republic of Indonesia, as they are universally acknowledged and intrinsic to every individual. Nevertheless, the enforcement and safeguarding of human rights continue encountering numerous obstacles, such as inadequacies in the judicial system, limited public consciousness, and the persistence of discriminatory behaviors. Consequently, the government and society must exert more substantial endeavors to enhance the safeguarding of human rights and implement inclusive and equitable constitutional principles.

Keywords: *Human Rights, Constitution, Position*



INTRODUCTION

The Human Rights acknowledged and ensured by a nation's Constitution play a crucial role in upholding societal equilibrium and fairness. A nation's Constitution enshrines the imperative of human rights to safeguard fundamental human rights. The Constitution enshrines human rights, including preserving and assuring fundamental entitlements such as freedom of expression, access to education, healthcare, fair legal treatment, and property ownership. By adopting this approach, each person can lead a respectable and flourishing existence while having equal chances to cultivate their capabilities. In addition to that, its objective is to uphold personal liberty. The Constitution ensures the protection of individual liberty by safeguarding against monitoring and criminal conduct by specific entities, such as the state. This enables individuals to express themselves, exercise their cognitive abilities, and engage in physical activities without risking being stigmatized as a wrongdoer or jeopardising their well-being. The inclusion of human rights in the constitution serves the purpose of upholding the equilibrium of authority. The inclusion of human rights in the Constitution signifies that the state is obligated to uphold and safeguard individual rights impartially, without favoring specific groups or people. Human rights serve as a means to avoid the misuse of authority and sustain the equilibrium of power within society.

Within a community governed by a Constitution that ensures the protection of human rights, individuals experience a sense of worth and regard, reducing the likelihood of societal discontent and discord. This can contribute to the preservation of tranquility and societal equilibrium. Thus, including human rights in a nation's Constitution guarantees that everyone is esteemed and safeguarded and can reside in a thriving and equitable society. The significance of human rights in upholding social stability and individual well-being is paramount. The lack of constitutional protection for human rights (HAM) can lead to significant societal issues. The absence of human rights in a country's constitution can give rise to several problems, including the potential for abuse of power. Without robust assurances and safeguards for human rights, individuals in positions of authority can exploit their influence and engage in actions that deviate from the populace's desires. In addition, discrimination may occur towards specific groups, including women, religious or ethnic minorities, and individuals with divergent opinions.

Furthermore, it leads to infringements of fundamental rights: In the absence of robust constitutional provisions safeguarding human rights, fundamental liberties like as freedom of expression, access to education, the right to healthcare, and property rights are susceptible to infringement by those in positions of authority. A constitution lacking human rights will thus lead to a lack of legal safeguards. The omission of human rights in the constitution can result in a scenario where individuals are unable to get equitable legal safeguards and are subjected to oppression or violence. In addition to causing social instability. In the absence of robust human rights assurances and safeguards, individuals may experience feelings of insecurity, fear, and anxiety, so potentially undermining social cohesion within the nation. The omission of human rights in a nation's constitution can lead

to significant issues and adversely affect the well-being of individuals. Hence, nations must ensure that human rights are acknowledged and assured in their constitutions and implemented consistently and impartially (Putra, 2015).

There is a pressing need to do research connected to the issue of human rights (HAM) in the constitution. This research is of great significance. This is because human rights, recognized and safeguarded by the constitution, play a significant role in the upkeep of justice, the balance of power, social stability, and individual wellbeing in society. By conducting research that is related to the discussion of human rights in the constitution, you will be able to acquire a more in-depth comprehension of the idea of human rights, the history of human rights in the context of the constitution, the different types of human rights that are recognized and guaranteed in the constitution, as well as the function of human rights in society and the implications that they have. Additionally, this research has the potential to assist in the identification of issues and difficulties that are associated with the implementation of human rights within the constitutional context in a variety of countries. Furthermore, this research has the potential to significantly contribute to formulating and enhancing a constitution that is more inclusive, fair, and acknowledges human rights as the primary premise in the governance of states. Therefore, research relevant to the topic of human rights in the constitution is highly important. It needs to continue to be carried out to guarantee that human rights are recognized, respected, and safeguarded in a fair and consistent manner around the globe (Basuki, 2013).

The research on the position of Human Rights (HAM) in the Constitution of the Republic of Indonesia is distinctive due to its examination of the philosophical, legal, and constitutional principles that provide the basis for human rights protection within the Indonesian setting. This study centres on the Indonesian constitution and specific local circumstances, considering the nation's distinctive historical, cultural, and political advancements. This enables the research to comprehensively understand how the notion of human rights is applied and executed in the Indonesian context. This research typically employs an interdisciplinary methodology that integrates legal, political, historical, and philosophical perspectives to comprehensively grasp the role of human rights under the Constitution. This methodology enables academics to examine human rights concerns from multiple perspectives, facilitating a more holistic comprehension. This research scrutinizes the constitution's content and evaluates the application of human rights in practical settings. This enables researchers to assess the degree to which human rights concepts are upheld and safeguarded in practical situations and highlight the difficulties and barriers encountered in their execution. Furthermore, the findings of this study can offer significant insights for policymakers in their endeavors to enhance the safeguarding of human rights in Indonesia. By gaining a deeper comprehension of the role of human rights in the constitution, policymakers can create and execute more efficient strategies to guarantee the acknowledgment and safeguarding of essential individual rights (Pakaya & Hadi, 2023).

From the discussion above, the author focuses the research on several questions, including: How are human rights enforced in the Constitution of the Republic of Indonesia?

What are the challenges and obstacles in protecting human rights in the Constitution of the Republic of Indonesia? How are efforts to overcome challenges in protecting human rights in the Constitution of the Republic of Indonesia?

METHODS

This research employed qualitative research methods that utilized a literature review and analysis of statutory regulations. Researchers will gather data from several literary sources, including books, scientific journals, research reports, and government documents pertaining to Indonesia's constitution and human rights. The literature approach enables academics to find and examine diverse perspectives, theories, and concepts related to the role of human rights in the Indonesian constitution. Simultaneously, the legislative approach enables academics to meticulously analyze several constitutional articles, amendments, and regulations directly pertaining to safeguarding human rights in Indonesia (Creswell, 2013).

Using these two methodologies, research can offer a thorough comprehension of the role of human rights in the constitution of the Republic of Indonesia. By examining data from literature and legislation, academics can pinpoint crucial matters, patterns, and obstacles in safeguarding human rights and offer suggestions for enhancing them. (Silverman, 2016).

RESULTS AND DISCUSSION

The Position of Human Rights in the Constitution of the Republic of Indonesia

The position of Human Rights (HAM) is regulated in the Constitution of the Republic of Indonesia, specifically in Section XA entitled "Human Rights", in the 1945 Constitution (UUD 1945). Articles 28A to 28J regulate human rights recognized and protected by the state and the state's obligations to respect, protect, promote and enforce these human rights (Tak, 2015).

The Constitution of the Republic of Indonesia contains human rights provisions that aim to protect fundamental human rights and ensure that the state or any other organizations or individuals will not violate these rights. The constitution also provides a legal basis for the state to safeguard and enforce these rights. This ensures that everyone has the opportunity to claim their rights in a manner that is both fair and prudent (Asshiddiqie, 2006).

Articles 28A to 28J of the 1945 Constitution serve as the legal foundation for human rights (HAM) in the Constitution of the Republic of Indonesia. These articles ensure the protection of human rights and encompass several rights that are acknowledged and assured by the government, such as the freedom to practice religion, access to education, the right to healthcare, the right to employment, and the right to suitable housing. In addition, the Constitution of the Republic of Indonesia acknowledges human rights as universal rights, which are universally recognized by the international community and safeguarded by international law. Indonesia has formally approved and accepted various international

agreements concerning human rights, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Satrio, 2021).

The Constitution of the Republic of Indonesia acknowledges and upholds the fundamental rights of all individuals without any form of discrimination, as defined by the concept of human rights (HAM). The state legally ensures these rights; every governmental entity must uphold and safeguard them. This interpretation aligns with the universally accepted notion of human rights acknowledged by the global community. The Constitution of the Republic of Indonesia encompasses the comprehension of human rights, which extends to the acknowledgement of collective rights, such as the entitlement to a healthful environment and the entitlement to satisfactory employment. This demonstrates the state's dedication to acknowledging the rights of both individuals and society as a collective entity (Amiruddin & Purba, 2019), (Panggabean & Sembiring, 2020), (Waris, 2018).

The Philosophical Basis of Human Rights in the Constitution of the Republic of Indonesia

The philosophical basis of human rights (HAM) in the Constitution of the Republic of Indonesia is the values of Pancasila, namely belief in one God, just and civilized humanity, Indonesian unity, democracy led by wisdom in deliberation/representation, and social justice for all people in Indonesia. Pancasila values place humans as creatures with equal dignity and rights before God Almighty and as part of the unity of diverse Indonesian society (Rakhmat, 2017).

Pancasila, the foundation of the Indonesian state and national philosophy, encompasses universal principles that acknowledge the inherent worth of all individuals as equal beings. Human dignity is regarded as an inalienable right that cannot be diminished or taken away by anyone, including the government. This interpretation aligns with the universally accepted notion of human rights acknowledged by the global community. Pancasila recognises that all individuals possess equal worth and intrinsic human rights. One of the fundamental principles of Pancasila is the promotion of fair and civilized behavior, which highlights the entitlement of every person to receive respect and safeguarding. The concepts of Pancasila, including social fairness, democracy, and togetherness, also embody international human rights ideas. Social justice emphasizes the necessity of safeguarding and equalizing the social, economic, and cultural rights of all individuals in Indonesia. Therefore, Pancasila's comprehension of human dignity and human rights aligns with the universally acknowledged concept of human rights that is internationally recognized. This demonstrates that Indonesia is actively participating in the worldwide efforts to promote and safeguard human rights for all citizens without any form of discrimination (Rohman, 2018), (Budiardjo, 2008).

In addition to Pancasila, the philosophical underpinning of human rights in the Constitution of the Republic of Indonesia is intimately intertwined with the notion of

democracy. Democracy acknowledges including individual rights in making public decisions, such as during general elections and government decision-making. Within the framework of the Indonesian constitution, democracy is actualized through the ideals of popular sovereignty and the primacy of law. According to Article 1 paragraph (2) of the 1945 Constitution (UUD 1945), sovereignty is vested in the people and exercised according to the Constitution. This affirms that the ultimate authority in the state rests with the people, who are represented by leaders chosen through a democratic election process. In addition, the ideals of social justice, which are defined in the Preamble to the 1945 Constitution, also embody the concept of democracy. Ensuring social justice is a fundamental aspect of establishing a nation that upholds fairness and equitable treatment for all citizens of Indonesia. This concept ensures that all citizens have social, economic, and cultural rights, including the right to engage in political activities and contribute to the country's progress. The relationship between the notion of democracy and the philosophical foundation of human rights in the Constitution of the Republic of Indonesia is intimate and mutually supportive. Democracy facilitates the active engagement of citizens in public decision-making, whereas human rights ensure that the state acknowledges, honours, and safeguards individual rights (Mahfud, 2008), (Salim, 2019).

The Constitution of the Republic of Indonesia, particularly the 1945 Constitution, ensures all citizens have equal rights and justice under the law. According to Article 27, paragraph (1) of the 1945 Constitution, all citizens are equal before the law and government and are obliged to abide by the law and government without any exceptions. This affirms the notion of legal egalitarianism, which entails the absence of any discriminatory treatment towards certain individuals or groups. In addition, article 28 paragraph (1) of the 1945 Constitution also ensures the entitlement to not be subjected to arbitrary treatment, which is commonly understood as the right to be free from torture or cruel and inhumane treatment. The article asserts that every individual is entitled to acknowledgement, assurances, impartial legal safeguard, and equitable treatment under the legal system. Therefore, every person must be entitled to equitable and commensurate treatment following legal provisions, without any form of bias or capricious actions from governing bodies. These two articles highlight the core tenets of human rights enshrined in the Constitution of the Republic of Indonesia. They stressed the need to ensure that all individuals are entitled to fair and equitable treatment under the law and have the right to be free from arbitrary treatment by the government or authority (Bahar, 2017), (Salim, 2019).

The state has to uphold, safeguard, and ensure the fundamental rights of individuals as part of its obligations to advance the well-being and equitable treatment of all citizens. These fundamental rights encompass essential entitlements such as the right to education, healthcare, and satisfactory employment. The state is responsible for ensuring all its residents have equitable and high-quality access to education. This encompasses primary and tertiary education, which should be readily available to all strata of society without prejudice. The state must also guarantee the presence of sufficient educational infrastructure and furnish the necessary facilities and support to ensure the academic achievement of every

individual. The state must also ensure that all residents can access cheap, high-quality healthcare services. This encompasses delivering healthcare infrastructure, proficient healthcare professionals, accessible pharmaceuticals, and public health initiatives prioritising disease prevention and enhancing overall population health. The government must guarantee that all individuals are provided with equitable access to satisfactory and fruitful employment prospects. This includes providing adequate job opportunities, ensuring secure and equitable working conditions, and offering safeguards for workers' entitlements, such as fair remuneration, appropriate work hours, and the freedom to join a labor union. By upholding its responsibilities to maintain, safeguard, and actualize the fundamental rights of individuals, the government can establish circumstances that facilitate the realization of each person's utmost capabilities while fostering prosperity and societal fairness on a broader scale (Yamin, 2020).

The inclusion of Human Rights (HAM) in the Constitution of the Republic of Indonesia is derived from the Universal Declaration of Human Rights (UDHR), which was officially adopted by the United Nations (UN) on December 10, 1948. The UDHR is a document that defines universally accepted and acknowledged criteria for human rights by the whole international community. The Constitution of the Republic of Indonesia incorporates the ideas outlined in the Universal Declaration of Human Rights (UDHR), as seen by including human rights provisions in its articles, including Article 27 and Article 28 of the 1945 Constitution. These articles highlight the fundamental rights inherent to all individuals without discrimination. These rights include dignity, independence, equality, justice, and freedom (Adi, 2019), (Mardanugraha, 2019).

Several principles contained in the UDHR which are also reflected in the Indonesian constitution include (Achmad, 2018).

1. Right to Dignity. The UDHR recognizes that every person is born free and equal in dignity. The Constitution of the Republic of Indonesia emphasizes that every citizen has equal rights before the law and government.
2. Right to Independence. The UDHR emphasizes the right to freedom of opinion and belief and the right not to be tortured or treated arbitrarily. The Indonesian Constitution also guarantees these rights, including in Article 28 and Article 28I of the 1945 Constitution.
3. Right to Equality and Justice. The UDHR recognizes the right to equal treatment before the law as well as the right to fair legal protection. The Indonesian Constitution also guarantees these rights, as stated in Article 27 and Article 28 of the 1945 Constitution.

Indonesia demonstrates its dedication to adhering to global human rights norms and safeguarding the fundamental rights of all individuals in society by including human rights in the Constitution of the Republic of Indonesia, drawing inspiration from the global Declaration of Human Rights (UDHR).

The concept of Human Rights (HAM) in the Constitution of the Republic of Indonesia aligns with the notion of a constitutional state, wherein the law serves as the primary foundation for ensuring individual and community rights. The idea of the rule of law underscores that all government actions, policies, and decisions must adhere to relevant legal standards. Furthermore, the state must act as a safeguard for human rights and guarantee the implementation of laws that are just and impartial for all citizens of Indonesia. Within this framework, the Constitution of the Republic of Indonesia, particularly the 1945 Constitution, highlights the fundamental concepts of the rule of law that form the basis of the legal system in Indonesia. According to Article 1, paragraph (3) of the 1945 Constitution, Indonesia is a constitutional state. This underscores the necessity for all measures the state takes to align with the law and refrain from contradicting relevant legal principles (Mahfud, 2011).

Implementing the rule of law in relation to human rights encompasses various crucial elements, including safeguarding human rights, equitable enforcement of laws, and the autonomy and openness of the judicial system. This implies that the government must safeguard the rights of individuals and groups based on widely acknowledged concepts of human rights. This encompasses safeguarding civil and political rights, economic, social, and cultural rights, as well as the specific rights of marginalized and disadvantaged groups. The state must also guarantee the equitable and uniform enforcement of the law for all residents without any exceptions. This entails enforcing legal punishments and sanctions and offering safeguards for victims of human rights infringements. Furthermore, the court system must maintain autonomy from political interference and external pressures while guaranteeing transparency throughout the legal proceedings. This would ensure that every person has equitable access to justice under the legal system. Therefore, the Constitution of the Republic of Indonesia aligns the concept of human rights with the rule of law, highlighting the significance of acknowledging and safeguarding both individual and collective rights. It also emphasizes the fair and equal application of the law to all Indonesian citizens (Imran, 2019).

Human rights are universally acknowledged concepts that have a solid philosophical basis in the Constitution of the Republic of Indonesia, specifically Pancasila and the 1945 Constitution. The intellectual underpinnings of democracy and the state's dedication to promoting social welfare are integral to this concept. The constitution includes provisions about human rights. Hence, the Indonesian government and society must comprehend and uphold human rights as a key principle in establishing fairness and prosperity for all citizens of Indonesia.

Upholding Human Rights in the Constitution of the Republic of Indonesia

The enforcement of human rights (HAM) under the Constitution of the Republic of Indonesia is accomplished through the utilization of law enforcement institutions and the judicial system. The state is required to uphold, safeguard, and fulfill human rights while

ensuring justice within the legal system. Human rights enforcement can also be accomplished by utilizing reporting and complaint systems, such as the National Human Rights Commission and other state-appointed entities. The Constitution of the Republic of Indonesia provides for the enforcement of human rights (HAM) through several means, including as the judiciary, oversight by the National Human Rights Commission, and protection by the police and other authorities. In addition, the Constitution of the Republic of Indonesia also governs penalties for individuals and organizations that commit human rights violations, whether they are affiliated with the government or the private sector. (Dianawati, 2019), (Putri, 2017), (Triyono, 2019)

Regarding justice, Article 24C of the 1945 Constitution ensures that all individuals are entitled to equal rights under the law and must receive legal protection. In addition, the Indonesian government has established a Constitutional Court and a Judicial Commission intending to ensure impartial and autonomous administration of justice. In addition, a specialized Human Rights Court was established to address instances of grave human rights abuses. Meanwhile, The National Human Rights Commission is an autonomous entity responsible for overseeing and offering suggestions to the government regarding infringements on human rights. The National Human Rights Commission can help expedite the process of reconciliation and peace for individuals who have suffered from human rights breaches. In addition to the judiciary, oversight by autonomous organizations, and safeguarding by security forces, endeavors to uphold human rights can be accomplished by educating and raising public consciousness about human rights. It is crucial to accomplish this since ensuring human rights are upheld effectively relies not only on the government and security forces, but also on the public's awareness and adherence to human rights principles (Yustika, 2021).

Enhancing public knowledge and awareness can be achieved by implementing educational initiatives focused on human rights, such as integrating human rights topics into school curricula, launching social media campaigns, organizing seminars and public discussions, and providing training for government and security officials to ensure the protection of human rights. An essential element in ensuring the successful implementation of human rights is the extent to which individuals comprehend the significance of human rights. By fostering widespread knowledge and consciousness of human rights, it is anticipated that there will be a surge in the reverence and safeguarding of human rights. Thus, it is imperative to continue endeavouring to enhance public comprehension of human rights, which can be achieved through educational initiatives, social advocacy, and specialized training for government and security personnel. It is crucial to establish a society that places a high importance on and shows reverence for human rights to enhance its enforcement (Tunggul, 2020), (Arsyad, 2019), (Amanah, 2020), (Rizaldi & Fauzi, 2021).

Challenges and Obstacles in Protecting Human Rights in the Constitution of the Republic of Indonesia

The safeguarding of human rights (HAM) is a crucial responsibility of the government in ensuring the longevity of democracy and the well-being of society. Nevertheless, endeavors to safeguard human rights frequently encounter many obstacles, stemming from internal and foreign influences. To address these difficulties, it is necessary for all stakeholders, including the government, civil society, and human rights agencies, to make comprehensive and concerted efforts. This encompasses enhancing the capacity of law enforcement institutions, augmenting public consciousness and education regarding human rights, and executing policies that uphold human rights values in all facets of community existence. By strengthening the protection of human rights, society can thrive in a fair, secure, and prosperous environment.

Some of the challenges in protecting human rights in Indonesia include: First: Corruption and Non-transparency. Corruption and a shortage of transparency in managing state and government affairs can impede endeavours to safeguard human rights. Corruption and a lack of transparency can result in inadequate monitoring and implementation of human rights, leading to societal harm through human rights abuses (Burrowes & Poon, 2014).

Second: Social and Political Conflict. Instances of social and political conflicts in Indonesia frequently lead to human rights infringements perpetrated by both security personnel and certain factions. Sociopolitical conflicts can have detrimental consequences for society, encompassing tangible and intangible losses (Haris & Assegaf, 2014).

Third: Social and Economic Inequality. Indonesia's persistent social and economic inequities provide a significant barrier to protecting human rights. Inequities in social and economic conditions can lead to unfair allocation of wealth and public services, posing challenges for disadvantaged individuals in accessing sufficient safeguards for their human rights (Fox, 2018).

Fourth: Technology and Information. The swift advancement of technology and information might cause difficulties in safeguarding human rights. Utilizing technology and information can facilitate the dissemination of content that incorporates hatred, prejudice, and lack of acceptance, posing a threat to social cohesion and infringing upon fundamental human rights (Suratno, 2017).

In order to address these difficulties, it is necessary for all stakeholders, including the government, civil society, and human rights agencies, to make comprehensive and concerted efforts. To tackle this obstacle, the involvement of multiple stakeholders is necessary. The government is responsible for devising and executing efficacious policies to surmount these problems. This includes enhancing effective governance, fostering transparency and accountability, and unequivocally eliminating corruption. The government should actively participate in developing policies that target the reduction of social and economic inequalities while simultaneously promoting dialogue and reconciliation to address social and political issues. Therefore, citizens must play a crucial role in overseeing government performance, pushing for policy reform, and defending individual and collective rights. NGOs, human rights activists, and advocacy groups play a

vital role in overseeing the enforcement of human rights, imparting knowledge and skills to the public on their rights and advocating for justice on behalf of victims of human rights abuses. Furthermore, human rights organizations, such as the National Human Rights Commission (Komnas HAM), must oversee, examine, and offer suggestions concerning human rights infringements.

Additionally, they contribute to fostering comprehension of human rights within the community and government, promoting impartial and open law enforcement in response to human rights abuses. Additionally, it is crucial to foster collaboration and establish alliances among the government, civil society, and human rights agencies to attain the most favourable outcomes. The partnership has the potential to enhance endeavours to address these difficulties by integrating the resources, expertise, and experience of the several parties engaged.

Protection of human rights in the constitution in Indonesia also faces obstacles originating from various factors, such as political, economic, social and cultural conditions in society. Some obstacles that are often faced include: (Budiarto, 2019), (Taufiqurrahman, 2018), (Utomo & Syamsuddin, 2018).

1. Unstable political conditions. Political conflicts, especially those related to power struggles, often interfere with protecting human rights. Apart from that, the government's lack of openness and accountability can also hinder the protection of human rights.
2. Economic inequality. Economic inequality between societal groups can lead to abuse of power and violate human rights. Poorer and more vulnerable groups are often victims of human rights violations, such as forced labor or trafficking.
3. Social problem. Social problems, such as discrimination, racism and intolerance, can cause human rights violations against certain groups in society.
4. Culture and traditions. Some cultural practices and traditions in society may conflict with human rights values, such as discrimination against women or sexual minorities. Increasing awareness and education regarding human rights values can help overcome this obstacle.

The reasons why obstacles arise in protecting human rights in Indonesia include: First: Lack of Human Rights Awareness and Education. Insufficient knowledge and education regarding human rights within Indonesian society are a significant barrier to protecting human rights. This results in a deficiency in people's comprehension of the significance of human rights and the methods to safeguard their human rights. Furthermore, the absence of consciousness and instruction regarding human rights among law enforcement officers can also impede law enforcement and the safeguarding of human rights (Eddyono, 2016).

Second: Horizontal and Vertical Conflict. Instances of horizontal confrontations between different groups or vertical conflicts between civilians and security forces frequently lead to the violation of human rights. Disputes of this nature can result in

fatalities and infringe upon human rights. Another hindrance is the perpetration of violence by armed factions or security personnel, which is a violation of human rights (Ansari, 2019).

Third: Discriminatory Actions. Discriminatory activities, such as racial, gender, and religious discrimination, continue to hinder the protection of human rights in Indonesia, particularly for minority groups. This form of discrimination has the potential to impede access to public services and equal opportunities, as well as infringe upon human rights (Crouch, 2016).

Fourth: Use of Force by Police Officers. The excessive utilization of force by law enforcement agents, disregarding human rights considerations, continues to impede the safeguarding of human rights in Indonesia. Multiple instances of law enforcement brutality towards civilians have infringed upon their fundamental human rights and incited widespread demonstrations within the community (Soebagjo, 2017).

Immediate and genuine endeavours from the government and society are imperative to surmount barriers in safeguarding human rights in Indonesia. The government should enhance surveillance and law enforcement systems to address human rights infringements and bolster collaboration with civil society and non-governmental groups to promote human rights. Meanwhile, society must enhance knowledge and actively monitor and advocate for human rights (Diani & Susilo, 2020), (Muttaqin & Mukhibad, 2021).

In addition, it is imperative to enhance both the availability and standard of education regarding human rights and the right to associate and assemble within the community. This will enable individuals to comprehend the significance of human rights more comprehensively and acquire the required skills to advocate for them. In addition, it is imperative to enhance the media's involvement in disseminating information and educating the public about human rights, enabling individuals to get a deeper understanding and actively advocate for their rights.

Efforts to Overcome Challenges in Protecting Human Rights in the Constitution of the Republic of Indonesia

Efforts to address issues in safeguarding human rights in the Constitution of the Republic of Indonesia can be undertaken through diverse means, including enhancing public consciousness through education and fostering a comprehensive comprehension of human rights. This is crucial for improving the safeguarding of human rights in Indonesia. Education on human rights can be disseminated in schools, via mass media, and through public awareness initiatives (Sari, 2020).

By acquiring a comprehensive comprehension of human rights, individuals will enhance their capacity to safeguard their rights as well as the rights of others. Human rights education can be conducted at many levels, from primary school to university. Human rights material can be incorporated into educational curriculum, including subjects like citizenship, history, and social science. In addition, the government can organize campaigns or seminars on human rights to enhance public understanding. Education regarding human

rights can also be facilitated through the utilization of social media and the internet. The government can provide online educational programs that are readily available to the general population at no cost. Social media can serve as a platform for spreading information regarding human rights and fostering public consciousness (Budiarto, 2018), (Riyadi, 2016), (United Nations, 2011).

Institutional strengthening also needs to be carried out to overcome challenges in protecting human rights. Strengthening institutions related to human rights, such as the National Human Rights Commission, the National Commission on Violence Against Women, and the Indonesian Ombudsman, as well as strengthening the role of the police and judicial institutions to uphold human rights (Arifin, 2018).

In addition to government institutions, this encompasses private institutions such as non-governmental organizations and autonomous entities dedicated to safeguarding human rights. Enhancing institutions can be achieved by augmenting the competence and caliber of human resources, augmenting the financial and material resources these institutions possess, and fostering coordination and collaboration among institutions in safeguarding human rights. Enhancing institutions can also be achieved by revising current policies and legal frameworks to further protect human rights. This reform includes developing policies that uphold human rights, enhancing the caliber of laws and regulations, and restructuring judicial institutions and law enforcement (Setiawan & Salim, 2019), (Mulyadi, 2019).

Continuous legal reform is essential to ensure alignment with human rights principles, particularly in terms of safeguarding human rights. This involves enhancing and formulating more suitable and precise legislation in safeguarding human rights. Continuous legislative change is necessary to address the obstacles in safeguarding human rights, as numerous instances of human rights abuses remain inadequately and opaquely penalized. This occurs due to several ambiguous regulations that frequently contradict human rights principles, coupled with inadequate enforcement of laws against human rights infractions. Hence, it is imperative to implement legal reforms that enhance the efficacy of the judicial system and law enforcement, thereby ensuring comprehensive and equitable handling of human rights abuses. One of the legal reform initiatives is to amend and enhance legislation pertaining to human rights, including Law Number 39 of 1999 about Human Rights and Law Number 26 of 2000 regarding Human Rights Courts. In addition, it is necessary to enhance the competence of law enforcement officers and judges in addressing instances of human rights abuses, while also promoting greater openness and responsibility within the legal system (Azizah, 2019), (Subekti, 2019).

As a guardian of human rights, the state can also facilitate collaboration between nations. International cooperation in human rights can help Indonesia enhance its human rights safeguards, notably through sharing knowledge and expertise, alongside providing technical support. The state has to safeguard and ensure the human rights of its citizens as an enforcer of human rights. Nevertheless, due to the transnational nature of human rights abuses, inter-country collaboration is crucial in effectively addressing the issues associated with safeguarding human rights. Hence, they can exchange knowledge and insights on

optimal strategies for safeguarding human rights by fostering collaboration among nations. In addition, collaboration across nations can also contribute to addressing issues pertaining to transnational human rights infringements, including human trafficking, transnational criminal activities, and international disputes.

Nations can engage in collaboration through different modalities, including the establishment of international or regional entities dedicated to safeguarding human rights, the ratification of international treaties pertaining to human rights, and the initiation of dialogues and consultations with other nations on matters concerning human rights. For instance, the United Nations (UN) and its subsidiary bodies, such as the UN Human Rights Commission and the International Criminal Court, have emerged as significant forums for nations to collaborate in safeguarding human rights. Furthermore, numerous nations have ratified global agreements, such as the Geneva Conventions and the European Convention on Human Rights, establishing an international legal structure for safeguarding human rights. Through international collaboration on human rights protection, countries can ensure equitable and uniform protection of human rights, both domestically and internationally. This will bolster the international community's conviction that all nations globally must uphold and safeguard human rights.

It is imperative for the government also to oversee instances of human rights breaches. This is achieved by enhanced government oversight of human rights infringements, enabling them to deliver justice to victims of such abuses. In this scenario, the government plays a crucial role in safeguarding human rights (HAM) by overseeing and addressing human rights breaches within the country. Monitoring human rights abuses is conducted to ensure that those who commit violations are duly punished following the relevant laws and to avoid future occurrences of human rights violations. In addition, monitoring can also facilitate the government's assessment of the policies and programs that have been adopted to safeguard human rights. (Komnas HAM, 2018)

Human rights abuses can be monitored by establishing independent entities dedicated to monitoring such violations, like the National Human Rights Commission (Komnas HAM) in Indonesia. In addition, the government can designate other institutions, such as the police, prosecutor's office, and courts, to conduct monitoring. In addition, the government can employ social media and information technologies to surveil and document instances of human rights violations inside society. This can facilitate the process of recording evidence pertaining to cases of human rights abuses and educate the general public about the legal protections afforded to human rights. (Komnas HAM, 2016)

Ensuring the surveillance of human rights abuses is crucial for upholding public confidence in the administration. An Amnesty International study reveals that the public's lack of confidence in the government might intensify instances of human rights abuses. Hence, the act of monitoring human rights violations in a transparent and accountable fashion can contribute to the enhancement of relations between the government and society.

CONCLUSION

From the preceding debate, it can be inferred that including human rights (HAM) in the Constitution of the Republic of Indonesia holds significant importance. Human rights are fundamental principles that the state must uphold and safeguard. Human rights in the Indonesian Constitution are explicitly protected in Articles 28A to 28J and are acknowledged as fundamental and inherent entitlements of individuals. The Indonesian government is responsible for safeguarding and ensuring the human rights of every individual in Indonesia, without any exceptions. Nevertheless, despite the constitutional guarantee, Indonesia still experiences instances of human rights breaches. Hence, the government and society must collaborate to safeguard human rights and guarantee effective enforcement inside the nation. In addition, Indonesia has also formally accepted and implemented several international agreements pertaining to human rights, including the Universal Declaration of Human Rights and the Convention on the Rights of the Child. This demonstrates Indonesia's dedication to upholding global norms and safeguarding human rights. Thus, it can be inferred that including human rights in the Constitution of the Republic of Indonesia holds significant importance and should be maintained. Collaboration between the Indonesian government and society is vital to safeguard human rights and guarantee their effective enforcement inside the nation.

The inclusion of human rights (HAM) in the constitution of the Republic of Indonesia holds significant importance. Articles 28I-28J of the 1945 Constitution explicitly acknowledge the following rights: the right to life, the right to freedom of religion, the right to freedom of expression, the right to political participation, the right to education, the right to health, the right to a clean environment, and the right to equality under the law. In addition, Law Number 39 of 1999, which pertains to Human Rights, serves as a legislative framework for safeguarding and implementing human rights in Indonesia. The Indonesian government has also created Komnas HAM as an autonomous agency responsible for overseeing and advocating for safeguarding human rights. Despite a legal framework and dedicated organizations for safeguarding human rights, Indonesia nonetheless faces persistent obstacles in ensuring the protection and enforcement of human rights. Hence, it is imperative for all stakeholders, including the government, society, and non-governmental organizations, to display unwavering dedication and collaboration to persistently advocate for safeguarding human rights in Indonesia. It is crucial for the government to oversee instances of human rights abuses that take place domestically and to cooperate with other nations in addressing the difficulties associated with safeguarding human rights across borders. The aim is to ensure that human rights are upheld and safeguarded in a just and equitable manner in Indonesia, in line with the goals of the Unitary State of the Republic of Indonesia as outlined in the Preamble to the 1945 Constitution.

Recommendation:

Based on the discussion that has been carried out, the author recommends several suggestions as follows:

- The government and society should enhance knowledge and comprehension of the significance of human rights as innate and fundamental entitlements of individuals. This can be achieved through the dissemination of knowledge and active engagement with the public regarding safeguarded legal rights.
- The government should enhance the oversight of domestic human rights infringements and guarantee that those responsible for such violations are duly punished per the relevant legislation. In addition, the government should enhance the capacity of autonomous organizations dedicated to overseeing human rights abuses, such as the National Human Rights Commission.
- The government must enhance collaboration across nations to surmount problems in safeguarding human rights. Indonesia can strengthen its diplomatic ties with other countries that share a similar dedication to protecting human rights while bolstering its engagement on international platforms focused on human rights.
- The active engagement of the community is essential in advocating for and enhancing the safeguarding of human rights within the nation. The community can establish autonomous institutions dedicated to monitoring and addressing human rights abuses while also improving the influence of non-governmental organizations in advocating for individuals' rights.

By strengthening human rights protection within the country, it is hoped that Indonesia can become a better and fairer country for all its people.

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