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Legal Regulations Regarding the Implementation of Human Rights in Indonesia

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ABSTRACT

The new formulation of human rights is contained in Article 28 AJ of the 1945 Constitution as a result of the first amendment in 1999. The addition of this formulation of Human Rights is not merely a desire to accommodate the development of the increasingly important view of Human Rights, but is also one of the requirements of a state of law. Human Rights can also be used as an indicator to measure the level of civilization, the level of democracy, and the level of progress of a country. The research method used is normative legal research, through a regulatory and legislative approach. The results of the study indicate that Law Number 39 of 1999 stipulates that human rights protection is a state obligation to uphold human dignity, supported by the establishment of the National Commission on Human Rights. As a technical implementation, Law Number 26 of 2000 established a special Human Rights Court to try serious violations, namely genocide and crimes against humanity. This court, which operates under the general court system through a Presidential Decree, affirms Indonesia's commitment to fair and consistent law enforcement. Furthermore, this regulation integrates fundamental rights and obligations to ensure balanced protection, and the human rights court. Human rights are regulated in the Republic of Indonesia Law Number 26 of 2000 concerning the Human Rights Court.

Keywords : Human Right; Implementation; Regal Regulation

INTRODUCTION

Since the reformation, there have been laws and regulations that provide guarantees and guidance in resolving matters related to Human Rights, namely Law Number: 39 of 1999 concerning Human Rights, Law Number: 26 of 2000 concerning

Human Rights Courts, and Law Number : 9 of 1998 concerning freedom of expression in public.¹

The statements contained in the preamble to the 1945 Constitution are full of declarations and high recognition of the dignity, honor, and values of humanity that are very noble and fundamental. Human rights are actually already stated in the preamble to the 1945 Constitution. It is said that the Indonesian state itself since its founding cannot be separated from human rights itself. We can see in the first paragraph that reads "that in fact independence is the right of all nations...". Based on this, the Indonesian people recognize the right to independence or freedom. In contrast to the history of Human Rights in the West which is more individualistic, Human Rights in Indonesia is based on collectivity. It is read from the right of every "nation" to be independent.²

Pancasila, especially the second principle, just and civilized humanity, is the ideal basis for the recognition and guarantee of Human Rights in Indonesia. The founders of the nation who were members of the committee of five, this just and civilized humanity basis needs to be given a proper place in the legislation regarding the basic rights and obligations of citizens. Especially the right to life, the right to safety of the body, and the right to freedom of the body, because all three are real gifts from God Almighty and therefore need to be protected as far as possible by the state. Other rights such as property rights and the right to honor are more relative and depend on the nation's ideology, especially regarding the relationship and balance between individuals and society. The Indonesian nation, which is "familial" and "mutual cooperation", cannot recognize property rights as "inviolable and sacred rights." Property rights have and even have a "social function", meaning they contain great responsibilities and obligations towards God, society, nation and state.

The new formulation of human rights is contained in Article 28 AJ of the 1945 Constitution, as amended first in 1999. The addition of this formulation of Human Rights is not merely a desire to accommodate the increasingly important development of human rights views, but also one of the requirements of a state based on the rule of law. Human Rights can also be used as an indicator to measure the level of civilization, democracy, and progress of a country.

In the history of the development of the 1945 Constitution, the agenda of amendments to the Constitution is a new history for the future of the Indonesian constitution. The regulation of human rights is explicitly emphasized in the second amendment to the 1945 Constitution of 2000. The content of human rights in the second amendment to the 1945 Constitution far exceeds the provisions previously regulated in the 1945 Constitution. Human rights are regulated in a chapter, Chapter XA on Human Rights which consists of ten articles, from Article 28A to 28J.

The explanations that have been in effect in Indonesia acknowledge the paramount importance of human rights. However, all constitutions differ in how they interpret the content of human rights in the law. The 1945 Constitution, period I (1945-1949), only affirmed the human rights of citizens (HAW). These HAW articles are fraught with multiple interpretations in law enforcement and human rights. The 1949 RIS Constitution (1949-1950) provided a new atmosphere for law enforcement and

¹ Ambarwati, et al. *International Humanitarian Law in the Study of International Relations*. Raja Grafindo Persada. Jakarta: 2014 p. 115

² Winarno, *New Paradigm of Citizenship Education: A Guide to Lectures in Higher Education*. Bumi Aksara. Jakarta: 2013 p. 165.

human rights . As a result, due to its relatively short period of implementation, efforts to enforce law and human rights within this constitution are relatively difficult to find. The 1950 United States Constitution (1950-1959) provided clear legal certainty regarding human rights . The human rights content in the 1950 United States Constitution adopted the content of the 1948 UN Human Rights Convention .

Similar to the 1949 RIS Constitution, the 1950 Constitution of the United States was nearly ineffective because the state was preoccupied with the country's political situation at the time. One thing is certain: both constitutions , the 1949 RIS Constitution and the 1950 Constitution, both contain relatively comprehensive human rights content. The reinstatement of the Constitution The 1945 Constitution increasingly provides evidence of the "decline" of human rights normativeness in the Constitution . The enactment of the 1945 Constitution in period II (1959-1998) was not much different from the human rights content of the 1945 Constitution in period ³I.

RESEARCH METHODS

The research method used in this study is normative legal research supported by empirical data. The normative research conducted is studying the law as a system of norms or rules with a focus on legislation, legal principles, doctrine, and jurisprudence to address legal issues, rather than on societal behavior. This research uses secondary data (literature study). such as laws, court decisions, books and journals, and analyzing them qualitatively to produce new legal arguments or concepts.

RESULTS AND DISCUSSION

Legal Regulations regarding Enforcement of Human Rights Man based on Law Number: 39 of 1999 About Human Rights Man

Based on the understanding or definition contained in Law Number: 39 of 1999, that Human Rights are a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are His gifts which must be respected, upheld and protected by the state, government and everyone for the sake of honor and protection of human dignity. The essence of the concept of human rights is respect for a person's humanity without exception and without discrimination based on anything and for any reason, as well as recognition of human dignity as the noblest creature on earth.

human rights, is increasingly strong and is even a central theme. Therefore, the guarantee of human rights as contained in the 1945 Constitution has become increasingly effective, especially with the realization of the Republic of Indonesia Law Number: 39 of 1999 concerning Human Rights . In the considerations and general provisions of Article I, it is explained that Human Rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty, and are His gifts that must be respected, upheld and protected by the state, law, government and every person for the sake of honor and protection of human dignity and honor. In addition to human rights , Law Number: 39 of 1999 also contains basic human obligations , namely a set of obligations that, if not carried out, will not allow the implementation and upholding of human rights.

Law Number: 39 of 1999 consists of 105 articles covering various basic laws , protection of human rights, limitations on government authority. KOMNAS HAM is the

³ Majda El Muhtaj , *Human Rights in the Indonesian Constitution*. Prenada Media, Jakarta: 2005. pp. 67-69.

implementing agency for the protection of human rights . In order to uphold the Human Rights of every person, basic human obligations are also regulated, including the obligation to respect the Human Rights of others, and consequently everyone must comply with applicable laws and regulations . In addition, it also regulates the obligations and responsibilities of the government to respect, protect, uphold and advance these human rights which are regulated in laws and international laws accepted by the Republic of Indonesia.

With the enactment of Law Number 39 of 1999 concerning Human Rights , the Indonesian nation has entered a new era, particularly in establishing a democratic society that protects human rights. However, its implementation often encounters obstacles, namely the dilemma between law enforcement and freedom. If it is not consistent, it will be detrimental to the Indonesian nation itself. ⁴Specifically discussing Law Number 39 of 1999, there are various types of Human Rights regulated in this legislation .

Human Rights Court

Law of the Republic of Indonesia Number 26 of 2000 concerning Human Rights Courts states that "Human Rights Courts are special courts within the General Courts in districts or cities whose jurisdiction includes the relevant District Courts." For the Special Capital Region of Jakarta, Human Rights Courts are located in each relevant District Court area.

Rights Court has the duty and authority to examine and decide cases of serious human rights violations, which include :

- a. The crime of genocide; namely any act carried out with the intention of destroying or exterminating all or part of a national group, race , ethnic group or religious group.
- b. Crimes against humanity; any act committed as part of a widespread or systematic attack directed against a civilian population.⁵

Article 1 number 3 determines that what is meant by the Human Rights Court or HAM court is a Special Court for gross human rights violations. What is meant by the HAM court is not yet very clear, although the explanation of Article 1 states "quite Clear". What is meant by the HAM court as defined in Article 1 number 3 with Article 2 which determines that the HAM court is a Special court within the General Court environment, and Article 4 which determines that the HAM Court is tasked and authorized to examine and decide cases of gross human rights violations, it becomes clear that what is meant by the HAM Court is a court within the General Court environment which is only tasked and authorized to examine and decide cases of gross human rights violations.

Currently the question is, what is meant by the phrase "in the General Court environment" in Article 2. What is meant by the phrase "in the General Court environment" in Article 2 is in the general court environment as referred to in Article 10 paragraph (1) letter a of Law Number: 14 of 1970. As is known, Article 10 paragraph (1) of Law Number: 14 of 1970 determines that judicial power is exercised by the Court in the Environment:

- a. General Court

⁴ Kaelan , *MS Pancasila Education* , Paradigma.Yogyakarta : 2010. pp : 224-225

⁵ibid. p. 118

- b. Religious Courts
- c. Military Court
- d. State Administrative Court

Regarding these provisions, the explanation of Article 10 paragraph (1) of Law Number: 14 of 1970 states that the differences in the 4 judicial environments referred to do not preclude the possibility of specialization (differentiation/specialization) in each environment, for example in the General Court, specialization can be made in the form of a Traffic Court, a children's court, an economic court, and so on by law. This explanation can be seen that in each judicial environment, specialization (*differentiation/specialization*) can be made according to the needs regarding how to examine and decide certain cases. At present, Law Number: 14 of 1970 has been declared invalid and replaced by Law Number: 4 of 2004, but it turns out that later this Law was also declared invalid and replaced by Law Number: 48 of 2009.

The provisions as referred to in Article 10 paragraph (1) of Law Number: 14 of 1970, are now the provisions as referred to in Article 25 paragraph (1) of Law Number: 48 of 2009. The explanation of Article 10 paragraph (1) of Law Number: 14 of 1970 is now the provisions as referred to in Article 27 paragraph (1) of Law Number: 48 of 2009 and its explanation.

Judicial power in the General Court environment is carried out by the District Court as the Court of First Instance which is domiciled in the Capital City of the City or Regency and the High Court as the Court of Appeal which is domiciled in the Capital City of the Province (Article 3 in conjunction with Article 4 in conjunction with Article 6 of Law Number: 2 of 1986), whereas Article 3 paragraph (1) determines that the Human Rights Court is domiciled in the city or regency area, then it can be seen that specialization (*differentiation /specialization*) only exists in the District Court, meaning that the formation of the Human Rights Court only exists in the District Court. However, in Law Number : 26 of 2000 does not contain provisions regarding the method of establishing an ad hoc Human Rights Court, namely by presidential decree as stipulated in Article 43 paragraph (2).

In line with Article 7 of Law Number: 2 of 1986 which stipulates that district courts are established by presidential decree, practice shows that the method of establishing a human rights court is also carried out by presidential decree, for example Presidential Decree Number: 31 of 2001 concerning the establishment of a human rights court at the Central Jakarta District Court, Surabaya District Court, Medan District Court, and Makassar Court as an implementation of Article 45.

The general explanation of Law Number: 26 of 2000 states that the establishment of the Human Rights Court was carried out based on the following considerations:

- a. Serious human rights violations are “ extraordinary ” *crimes* ” and have a wide impact, both at the national and international levels and are not criminal acts regulated in the Criminal Code and cause losses, both material and immaterial, which result in feelings of insecurity, both for individuals and society, so that they need to be immediately restored in realizing the supremacy of law to achieve peace, order, tranquility, justice and prosperity for the entire community.
- b. In cases of serious human rights violations, special steps of investigation, inquiry, prosecution and examination are required, namely:

- 1) An investigation is needed by forming an ad hoc team, ad hoc investigators, ad hoc public prosecutors, and ad hoc judges.
- 2) It is necessary to emphasize that investigations are only carried out by the National Commission on Human Rights, while investigators are not authorized to receive reports or complaints as regulated in the Criminal Procedure Code;
- 3) Provisions are needed regarding certain time limits for conducting investigations, prosecutions and examinations in court;
- 4) Provisions regarding the protection of victims and witnesses are needed;
- 5) Provisions are needed that emphasize that there is no statute of limitations for serious human rights violations.

Specifically in Law Number: 26 of 2000 in Article 3 paragraph (2) it is stipulated that for the Special Capital Region of Jakarta, the Human Rights Court is located in each relevant District Court area. We remember that in the Special Capital Region of Jakarta there are 4 District Courts, namely the Central Jakarta District Court, the North Jakarta District Court, the West Jakarta Court, and the South Jakarta District Court, so in accordance with the provisions contained in Article 3 paragraph (2), a Human Rights Court needs to be established in each District Court in the Special Capital Region of Jakarta. But at present, the Human Rights Court in the Special Capital Region of Jakarta that has been newly established is the Human Rights Court at the Central Jakarta District Court which was established by Presidential Decree Number: 31 of 2001.⁶

The enforcement of human rights to resolve past serious human rights violations in Indonesia in the reform era is based on Law Number: 26 of 2000 concerning the Human Rights Court. Article 43 paragraph 2 of the Law states that the establishment of an Ad Hoc Human Rights Court must be carried out by a Presidential Decree (Keppres) so that Presidential Decree Number: 53 of 2001 was issued, which was updated by Presidential Decree Number: 96 of 2001.

The Presidential Decree was updated because the government considered Presidential Decree Number: 53 of 2001 to have too broad a jurisdiction (not specifically limiting the area and time of the incident). With Presidential Decree Number: 96 of 2001, the court's jurisdiction was narrowed to only three areas, namely Liquica, Dili, and Suai. An event was limited to those that occurred between April and September 1999. Meanwhile, the locus and tempus delicti of the Tanjung Priok case occurred in September 1984.⁷

Article 4 of Law Number: 26 of 2000 states that the Human Rights Court has the duty and authority to examine and decide cases of violations of Human Rights. Serious human rights violations. According to Article 7 of Law Number 26 of 2000, serious human rights violations include:

- a) The crime of genocide
- b) Crimes against humanity.

The crime of genocide as referred to in Article 7 letter a is any act committed with the intention of destroying or exterminating all or part of a national, racial, ethnic or religious group, by: killing members of the group; causing serious physical or mental suffering to members of the group; creating living conditions for the group that will

⁶R. Wiyono. *Op.cit*. pp. 11-15

⁷Suparman Marzuki. *Human Rights Court in Indonesia Perpetuates Impunity*. Erlangga. Jakarta. 2012. p. 104.

result in its physical destruction in whole or in part; imposing measures aimed at preventing births within the group; or forcibly transferring children from one group to another.

Article 19 states that crimes against humanity as referred to in Article 7 letter b are acts carried out as part of a widespread or systematic attack intended to directly attack the civilian population, in the form of:

- a) Murder
- b) Destruction
- c) Slavery
- d) Forcible expulsion or transfer of residents
- e) Arbitrary deprivation of liberty or other physical freedoms in violation of the basic provisions of international law
- f) Torture
- g) Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or sterilization or other equivalent forms of sexual violence
- h) Persecution of a particular group or association based on political, racial, national, ethnic, cultural, religious, gender or other reasons that have been universally recognized as prohibited under international law.
- i) Enforced disappearance of persons
- j) The crime of apartheid

The Human Rights Court has jurisdiction over gross human rights violations, both within and outside the territory of the Republic of Indonesia. Based on Article 5, Indonesia only applies the principle of active personal jurisdiction, while the right to exercise passive personal jurisdiction, let alone the principle of universal jurisdiction, is not used as granted by international law.

The provisions in this Article are only intended to protect Indonesian citizens who commit serious human rights violations outside of Indonesia's territorial boundaries, meaning they will still be punished in accordance with the Law on Human Rights Courts. Meanwhile, Indonesian citizens who are victims of serious human rights violations outside the territory of the Republic of Indonesia do not receive protection from the Government of the Republic of Indonesia. Based on this Article, it can also be seen that Indonesia is not serious about eradicating international criminal acts of human rights violations.⁸

ad hoc human rights court in the East Timor case and other human rights violation cases has proven to be a failure of human rights law enforcement institutions and officials to uphold their professionalism and independence, failing to interpret human rights violation cases, seek, present, and assess the facts, apply the law, and issue their decisions. Ultimately, the entire legal process for human rights violations is not a mechanism for judging, but for ending them.

The human rights legal process that has been carried out inspires us to believe that law enforcement cannot be analyzed separately from the creation of human rights law, the institutions that enforce it, and its implementation by those who implement it at the inquiry, investigation, prosecution, and court levels. All three are interconnected and must be explained comprehensively. Human rights legal products, institutions that implement human rights law, and those who implement human rights law are elements

⁸Oentoeng Wahjoe. *International Criminal Law: The Development of International Criminal Acts & their Enforcement Process*. Erlangga. Jakarta. 2011. p. 159-160.

of the law enforcement chain that mutually influence the existence of a fair , just, and transparent legal process in handling human rights violations.⁹

Human rights in the UDHR can be categorized into two groups of rights, namely:¹⁰

1. Which includes " *civil and Political Right* " includes:
 - a. *Life, liberty , and security of person* (article 3)
 - b. *Freedom from slavery and servitude* (article 4)
 - c. *Freedom from Torture and cruel , inhuman or degrading treatment or punishment* (article 5)
 - d. *Recognition as a person before the law* (article 6)
 - e. *Equal protection of the law* (article 7)
 - f. *And effective judicial remedy for violations an independent and impartial tribunal* (article 10)
 - g. *The presumption of innocence until guilt has been proved* (article 11 paragraph 1)
 - h. *Debarment from conviction for an act which was not a penalty offense at the time it was committed* (article 11 paragraph 2)
 - i. *Freedom from arbitrary interference with privacy , family home or correspondence* (article 12)
 - j. *Freedom of movement and residence , including the right to leave any country and to return to one's country* (article 13)
 - k. *Asylum* (article 14)
 - l. *A natinality* (article 15)
 - m. *Contract a marriage and found a family* (article 16)
 - n. *Own property* (article 17)
 - o. *Freedom of thought , conscience and religion* (article 18)
 - p. *Freedom of opinion and expression* (article 19)
 - q. *Freedom of peaceful assembly and association* (article 20)
 - r. *Participation in the government of one's country* (article 21 paragraph 1)
 - s. *Equal access to public service in one's country* (article 21 paragraph 2)
2. Which includes " *economic , social and culture rights* " include:
 - a. *Social security* (article 220)
 - b. *Work and free choice of employment* (Article 23 paragraph 1)
 - c. *Equal pay for equal work* (article 23 paragraph 2)
 - d. *Just and favorable remuneration insuring an existence worth of human dignity* (p a sal 23 verse 3)
 - e. *Form and join trade unions* (article 23 paragraph 3)
 - f. *Rest and leisure* (article 24)
 - g. *A standard of living adequate for health and well-being (including food , clothing , housing , and medical care)-(article 25 paragraph 1)*

⁹*Ibid* . pp. 273-274

¹⁰ Barda Nawawi Arif, *Anthology of Criminal Law Policy: Developments in the Drafting of the New Criminal Code*, Prenada Media. Jakarta , 2008. pp . 90-91

- h. *Right to security in the event of unemployment, sickness, disability, widowhood, old age or other circumstances beyond one's control* (article 25 paragraph 1)
- i. *Protection of motherhood and childhood* (article 25 paragraph 2)
- j. *Education, with parents having a prior right to choose their children's type of education* (article 26 paragraph 1)
- k. *Participation of the culture life of one's community* (article 27 paragraph 1)
- l. *Protection of the moral and material interest resulting from one's authorship of scientific, literary or artistic productions* (article 27 paragraph 2).

above rights are realized and legally guaranteed in other laws (outside the Constitution) can be identified as follows:¹¹

- a. Related to (*civil and Political Rights*)
 - 1) In TAPMPR Number: II / MPR / 1987 concerning "guidelines for understanding and practicing Pancasila" (*ekaprasetia Pancakarsa*) it is emphasized that:
"With the belief in the truth of Pancasila, humans are placed in the highest position and dignity as creatures of God Almighty with the awareness to develop their nature as individual beings and at the same time as social beings."
a statement can be aligned with the basic concept contained in the " preamble " paragraph of the UDHR and Article 1 of the UDHR as stated above .
 - 2) In the Law Number 62 of 1958 concerning "citizenship of the Republic of Indonesia" states, among other things, that Indonesian citizenship can be revoked voluntarily (Article 17 sub a). This is in line with Article 15 of the UDHR.
 - 3) In the Law Number 15 of 1969 concerning "General Elections" regulates the right of citizens to vote, and Law Number 8 of 1985 concerning " community organizations " affirms the right of citizens to become members of ORMAS (Article 9). These provisions are in line with Articles 20 and 21 of the UDHR.
 - 4) In the Law Number 11 of 1966 (basic provisions on the press) states, among other things, that "press freedom is guaranteed in accordance with the basic rights of citizens" (Article 5:1). This is in accordance with Article 29 of the UDHR.
 - 5) In the Law Number: 14 of 1970 (main provisions on judicial power) states, among other things:
 - (a) Judicial power is the power of an independent state (Article 1 paragraph 1)
 - (b) The court shall adjudicate according to the law without discrimination (Article 5 paragraph 1)
 - (c) No one can be brought before a court other than as determined by law (Article 6 paragraph 1)

¹¹ *Ibid* , p. 92

- (d) No one shall be punished unless the court is convinced that a person is guilty (Article 6 paragraph 2)
- (e) No one can be subject to arrest, search and confiscation other than according to law (Article 7)
- (f) Every person must be presumed innocent until there is a final and binding decision declaring his guilt (Article 8)
- (g) A person who is arrested, detained, or tried without any reason based on Law or due to error, has the right to demand compensation and rehabilitation (Article 9)
- (h) Everyone has the right to obtain legal aid (Article 35)
- b. Related to *economic , social and cultural rights*
 - 1) Social welfare guarantees as referred to in Articles 22 and 25 of the UDHR, are seen among other things in:
 - (a) Law Number 6 of 1974 (Basic Provisions on Social Welfare) affirms that every citizen has the right to the highest possible level of social welfare. (Article 1)
 - (b) Law Number: 4 of 1979 (child welfare) states that:
 - (1) Children have the right to welfare, care, upbringing and guidance based on love to grow and develop naturally; (Article 2:1)
 - (2) Children have the right to services to develop their abilities and social life (Article 2:2)
 - (3) Children have the right to care and protection while in the womb or after birth (Article 2:3)
 - (4) Children have the right to protection from environmental factors that could endanger or hinder their normal growth and development (Article 2:4)
 - (5) Children who do not have parents have the right to receive care from the state or other people or bodies (Article 4:1)
 - (c) Law Number: 9 of 1960 (principles of health) emphasizes that every citizen has the right to obtain the highest possible level of health (Article 1)
 - (d) Law Number: 1 of 1964 (principles of housing) emphasizes that every citizen has the right to obtain and enjoy decent housing (Article 1:1)
 - (e) Law Number: 42 of 1981 (social welfare services for the poor) emphasizes that the poor have the right to receive social welfare services (Article 2:1)
 - (f) Law Number 14 of 1969 (basic provisions regarding labor) emphasizes that every worker has the right to receive protection regarding safety, health, morality, maintenance of work morals and treatment in accordance with human dignity and religious morals (Article 9).
 - 2) The rights of workers to choose work, receive wages and take breaks/holidays are specifically regulated in Articles 23 and 24 of the UDHR, as seen in the following provisions:
 - a) Law number: 14 of 1969, among other things, states:

- a. Every worker has the right to work and a decent income for humanity (Article 3)
- b. Each worker is free to choose and/or change jobs according to their talents and abilities.
- b) Law Number 80 of 1957 affirms agreement to the International Labor Organization Convention on equal wages for male and female workers for work of equal value. This is also emphasized in Government Regulation Number 8 of 1981, which stipulates that there is no wage discrimination between male and female workers for work.
- c) Law Number: 3 of 1961 confirms agreement to the International Labour Organization Convention on weekly rest.
- 3) The primary right of parents to determine/ choose the type of education for their children, as stated in Article 26 of the UDHR, is seen more broadly in the formulation of Article 9 of Law Number: 4 of 1979 (concerning child welfare), which emphasizes that parents are primarily responsible for realizing the welfare of children, both spiritually, physically and socially.
- 4) Protection of copyright in the fields of science, literature and art as stated in Article 27 of the UDHR, is seen in the Copyright Law Law Number 6 of 1982 in conjunction with Law Number: 7 of 1987 which has been changed to Law Number: 19 of 2002.

CONCLUSION AND SUGGESTIONS

Conclusion

Law Number 39 of 1999 stipulates that human rights protection is a state obligation to uphold human dignity, supported by the establishment of the National Commission on Human Rights. As a technical implementation, Law Number 26 of 2000 established a special Human Rights Court to try serious violations, namely genocide and crimes against humanity. This court, which operates under the general court system through a Presidential Decree, affirms Indonesia's commitment to fair and consistent law enforcement. Furthermore, this regulation integrates fundamental rights and obligations to ensure balanced protection.

Suggestion

The government and law enforcement need to immediately align supporting regulations with the latest Judicial Power Law and clarify articles open to multiple interpretations in Law Number 26 of 2000 to avoid legal uncertainty in the operation of the Human Rights Court. Furthermore, a consistent commitment to maintaining a balance between law enforcement and the protection of civil liberties is needed, as well as optimizing the role of the National Commission on Human Rights (Komnas HAM) in investigating cases so that the handling of gross human rights violations can be carried out fairly, effectively, and without harming national integration.

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