

## The Impact of Legal Policies on the Enforcement of Human Rights in Indonesia

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### Abstract

*The realisation of human rights constitutes a crucial element in the establishment of social justice and the safeguarding of individual dignity. In Indonesia, legal policies pertaining to human rights have evolved since the advent of the reform era, with the advent of numerous regulations and the establishment of institutions dedicated to the protection of human rights. This research employs a literature study method to analyze the impact of legal policies on human rights enforcement in Indonesia. The study analyzes relevant regulations, legal precedents, and academic literature to identify challenges and opportunities in the implementation of human rights policies. The findings reveal that, although Indonesia has witnessed significant advancements in the legislative realm, persistent challenges persist in ensuring consistent policy implementation. These obstacles encompass deficiencies in law enforcement, shortcomings in institutional competence, and the influence of political dynamics upon policy implementation. Hence, enhancements in legal governance and the fortification of human rights institutions are indispensable to guarantee the effective enforcement of human rights in Indonesia.*

**Keywords:** *Legal policy, human rights, human rights enforcement*

### Abstrak

*Penegakan hak asasi manusia (HAM) merupakan salah satu aspek fundamental dalam menciptakan keadilan sosial dan melindungi martabat individu. Di Indonesia, kebijakan hukum yang terkait dengan HAM telah berkembang sejak era reformasi, dengan lahirnya berbagai peraturan dan institusi yang berfokus pada perlindungan HAM. Penelitian ini bertujuan untuk menganalisis dampak kebijakan hukum terhadap penegakan HAM di Indonesia melalui metode studi literatur. Penelitian ini mengkaji regulasi, yurisprudensi, dan literatur akademik terkait untuk mengidentifikasi tantangan dan peluang dalam implementasi kebijakan HAM. Hasil penelitian menunjukkan bahwa meskipun terdapat perkembangan signifikan dalam legislasi HAM, masih terdapat kendala dalam penerapan kebijakan yang konsisten. Kendala tersebut termasuk lemahnya penegakan hukum, ketidakmampuan institusi, serta dinamika politik yang mempengaruhi penerapan kebijakan. Oleh karena itu, diperlukan perbaikan dalam tata kelola hukum dan penguatan institusi HAM untuk memastikan hak asasi manusia dapat ditegakkan dengan efektif di Indonesia.*

**Keywords:** *Kebijakan hukum, hak asasi manusia, penegakan HAM*

## INTRODUCTION

Human rights are those rights that are inherent and indivisible from individuals due to their universally recognized and fundamental nature. The term "human rights" encompasses a range of fundamental entitlements, including the right to life, freedom of expression, the right to education, protection from violence, and numerous other rights that are not contingent upon an individual's social status, economic circumstances, racial background, or political affiliation. The principle of the universality of human rights asserts that every human being, regardless of location, is entitled to equal protection and treatment without discrimination. The responsibility for the enforcement of human rights does not fall solely on the state; rather, it is also the obligation of the international community to encourage respect, protection, and fulfillment of these rights (Ismail et al., 2024a).

Indonesia has witnessed considerable advances in the enforcement of human rights, particularly in the wake of the 1998 reform era. The reform period proved to be a pivotal moment in the reconstruction of a government system that is more transparent, democratic, and respectful of the rights of citizens. Prior to the reform era, Indonesia encountered numerous challenges in the domain of human rights, particularly under the authoritarian New Order government. The 1965 massacre, the Tanjung Priok case, and the suppression of activists and political opposition reflected the lack of robust protection of human rights at that time.

In the period following the reform, considerable alterations were made with the implementation of a range of legal policies with the objective of reinforcing the enforcement of human rights. Notable instruments produced include:

- The enactment of Law No. 39/1999 on Human Rights constituted a pivotal moment in the advancement of human rights enforcement in Indonesia.
- The enactment of Law No. 26/2000 on Human Rights Courts provides a legal framework for the resolution of cases involving gross human rights violations through judicial mechanisms.
- The establishment of the National Commission on Human Rights (Komnas HAM) serves as an independent institution tasked with monitoring, investigating, and reporting cases of human rights violations.

Furthermore, Indonesia has also ratified a number of international instruments pertaining to human rights, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These measures illustrate the government's profound dedication to enhancing the safeguarding of human rights (Natamiharja & Rasya, 2021).

Nevertheless, despite the accelerated evolution of human rights legislation and instruments in Indonesia, the operationalisation of these policies continues to encounter significant challenges. The most significant challenges that emerge include:

The efficacy of human rights legislation is often undermined by deficiencies in law enforcement. One illustrative example is the numerous instances of egregious human rights violations that have occurred in the past, including the 1998 May Tragedy and the East Timor case, which remain unresolved. The causes of weak law enforcement in this sector include a lack of political support and the unpreparedness of legal institutions to address human rights issues in a comprehensive manner.

Komnas HAM, the Indonesian institution responsible for monitoring and addressing human rights violations, frequently encounters constraints in terms of resources and authority. Despite Komnas HAM's robust mandate to investigate human rights violations, its recommendations

are not consistently acted upon by the government or the judiciary. This ultimately diminishes the agency's capacity to ensure justice for victims of human rights violations (Yustitiantingtyas & Krisnawati, 2024).

The Influence of Political Dynamics also play an important role in determining the success of human rights enforcement. In Indonesia, the legal process against human rights violators is frequently obstructed by political pressure from both interest groups and political elites who hold significant influence. Such cases include instances of past human rights violations involving prominent figures, where the legal process was impeded by the influence of political forces.

Another impediment to the enforcement of human rights in Indonesia is the prevailing legal culture, which is not fully supportive of the respect for human rights. A significant number of individuals, including law enforcement officials, continue to demonstrate a lack of comprehension regarding the paramount importance of human rights. This is evidenced by the actions of security forces and government agencies, which frequently disregard or subvert the fundamental rights of citizens in the course of dealing with specific cases, such as the management of demonstrations or agrarian conflicts.

In light of these circumstances, it is imperative to conduct research on the impact of legal policies on the enforcement of human rights in Indonesia. This research aims to achieve two key objectives: firstly, to gain insight into the evolution of legal policies pertaining to human rights; and secondly, to assess the extent to which these policies are effective in guaranteeing the respect and protection of citizens' rights (Katjong & Yanuaria, 2024).

This research is significant because, despite the existence of comprehensive legislation and regulations pertaining to human rights in Indonesia, numerous instances of human rights violations persist at both the local and national levels. Examples of ongoing human rights violations include agrarian conflicts, violence against minority groups, and the abuse of power by security forces.

By evaluating existing legal policies, this research aims to provide constructive recommendations for the Indonesian government to improve the governance of human rights enforcement. Potential avenues for improvement include strengthening human rights enforcement institutions, improving regulations that are more binding, and increasing public participation in monitoring the implementation of human rights policies.

## **RESEARCH METHOD**

This research uses the literature study method to analyze various legal policies related to human rights in Indonesia. The data used in this research consists of:

- **Primary Legal Sources:** Laws, government regulations, and regulations related to human rights in Indonesia.
- **Secondary Legal Sources:** Academic literature, journals, and scientific articles discussing human rights, as well as jurisprudence and court decisions relevant to human rights issues.
- **Institutional Reports:** Annual reports from the National Commission on Human Rights (Komnas HAM), Legal Aid Institutions (LBH), and international organizations such as Human Rights Watch and Amnesty International.

The literature study method was used to identify, review, and synthesize the results of previous research related to the research topic. This research does not use field data, but focuses on collecting and analyzing documentary secondary data.

## RESULT & DISCUSSION

The evolution of legal policies related to human rights in Indonesia has been a significant and noteworthy phenomenon, particularly in the wake of the reform era. As a nation dedicated to the principles of democracy and justice, Indonesia has undertaken a series of tangible measures to reinforce the legal infrastructure that facilitates the implementation of human rights. This process is not limited to the national level; it also encompasses commitments to internationally recognized standards.

### *Ratification of International Human Rights Instruments*

Indonesia has ratified a number of international instruments that regulate the protection of basic individual rights. These ratifications demonstrate Indonesia's commitment to the international community in respecting, protecting, and fulfilling human rights.

The International Covenant on Civil and Political Rights (ICCPR) was ratified by Indonesia through Law No. 12 of 2005. The covenant regulates a number of fundamental individual rights, including the right to life, freedom of expression, freedom of assembly, the right to a fair trial, and freedom from torture. The ratification of the ICCPR constituted a significant turning point in Indonesia's journey towards ensuring civil and political freedoms, directly influencing the country's democratic transition following the establishment of the new order.

Furthermore, Indonesia has also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), as evidenced by the enactment of Law No. 11 of 2005. The covenant encompasses the rights to work, an adequate standard of living, education, health, and participation in cultural life. The ratification of the ICESCR represents a formal acknowledgment of the significance of ensuring the fulfillment of economic, social, and cultural rights as an essential component of human rights.

By ratifying these two covenants, Indonesia has assumed a commitment to guarantee that all citizens are able to access fundamental rights in a fair and equitable manner, without discrimination in any aspect of life. Furthermore, this ratification encourages Indonesia to align its national legislation with international standards (Mambu & Mongdong, 2023).

### *National-Level Human Rights Law Policy*

At the national level, Indonesia has enacted a number of laws with the objective of supporting the enforcement of human rights. Two significant pieces of legislation serve as the legal foundation for human rights protection in Indonesia: Law No. 39/1999 on Human Rights and Law No. 26/2000 on Human Rights Courts (Sarmadi, 2024).

- a. Law No. 39/1999 on Human Rights. Law No. 39/1999 is the legislation that explicitly guarantees the protection of human rights in Indonesia. The legislation encompasses a comprehensive array of internationally acknowledged rights, including the right to life, the right to freedom of religion, freedom of expression, and the right to equal protection under the law. Furthermore, it provides the foundation for the establishment of institutions tasked with monitoring and enforcing human rights. The following are among the most significant aspects of the legislation:
  - The recognition of universal human rights is a fundamental tenet of this legislation. The articles in this law reflect the values set forth in the Universal Declaration of Human Rights (UDHR), which asserts that human rights are inherent to every individual from birth.

- The following are the basic rights of citizens: The legislation safeguards a range of civil and political rights, including the right to be free from torture, the right to freedom of religion, and the right to protection from discriminatory actions.
  - The strengthening of human rights institutions is a further key point of the law. Furthermore, the law mandates the establishment of the National Human Rights Commission (Komnas HAM) as an independent institution tasked with monitoring and investigating human rights violations.
- b. Law No. 26/2000 on Human Rights Courts. As a further step in upholding human rights, Indonesia passed Law No. 26 of 2000, which established the Human Rights Court. The court is responsible for prosecuting individuals accused of committing gross human rights violations, including acts of genocide, crimes against humanity, and war crimes. The Human Rights Court was established with the objective of providing a transparent and effective legal framework for addressing cases of significant human rights violations, both historical and ongoing. The following aspects of this legislation are of particular significance:
- The term "gross human rights violations" is defined as: In particular, Law No. 26/2000 provides a detailed definition of gross human rights violations and specifies the categories of such violations. Additionally, it delineates the court mechanism that will handle these cases.
  - The legislation provides legal protection for victims. Furthermore, the legislation safeguards the rights of individuals who have suffered gross human rights violations, including the right to a fair and impartial trial, compensation for damages, and restitution for losses incurred.
  - An ad hoc human rights court is a court established on an ad hoc basis to address specific human rights violations. In instances of gross human rights violations that transpired prior to the enactment of this legislation, such as those that occurred in East Timor and the May 1998 Tragedy, the government may establish ad hoc human rights courts to prosecute the perpetrators.

Despite the laudable objective of these courts to provide justice for victims, the implementation of such courts is beset with challenges, including political interference, the paucity of evidence, and the length of legal processes (Subawa et al., 2024).

In addition to statutory regulations, the Indonesian government has also established various institutions with the responsibility of monitoring and enforcing human rights. One of the principal institutions is the National Commission on Human Rights (Komnas HAM), which was established in 1993 by Presidential Decree and subsequently regulated by Law No. 39/1999.

The mandate of Komnas HAM is as follows:

- The commission is responsible for investigating allegations of human rights violations. The National Commission on Human Rights (Komnas HAM) is authorized to conduct independent investigations into allegations of human rights violations perpetrated by individuals, groups, or state institutions.
- Make recommendations. Following the conclusion of an investigation, Komnas HAM presents recommendations to the government or relevant authorities concerning the measures that must be taken to address instances of human rights violations.
- The objective of this initiative is to enhance public awareness. Furthermore, Komnas HAM is responsible for fostering public awareness of the significance of human rights through the implementation of educational and socialization initiatives.

In addition to Komnas HAM, other institutions that play a role in enforcing human rights include the Ombudsman of the Republic of Indonesia, which serves to receive public complaints related to maladministration by state officials that potentially violate human rights, and the Legal Aid Institute (LBH), which provides legal assistance and representation for victims of human rights violations (Amiruddin, 2021).

### *Implementation of Human Rights Law Policy in Indonesia: Ongoing Challenges*

Despite the notable advancements in human rights law policy in Indonesia, its implementation continues to encounter a multitude of challenges. These include:

The influence of politics and power on human rights violations is a significant challenge. In many cases, human rights violations remain unresolved due to political interference, particularly when influential figures are involved.

Another challenge is the limited capacity of human rights enforcement agencies in Indonesia. These agencies often lack the necessary human and financial resources to handle complex cases effectively (Ismail et al., 2024b).

### *The Analysis of Komnas HAM in Enforcing Human Rights in Indonesia*

The National Commission on Human Rights (Komnas HAM) was established under Law No. 39/1999 on Human Rights. Its primary objective is to monitor, protect, and enforce human rights in Indonesia. As an autonomous entity, Komnas HAM is tasked with a range of crucial responsibilities, including monitoring, investigating, and resolving human rights violations, including those of a significant nature involving the state or its apparatus. Notwithstanding its unambiguous and unconditional mandate, Komnas HAM's role is frequently constrained by a multitude of institutional limitations, encompassing both resources and authority.

One of the most significant challenges confronting Komnas HAM is the scarcity of resources, encompassing budgetary constraints, personnel limitations, and inadequate supporting infrastructure. As an institution tasked with addressing a multitude of human rights violations across Indonesia, Komnas HAM frequently encounters budgetary constraints that impede the effective fulfilment of its duties. This paucity of financial resources has constrained Komnas HAM's capacity to conduct field investigations, particularly in remote or inaccessible regions (Samsul, 2020).

Furthermore, the restricted number of personnel represents an additional challenge for Komnas HAM. Despite the competence of its staff, the limited number of personnel results in an inability to cope with the increasing number of reports of human rights violations. As a result, the investigative process is frequently protracted, and some cases are even overlooked due to insufficient time and personnel. Furthermore, the absence of continuous training impairs the capacity of personnel to address intricate cases necessitating specialized expertise, such as those involving gross human rights violations or information technology.

Despite its robust mandate to investigate human rights violations, Komnas HAM is not vested with the authority to take direct action or compel law enforcement to act on its findings. In many instances, Komnas HAM is only able to offer recommendations to the government or relevant law enforcement agencies, such as the police or prosecutors, with a view to ensuring that the findings of its investigations are duly followed up. However, these recommendations are frequently disregarded or only partially implemented, thereby failing to serve as a deterrent for perpetrators of violations.

A case in point is the handling of past gross human rights violations, such as the 1965 tragedy, the Tanjung Priok case, or the events of May 1998. In-depth investigations have been conducted by Komnas HAM into these cases, resulting in recommendations to proceed with the legal process. Nevertheless, to date, a significant number of these recommendations have not been adequately addressed by the relevant institutions, primarily due to political constraints or a lack of support from the executive and legislative branches. This has resulted in an insufficient degree of due process for the perpetrators, while the victims or their families continue to await justice.

In discharging its duties, Komnas HAM also relies extensively on collaboration with other institutions, including the police, prosecutors, and courts. Nevertheless, the inter-agency working relationship is not always as effective as it could be. In numerous instances, the investigations conducted by Komnas HAM have not been followed by an appropriate legal process. This is due to the fact that the police or the prosecutor's office have deemed the evidence presented to be insufficient to be submitted to the court. Additionally, political pressure has hindered the resolution of cases. This dependency places Komnas HAM in a vulnerable position, where the outcomes of their efforts frequently cannot be transformed into tangible actions (Dewanto, 2022).

Furthermore, the limited authority of Komnas HAM to access information from government agencies is also indicative of this dependency. In some instances, Komnas HAM has encountered impediments in acquiring crucial documentation or data maintained by government officials, particularly those pertaining to instances of human rights violations perpetrated by security forces. This limitation in access results in an investigation process that is less optimal and a slower disclosure of the truth.

The lack of implementation of recommendations is a significant challenge facing Komnas HAM. Despite the robust legal foundation of Komnas HAM's recommendations, they lack legal enforceability, leaving the government and law enforcement agencies with no obligation to implement them. This creates a significant challenge in the enforcement of human rights, where, despite compelling evidence and explicit recommendations, numerous instances of human rights violations remain unresolved.

For example, in numerous instances of egregious human rights violations, Komnas HAM has issued recommendations to pursue further investigations and prosecute the perpetrators in a court of law. Nevertheless, the government's apparent lack of seriousness, or the weak response of law enforcement officials, has resulted in numerous cases being delayed or even ignored. This has resulted in a lack of accountability for those responsible for human rights violations, while victims have not received the justice they deserve.

It is an irrefutable fact that politics exerts a significant influence on the efficacy of human rights enforcement in Indonesia. A significant number of cases of human rights violations involve political or military actors with considerable influence, which presents a challenge in terms of resolving the case. As an independent institution, Komnas HAM frequently encounters political pressure when addressing sensitive cases or those involving influential figures. Such pressure can manifest as interference in the investigative process or the dismissal of recommendations by the government. Furthermore, this political involvement has the effect of exacerbating the perception of human rights enforcement among the general public, who often perceive it as selective and inconsistent. Cases involving violations by state apparatus or political elites are often subject to prolonged delays or outright neglect, while other cases involving ordinary individuals are frequently processed with greater expediency.

### *The Role of Political Dynamics in the Enforcement of Human Rights in Indonesia*

Political dynamics in Indonesia play a pivotal role in determining the success or failure of human rights enforcement. The politicization of the legal process pertaining to human rights violations is a significant challenge, particularly when political actors with considerable influence within the state apparatus are involved. In Indonesia, the relationship between politics and human rights enforcement is a complex and long-standing issue. Political interests can exert significant influence on the investigation and resolution of cases of human rights violations.

The application of political pressure on the enforcement of human rights legislation in Indonesia is characterised by significant challenges, particularly in relation to cases of gross human rights violations that have occurred in the past. The legal process for gross human rights violations, including the 1965 massacres, the Tanjung Priok Tragedy, the Semanggi Tragedy, as well as cases that occurred during military operations in Aceh and Papua, is frequently impeded by political intervention from actors with vested interests. The perpetrators involved in these cases are often prominent figures who retain significant influence in political or military circles. This makes it challenging for law enforcement officials to pursue justice without external pressure (Husen et al., 2023).

In numerous instances, this political pressure originates from interest groups that seek to shield human rights violators from scrutiny due to concerns about the potential exposure of their involvement in criminal acts. Moreover, political elites who participated in the transition from authoritarian to democratic governance frequently utilize their influence to impede the disclosure of cases that could potentially tarnish their reputation or compromise their political interests. This fosters an atmosphere of impunity, wherein perpetrators of human rights violations are not subjected to penalties commensurate with their crimes, thereby eroding public confidence in the justice system.

A case in point is the protracted resolution of past human rights violations, exemplified by the 1965 massacres and human rights violations in the context of the conflict in East Timor. Those accused of perpetrating these crimes often enjoy protection from the political system, either through direct political influence or through their role in powerful institutions such as the military or political parties. Notwithstanding the endeavors of civil society and human rights organizations to demand justice, the legal process has frequently been exceedingly sluggish, impeded by the influence of larger political interests (Dahris Siregar et al., 2023).

The involvement of political elites in legal processes is often observed to occur when individuals in positions of power and influence are able to exert direct or indirect control over the legal process. In Indonesia, during the New Order era under Soeharto, human rights violations were frequently perpetrated in the name of political stability and national security. Upon the conclusion of Soeharto's tenure as head of state, numerous military and political figures implicated in human rights violations retained their influence or ascended to more prominent roles within the political sphere. This resulted in the establishment of a cycle of impunity that has proven to be particularly challenging to overcome.

The cycle of impunity reflects a situation in which perpetrators of human rights violations are not held to account due to their affiliation with influential political entities. Such individuals leverage their political and economic influence to evade legal accountability. A case in point is the resolution of the May 1998 Tragedy, in which extensive violence against specific ethnic groups, along with other acts of violence, was never fully investigated. Many political figures believed to have been involved in these events were never brought to justice, and some of them continue to exert political influence to this day.



Furthermore, instances of human rights violations in the context of military operations in Papua frequently encounter analogous impediments. It is frequently the case that military operations conducted with the objective of maintaining stability in areas considered prone to separatism result in human rights violations against the civilian population. However, investigations into these violations are frequently impeded by political meddling from military elites with close ties to the central government. The interplay between political and military interests represents a significant obstacle to the law enforcement process in these areas (Chandra & Supot Rattanapun, 2023).

While “*reformasi*” has brought about significant changes in the structure of the Indonesian government, including the establishment of various institutions aimed at protecting human rights, political dynamics continue to present a significant challenge in resolving various cases of human rights violations. One illustrative example is the establishment of the Ad Hoc Human Rights Court, which, despite its mandate to resolve cases of gross human rights violations, has frequently encountered political obstacles in carrying out its duties.

The Ad Hoc Human Rights Court, which was established to try the East Timor case, has demonstrated several deficiencies resulting from political intervention. A significant number of defendants, including high-ranking military and civilian officials, were acquitted of all charges despite the presence of substantial evidence indicating their involvement. This illustrates the extent to which political dynamics can impact the course of an independent legal process. In numerous instances, political elites accused of human rights violations exploit their networks of influence to evade the legal process or exert undue influence over judicial decisions.

Furthermore, electoral politics also impact the enforcement of human rights in Indonesia. In numerous instances throughout the course of political campaigns, human rights concerns are either disregarded or utilized as a means of advancing specific political agendas. In some instances, political candidates utilize rhetoric that is incongruent with human rights values in order to garner support from specific demographic groups. To illustrate, the discourse of discrimination against religious or ethnic minorities is frequently employed as a political strategy to gain popularity among conservative voters. This ultimately undermines the overall human rights enforcement effort.

**Overcoming the Influence of Politics on Human Rights Enforcement:** Reforms are required in various sectors to overcome the influence of political dynamics on human rights enforcement in Indonesia. These reforms must address shortcomings in law enforcement institutions, independent oversight mechanisms, and the overall political culture. A number of potential courses of action have been identified, including:

It is imperative to reinforce the efficacy of human rights enforcement institutions. It is imperative that institutions such as Komnas HAM and the Human Rights Court be reinforced to ensure their autonomy and capacity to fulfill their mandates without political influence. Moreover, it is essential to allocate sufficient resources and implement rigorous accountability measures to guarantee that these institutions are capable of delivering justice in an effective manner (Nugraha, 2023).

The implementation of increased transparency in legal processes is essential. Legal proceedings against human rights violations should be conducted in a transparent and accountable manner, with the close scrutiny of civil society organisations and the media. Such a process will reduce the likelihood of political interference in cases of human rights violations and promote a justice system that is more fair and independent.

Empowering civil society organisations to advocate for human rights and monitor law enforcement processes should continue. Strong advocacy from civil society will exert pressure on the government and political actors not to intervene in the ongoing legal process.

### *Legal Culture not Support*

The term "legal culture" is used to describe the collective set of values, attitudes, beliefs, and behaviors related to the law and its implementation in society. A country's legal culture is reflected in the attitudes and perceptions of its people, government, and law enforcement officials regarding the law itself, as well as the manner in which it is enforced and respected. In Indonesia, one of the most significant obstacles to the advancement of human rights is the presence of a legal culture that is not fully conducive to the respect of these rights. This has implications not only for the public's legal awareness but also for the practices of law enforcement officials and government agencies.

One of the most significant challenges in Indonesia's legal culture is the dearth of a comprehensive and nuanced understanding of human rights principles. Despite the constitutional and legislative guarantees of these rights, in practice, many parties demonstrate a lack of understanding or even an underestimation of the importance of protecting the fundamental rights of every individual. Consequently, the implementation of human rights is frequently inconsistent, and violations of citizens' fundamental rights persist in various forms (Andriati et al., 2023).

An essential element of a legal culture is the degree to which an understanding of human rights is integrated into society and among law enforcement officials. Despite the incorporation of human rights education into the Indonesian school curriculum and the training of law enforcement officers, the level of comprehension regarding the significance of human rights remains relatively low. A significant proportion of the population is unaware that their rights are enshrined in legislation, thereby rendering them more susceptible to infringements by those in positions of authority.

This limited understanding of human rights is also reflected in the attitudes of law enforcement officials, including police, military personnel, and government officials. In many instances, the security forces in Indonesia continue to adopt a perspective that prioritizes the enforcement of state power and the maintenance of public order over the protection of fundamental individual rights. This perspective frequently gives rise to practices that are not respectful of human rights, such as the use of excessive force in dealing with demonstrations or social conflicts.

The handling of demonstrations and social conflicts provides a clear illustration of the discrepancy between the legal culture and the protection of human rights. Demonstrations constitute a legitimate mode of political participation, a right enshrined in the Indonesian Constitution as an integral aspect of freedom of expression. However, in practice, demonstrations are often met with repressive measures by security forces, especially when they are perceived as a threat to stability or certain political interests. The use of excessive force, arbitrary arrests, and acts of violence are frequently employed, thereby violating fundamental human rights principles, including the right to peaceful assembly and expression (Puspita & Roisah, 2023).

Furthermore, agrarian conflicts provide a clear illustration of the detrimental impact of a legal culture that fails to uphold human rights, particularly with regard to the right to land and livelihoods. Indonesia has a long history of agrarian conflicts involving indigenous peoples and small farmers whose land has been appropriated by large corporations, including both private

enterprises and state-owned enterprises (SOEs). In such instances, the government has frequently prioritized the interests of corporations over the protection of the rights of affected communities. A significant number of instances of land eviction have been carried out without sufficient consultation or compensation. Furthermore, security forces have frequently been employed to forcibly remove individuals from their land in a manner that is inhumane and violates their rights.

Such cases illustrate how Indonesia's legal culture frequently prioritizes economic or political interests over the safeguarding of human rights. This illustrates that although there is a legal framework that acknowledges fundamental rights, in practice the law has not always been applied in a fair and consistent manner, particularly when addressing power dynamics and vested interests.

Furthermore, an unsupportive legal culture is evident within Indonesia's judicial system. While there are principles that prioritize fairness and judicial independence, in practice, there are still numerous instances where the rights of citizens are not adequately safeguarded. One significant challenge pertains to the unequal access to justice. Those who are economically disadvantaged or belong to minority groups frequently receive unequal treatment under the law when compared to individuals with greater power or economic resources.

The phenomenon of "judicial mafia," or corruption in judicial institutions, is also a contributing factor to the lack of legal culture that supports the enforcement of human rights. Practices such as bribery, nepotism, and political intervention in the judicial process give rise to a systemic injustice wherein those with greater resources are able to "buy" justice. Such practices not only harm individuals seeking justice but also erode public confidence in the legal system as a whole.

A legal culture that does not support the enforcement of human rights is also often characterized by a lack of accountability and transparency in the handling of cases of human rights violations. To illustrate, numerous instances of egregious human rights violations in Indonesia, including the 1965 tragedy, the May 1998 riots, and the killings of human rights activists, remain unresolved. Despite the establishment of numerous commissions of inquiry and human rights courts by the government, the outcomes have frequently been perceived as inadequate by victims and their families (Rosser, 2022).

One of the primary causes of this dearth of accountability is impunity, whereby perpetrators of human rights violations—particularly those belonging to the military or political elite—are not duly punished. In numerous instances, individuals who have perpetrated human rights violations have been afforded protection or even promotions, which serves to further reinforce a legal culture that does not support the enforcement of human rights. The state's inability to enforce accountability contributes to the perception that the law can be circumvented when dealing with powerful interests.

To address this problem, reforms in Indonesia's legal culture are required. These reforms must include efforts to raise awareness about the importance of human rights among the general public, law enforcement officials, and government institutions. A number of potential measures could be implemented, including:

It is imperative that human rights education become more inclusive. It is imperative that human rights education be expanded to encompass all levels of formal education and training for law enforcement officials. A more comprehensive grasp of human rights will contribute to a reduction in the incidence of repressive and discriminatory actions on the part of law enforcement officials.

The necessity for enhanced accountability within law enforcement agencies is paramount. It is imperative that the government reinforce accountability structures to guarantee that human rights infringements, whether perpetrated by individuals or institutions, are treated with the gravity they deserve and met with commensurate penalties.

Transparency in the Legal Process. It is imperative that the legal process, particularly in instances of human rights violations, be transparent and subject to monitoring by the broader community. This entails ensuring access to public information regarding the handling of human rights cases.

Reform of Law Enforcement Institutions. Institutional reform is similarly crucial to guarantee that institutions entrusted with the enforcement of law and human rights, such as Komnas HAM and human rights courts, possess the requisite capacity and authority to fulfill their duties independently (Nurbaedah, 2022).

## CONCLUSION

The Indonesian legal system has undergone notable advancements with regard to the enforcement of human rights, particularly in the wake of the reform era. Nevertheless, significant challenges persist in the effective implementation of these reforms, including difficulties in law enforcement, the influence of political dynamics, and the constraints of institutional limitations. To this end, reforms in legal governance, the enhancement of institutional capacity, and the promotion of broader public participation are essential to ensure the robust enforcement of human rights in Indonesia.

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