



The Dynamics of Human Rights Issue Resolution from the Perspective of Dignified Justice

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Abstract

Human rights are important to uphold because they guarantee the principle of equality for all people. There may be some citizens who are less aware of the importance of human rights for themselves. There are many human rights violations that occur in Indonesian society, human rights themselves are regulated in the Pancasila legal system. The purpose of the law itself includes 3 things, namely the value of justice, benefit, and legal certainty. The value of justice is the most important value in law. The research method that we use in our journal is a literature review or analysis research method and also uses normative analysis of laws, court decisions, and policies that cover everything about human rights. The purpose of our research is to provide a dignified justice perspective on Human Rights in accordance with the dynamics of constitutional law. We hope that this journal can increase public awareness of the importance of human rights for humans and can also build greater justice in human rights for society.

Keywords: Human rights, dignified justice, the Pancasila legal system, and the values of justice.

INTRODUCTION

Human rights are basic rights every human being is entitled to as soon as they are born and cannot be taken away by anyone. Each and everyone has the right to protection of one's rights – by compatriots and by the state that holds the power. However, as far as the practice of human rights is concerned, there are still a number of important difficulties such as the public know very little about their rights and the state response to abuse is weak. Listing of all these cores such as national principle which will guide the nation is very important. Thus, it is necessary to grasps the ideas, the purpose, the means of eradicating abuses of human rights in order to assist the activities of building a system safeguarding human dignity.

Dignified justice comes from a postulate, a theory of law (studi hukum) which essentially states that dignified justice is a theory of law. A postulate is a legal fact produced from a system. System here means a whole made of interrelated parts. From the standpoint of dignitarian justice, law provides means for people to reach dignity. One of the symbols that can reflect this dignified justice concept is Pancasila.

A primary axiom of dignified justice theory is that if one is to search for meaning in human rights through law, that meaning must be located in the volksgeist. This expression is not

incorporated as such in the procedural law of human rights, yet the law itself and statutory regulations will never be repealed. The formal nature of human rights law shows that the law is always there and <u>is</u> a shield for society.

Legal protection, according to Sudikno Mertokusumo, is the assurance of rights and responsibilities for each individual to fulfill his or her own interests as well as those of others. Law No. 26 of 2000 addressing the Human Rights Court was the first formal or procedural human rights law. The second amendment of the 1945 Constitution, which includes additional human rights provisions, specifies Pancasila, which serves as the foundation for all human rights legislation in Indonesia.

The study mostly explores two important areas. The first examines how human rights issues can be addressed through dignified justice, especially when facing challenges like power imbalances, weak law enforcement, and threats to civil freedoms. It also considers how effective the state institutions are and what role the constitution plays in protecting those rights. The second focuses on how the theory of Dignified Justice itself can help to enhance the protection of human rights in Indonesia. That's why it's important to examine how such a human-centered approach can be meaningfully woven into the national legal system, helping to shape a new and more compassionate legal framework.

RESEARCH METHOD

This journal was written using a literature review or library research method in conjunction with a normative analysis of laws, court rulings, and policies pertaining to all facets of human rights. Secondary data from books, scholarly journal articles, and research findings pertinent to the subject matter are used in this journal. Literature study, which entails reading and evaluating numerous scholarly sources pertaining to the topic, is the method used to collect data. This procedure was precisely and carefully completed.

RESULT & DISCUSSION

1. Basic Concept: Human Rights and Dignified Justice

One has human rights regardless of his race, religion, nationality, gender, economic or another status, etc. These rights are called human rights (HAM). The right to freedom of expression, work, education, life, and freedom from violence is covered under the umbrella of human rights. Human rights, as moral and legal principles, are a basis within a rule-of-law state that the state is obliged to fulfill and protect. The conflict of political, social and cultural interests, along with weak law enforcement, means human rights are not always applied consistently.

Amidst these several challenges, the idea of dignified justice takes shape as a more human approach to human rights issues and their understanding and solution. Dignified justice not only calls for justice in formal or procedural terms but also asserts the need for restoring the dignity of the subject whose rights are violated. Legal, ethical, and humanitarian aspects are incorporated in this principle of dignified justice into an overall and contextual idea of justice. This type of an approach is particularly crucial in situations where conventional legal systems fail to provide a sense of justice to victims

Protecting vulnerable populations requires that diversity is recognized as well as inclusivity is promoted since these are all important aspects of dignified justice. In respect to human rights abuses this strategy encourages assurances that similar events will not occur again as well as public recognition of the crimes as well as restoration of victims' rights as well as harsh

punishments for the offenders. Dignified justice provides a link of positive legislation to general humanitarian principles. Enforcers of human rights occasionally overlook these principles in certain instances.

2. The Dynamics of Human Rights Problem Resolution in Indonesia

But since the enactment of the reform era, the settlement of human rights issues in Indonesia has changed significantly, both in terms of laws, institutions, and society awareness. This was a major step in the acknowledgment of human rights in the people of Indonesia, which was reflected in the establishment of institutions, such as the National Commission on Human Rights (Komnas HAM), the inclusion of human rights in Article 28A to Article 28J of the 1945 Constitution after the amendment process; as well as signing and ratifying a number of international human rights instruments. But the actual situation is much more complicated than a straightforward question of right and wrong. Indonesia's quest for justice are still confronted with a number of human rights violation cases, namely the 1965 Tragedy, the conflict in East Timor, and the Papua issue, which remain unresolved comprehensively. (Komnas HAM, 2020) has recorded that these three cases are classified as gross human rights violations that, to this day, have not received judicial resolution or comprehensive restitution for the victim. Justice for the victims is still unattainable in many of these cases, even after time has passed. Efforts to remedy these transgressions frequently devolve into political scheming rather than taking substantive action, leaving accountability and closure in doubt. ¹

Human rights violations are often neglected due to weak institutional capacity and bureaucratic culture within law enforcement organizations. (Komnas HAM, 2020) has recorded that the perpetrators of such violations are often state actors, and many cases are still handled in ways that are neither fair nor transparent. Victims and society strive for higher humanity, or dignified justice.²

The resolution of human rights violations in Indonesia is still often trapped in administrative or political approaches. (Komnas HAM,2020) stated that the "state's apology" to victims of human rights violations was not followed by clear actions or concrete forms of reparation. This symbolic approach is not enough. Dignified justice must involve real action that can incorporate the suffering of the past into national reconciliation, not just political cosmetics.³

3. Challenges in Resolving Human Rights Violations

Political and legal will are severely lacking to deal with human rights issues, in particular regarding previous cases involving governmental actors (Komnas Perempuan, 2018). Investigations are too often left unfinished, or never begin. Although it has conducted extensive investigations and issued formal findings regarding serious human rights abuses, the National Commission on Human Rights (Komnas HAM) does not have the authority to

¹ Komnas HAM. (2020). *Laporan Tahunan Komnas HAM 2020*. Jakarta: Komnas HAM. Diakses dari: https://www.komnasham.go.id

² Komnas HAM. (2020). *Laporan Tahunan Komnas HAM 2020*. Jakarta: Komnas HAM. Diakses dari: https://www.komnasham.go.id/uploads/laporan_tahunan/2020/Laporan-Tahunan-Komnas-HAM-2020.pdf

³ Komnas HAM. (2020). *Laporan Tahunan Komnas HAM 2020*. Jakarta: Komnas HAM. Diakses dari: https://www.komnasham.go.id/uploads/laporan_tahunan/2020/Laporan-Tahunan-Komnas-HAM-2020.pdf

prosecute these cases. As a result, many of their findings are unresolved, unaddressed and leave victims and their families with little chance of seeking justice.

Shortcomings in the judicial system and certain fundamental human rights freedoms have been questioned due to specific local government regulations, such as laws restricting public movement for particular groups like women and youth (Komnas Perempuan, 2018; Kemenkumham, 2023). Even when some of these rules are created with good moral intentions, they poorly execute them without the regard of how some of the policies have dampening effects. Actually, it may impede their right to mobility, pursuit of knowledge, or gainful employment which ought to be safeguarded not infringed. Policies which are unnecessarily harsh in consideration to the realities of life for the subjects of said policies often produce an opposite effect. These approaches have the potential to intensify discrimination while undermining the presumption of equal justice that is supposed to be promoted. Human rights-based policies that are universal and holistic have always been advocated by Komnas HAM and Komnas Perempuan. Increasingly, curfews and other similar restrictions on movement for females have faced backlash because they are thought to foster movement control and discrimination against women.⁴

Furthermore, according to the Ministry of Law and Human Rights' (Kemenkumham, 2023) study on regulatory harmonization, an intersection of national and regional laws—and departures from international human rights conventions does not help the situation. Furthermore, there is little public awareness of what they are entitled to. In many areas, people are not taught what is meant by human rights, and human rights violations are seen as the status quo. Human rights education is not part of the national curriculum (Kemenkumham, 2023), so younger generations are not growing up with an appropriately educated assessment of what is right and what they should not be able to do. Therefore, the answer to human rights violations has as much to do with the law as it does with legal culture and social awareness.⁵

4. The Perspective of Dignified Justice in Resolving Human Rights Issues

Dignified Justice: An Approach to Human Rights Violations. This perspective recognizes that justice is not just about punishing the wrongdoers, but also about rehabilitating the victims. It requires that the resolution of human rights cases should not be limited to the purely judicial and must include psychological, social and spiritual elements of the victims. For instance, victims of gross human rights violations must be allowed the space to articulate their experience, be treated as victims and compensated (both materially and symbolically).

Dignified justice invites collective engagement in the resolution. It can mean that resolution of human rights cases cannot only happen through political elites or state institutions, but needs to be generated by victim communities, civil society organizations, academics, and the media. Here, participation means not simply getting a hearing, but having a seat at the table as decisions are made.

An illustration of this strategy is illustrated by the ideal of truth and reconciliation, as attempted in post-apartheid South Africa. While not perfect, this creative approach created space for both victims and perpetrators to discuss, apologize and ultimately develop a

⁵ Kementerian Hukum dan HAM. (2023). *Laporan Evaluasi Harmonisasi Peraturan Perundang-Undangan*. Diakses dari: https://ditjenpp.kemenkumham.go.id/arsip/2023/Laporan-Evaluasi-Harmonisasi-Peraturan-2023.pdf

⁴ Komnas Perempuan. (2018). *Catatan Tahunan Komnas Perempuan 2018*. Diakses dari: https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2018

healthier mode of healing. Indonesia previously proposed a draft of a Truth and Reconciliation Commission (TRC) Bill in 2010, although it has not yet been passed. This means that dignified justice has not gained the upper hand among the means to resolve human rights issues in Indonesia.⁶

5. The Implementation of Dignified Justice in Legal Practice and Policy

The application of noble justice in addressing human rights issues can be carried out through various good policies such that victims are able to obtain concrete recovery. For example, victim compensation and rehabilitation programs, the construction of monuments or museums of collective memory, and changes to the national education curriculum to include human rights values and Indonesia's history of human rights abuses. It must also ensure access to justice for all and particularly such individuals who are historically marginalized in society and within the legal system as well.

At the institutional level, the capacity of Komnas HAM, the Witness and Victim Protection Agency (LPSK), and the courts should be increased. The state should ensure that these institutions act independently, professionally, and serve the interests of victims. Furthermore, there also has to be collaboration between state institutions and civil society in a bid to construct an effective monitoring and reporting mechanism for human rights violations. Positive law needs to be reformed to align with international human rights principles and to end legal loopholes that permit impunity.

Human rights education must also become a top priority. In the long term, only through education can a culture of law respectful of human rights and human dignity be cultivated. Children must be taught from an early age the importance of mutual respect, equality, and freedom. Law enforcement officers must also receive extensive training in human rights and the concept of dignified justice to prevent further abuses committed in the name of the law.

6. Minor, Moderate, and Severe Human Rights Violations

Minor human rights violations are actions that infringe on the rights of a few or one individual but do not result in severe physical harm, are not systematic, and can be resolved by regular legal and administrative mechanisms. In one incident, a student who was engaged in a physical altercation was arrested by residents. The students were from SMAN 1 Selong, SMAN 2 Selong, SMAN 3 Selong, and a few vocational schools (SMKN) in Selong. The confrontation began with both mocking and teasing each other and then escalated to group challenges. They eventually pelted each other with stones that had been pre-planned.⁷

From the noble justice perspective, a sufficient response to such cases cannot entirely rely on penalization of perpetrators and disciplinary action through the law. Repression without restoration will only result in a cycle of violence. The best solution is therefore through character reformation, between-schools-and-families mediation, and education of human values. Theory of dignified justice promotes a remedy that places human beings as

⁶ Kementerian Hukum dan HAM. (2023). *Laporan Evaluasi Harmonisasi Peraturan Perundang-Undangan*. Diakses dari: https://peraturan.go.id

⁷ Antara News. (n.d.). *Diduga Saling Ejek, Puluhan Siswa SMA Tawuran di Lapangan Nasional Lotim*. Diakses pada 19 Maret 2025, dari https://mataram.antaranews.com/berita/364275/diduga-saling-ejek-puluhan-siswa-sma-tawuran-di-lapangan-nasional-lotim

rehabilitatable subjects instead of punishing them so that an obedient generation of youth who instills the spirit of justice can be cultivated.

An issue that reflects the power imbalance, where there is an incidence of violence against journalists when they are pursuing their stories. During one case, certain journalists were disrespected by the security agents during a public function. They were verbally intimidated and physically forced to retreat in a disrespectful manner, even to the extent of physical assault. These acts are a restriction of freedom of expression and access to information, which should be maintained as the inherent right of all the citizens.⁸

Severe human rights violations are offenses done on a widespread and systematic basis, amounting to grave harm to the human rights themselves, e.g., the right to life. One instance where this kind of situation has transpired is when in 1998 the police officer fired rounds of shots into peaceful students marching to protest the demand for reforms. Four such students were killed, while there were dozens left injured.⁹

From a perspective of noble justice, this incident could not be resolved just solely from a sheer formal legal perspective. The state not only did not defend its citizens but also directly applied violence to human rights. The resolution of most serious violations of human rights has to be implemented through a transitional justice mechanism, including official admission on the part of the state, criminal responsibility, rehabilitation of victims, and restorative justice on a large scale. This is the theory of just dignified justice, which maintains that justice is not necessarily punitive but about overturning the human norms that have repeatedly been violated.

CONCLUSION

The human rights settlement dynamics in Indonesia show that, although improvement has been achieved through the establishment of oversight institutions and normative recognition in the constitution, structural and cultural barriers remain to hinder the fair and holistic realization of fundamental rights. The prevalence of minor, moderate, and serious human rights violations is an indicator of a system failure to bring substantive justice to victims. Disparities of power, inefficient law enforcement, and lack of accountability of the state apparatus aggravate the situation.

This noble justice strategy provides a new paradigm in addressing these issues, through placing human beings at the center of justice and emphasizing restoration of dignity rather than punishment. The addition of justice theories such as fairness, restorative justice, legal certainty, and harmony of local values strengthens the strategy for addressing human rights violations in a more holistic manner. Because dignified justice not only focuses on punishing perpetrators but also restoring the dignity of their victims, taking into account their social, psychological, and cultural conditions.

The solution of the human rights issue is not satisfactory through formal and institutional channels; it must be addressed also along the humanitarian facet through dialogue. Efforts of reforming regulations, strengthening independent institutions, and developing a culture of law

⁸ Kompas. (2025, 07 April). *Aji sebut kekerasan terhadap jurnalis berulang karena hukum lemah*. Diakses pada 19 Maret 2025, dari https://nasional.kompas.com/read/2025/04/07/14150721/aji-sebut-kekerasan-terhadap-jurnalis-berulang-karena-hukum-lemah

⁹ Komnas HAM. (2016, 12 Mei). *18 tahun Tragedi Trisakti dan Kerusuhan Mei*. Diakses pada 19 Maret 2025, dari https://www.komnasham.go.id/index.php/news/2016/5/12/100/18-tahun-tragedi-trisakti-dan-kerusuhan-mei.html

supported by the precepts of justice and humanity are steps that cannot be dispensed with in moving towards a higher transition to an all-human rights-based legal order.

Based on the analysis and findings presented, the following are suggestions to further strengthen protection of human rights in Indonesia. First, education and literacy in human rights law should be greatly improved, ranging from learning institutions to the people in general. The education should be contextualized, based on human values, and promote critical awareness of the need to uphold basic rights. Second, the legal enforcement system should be strengthened to be more responsive to human rights violation cases, whether minor, moderate, or serious. This includes strengthening the capacity of law enforcement officers to handle human rights cases professionally and impartially, as well as providing ongoing training with an emphasis on a human dignity-based approach. Third, by concentrating on the dignified justice approach, this may involve a better strategy in dealing with human rights cases in a way that the restoration of dignity of the victims becomes the central concern.

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