

## Reforming The Authority Of The National Human Rights Commission From A Legal Perspective

Roni Sulistyanto Luhukay <sup>1</sup>

<sup>1</sup> Faculty of Law, Widya Mataram University, Indonesia. E-mail: roniluhukay22@gmail.com

### Article Info

#### Article History

Received: Mar 15, 2025;

Reviewed: Sept 11, 2025;

Accepted: Oct 9, 2025.

#### Keywords:

Reform; Komnas HAM; Law.

#### Corresponding Author:

Name : Roni Sulistyanto Luhukay

Email : roniluhukay22@gmail.com

**How to cite** [Chicago Manual of Style 17th edition (full note)]:

Roni Sulistyanto Luhukay  
"Reforming The Authority Of  
The National Human Rights  
Commission From A Legal  
Perspective" *Jurnal Legalitas*  
18, No. 2 (2025): 154–175.

DOI : 10.33756/jelta.v17i1.30937

### Abstract

The institutional protection of human rights in Indonesia remains constrained by limited mandates and authority, particularly in the case of the National Commission on Human Rights (Komnas HAM). Unlike similar institutions in other jurisdictions, Komnas HAM lacks prosecutorial power, binding decision-making authority, and sufficient independence to effectively address human rights violations. This research, using a normative legal method, identifies the structural and regulatory limitations of Komnas HAM as the core issue that weakens human rights enforcement in Indonesia. Existing literature has primarily focused on Komnas HAM's performance without thoroughly analyzing the philosophical and legal justification for enhancing its authority. This study fills that gap by providing a philosophical reflection on the institutional role of Komnas HAM and proposing reform measures based on international best practices. Key findings suggest that strengthening Komnas HAM through expanded authority such as investigatory and prosecutorial powers, binding decisions, oversight of state policies, and greater resource allocation could significantly improve human rights protection. Theoretically, this contributes to discourse on state obligation in human rights enforcement; practically, it offers a concrete institutional reform model to enhance Komnas HAM's role in Indonesia's legal system.

### 1. Introduction

Legal protection is an action that strengthens legal norms through legal protection institutions. It has an important role in creating an environment free from discrimination and establishing equality. By strengthening legal protection,

social justice can ideally be achieved by protecting individual rights, without discrimination, and ensuring that every individual receives equal treatment before the law.<sup>1</sup> In line with this, A. Masyhur Effendi emphasised that the fulfilment of rights in the nation and state cannot be separated from the obligations that arise, both from the nation and society. The harmony between rights and obligations is very important to create balance in social life. It is the responsibility of the state to guarantee the rights of its citizens, while society is obliged to fulfil social responsibilities to promote justice, peace and common welfare. Therefore, this harmony strengthens social stability and the continuity of the nation's development.<sup>2</sup>

The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), in its role as the constituent of the Indonesian nation, essentially describes the system of government and fundamental principles of the nation. The 1945 Constitution describes the structure of the state and establishes the relationship between state institutions and the rights and obligations of citizens. As the supreme legislation, the 1945 Constitution lays the foundation for the formation of statutory norms, ensures legal stability, justice, and an orderly system of government, as well as being a benchmark for maintaining harmony and equality within the nation.<sup>3</sup>

The 1945 Constitution of the Republic of Indonesia guarantees the legal protection of human rights (HAM), to ensure the protection of human rights (HAM) through Article 28A to Article 28J, requires the establishment of Komnas HAM ideally to concretise the recognition, protection and fulfilment of human rights. Komnas HAM is expected to oversee the implementation of the principles in the 1945 Constitution of the Republic of Indonesia to guarantee the basic rights of every individual, maintain justice, and ensure that there is no discrimination in the fulfilment of citizens' constitutional rights. In line with this, Prof Jimly Asshiddiqie argues that 'constitutional rights are rights guaranteed by the 1945 Constitution of the Republic of Indonesia. The guarantee of these rights can be stated explicitly through explicit articles in the 1945 Constitution of the Republic of Indonesia, or implicitly through interpretation of the norms contained in the constitution. Constitutional rights cover various aspects, such as political, social and economic rights, which form the basis for regulating the rights and obligations of citizens in the life of the state.<sup>4</sup>

Komnas HAM plays an important role in the protection and promotion of human rights in Indonesia. Under Law No. 39/1999 on Human Rights, Komnas HAM is authorised to conduct studies, investigations and provide advice on

---

<sup>1</sup> Cornelis Lay and Bambang Purwoko, "Asymmetrical Decentralization, Representation, and Legitimacy in Indonesia: A Case Study of the Majelis Rakyat Papua," *Asian Survey* 58, no. 2 (2018): 365-86.

<sup>2</sup> A. Masyhur Effendi, *Perkembangan Dimensi Hak Asasi Manusia (HAM) & Proses Dinamika Penyusunan Hukum Hak Asasi Manusia (HAKHAM)* (Ghalia Indonesia, 2005).

<sup>3</sup> Bui Ngoc Son, "Constitutional Amendment and Democracy," *Minn. J. Int'l L.* 30 (2020): 75.

<sup>4</sup> Denny Indrayana, *Indonesian Constitutional Reform, 1999-2002: An Evaluation of Constitution-Making in Transition* (Penerbit Buku Kompas, 2008), <https://books.google.com/books?hl=id&lr=&id=ct1XppoQG7IC&oi=fnd&pg=PR15&dq=Indonesian+Constitutional+Reform,+1999-2002:+An+Evaluation+of+Constitution-Making+in+Transition&ots=W7azRusuJw&sig=jmoggSLjZtidu1TyNjhxPNkzDOM8>.

human rights violations. However, these powers are limited as Komnas HAM does not have the authority to prosecute or impose sanctions on human rights violators. Komnas HAM's work is mainly focussed on producing studies and recommendations, as well as providing advice to relevant entities, such as the government, parliament, or judicial entities. However, Komnas HAM still serves as one of the institutions that has the authority to investigate human rights violations, especially those involving state officials. Komnas HAM also functions as an institution that oversees the implementation of human rights and serves as a channel for people who are victims of human rights violations. Some of the main problems that hinder the effectiveness of Komnas HAM in law enforcement include:

- 1) Komnas HAM's authority is limited to providing recommendations to authorised bodies, such as the judiciary or the government. Due to this limitation, the recommendations given are often not heeded by the authorities, especially in situations of violations involving government entities or entities that have political power. In line with this, Masykuri Abdillah stated that although Komnas HAM has a strategic role in upholding human rights, its limited authority has resulted in this institution being unable to provide a deterrent effect on human rights violators.<sup>5</sup> This is in stark contrast to the Norwegian National Human Rights Institution (NIM), which has stronger powers to monitor, investigate and make recommendations on government policies related to human rights. NIM also has significant influence in public policy-making, both at the national and international levels and plays an active role in advocating for policy change at the national level, working with various institutions and organisations to ensure that human rights issues are at the forefront of public policy-making.
- 2) The resources allocated to Komnas HAM are often insufficient to sustain its extensive activities, such as research, investigation, and assessment of human rights violations. Without adequate financial support, it is difficult for Komnas HAM to perform its functions effectively. In addition, the lack of qualified human resources is also an obstacle in carrying out prosecutorial duties. In line with this, Krisna Budi Prasetyo argues that the lack of budget allocation in accordance with the duties and functions of the institution, which results in limited space for Komnas HAM to carry out its duties optimally.<sup>6</sup> In contrast to Norway, human rights institutions are supported by adequate budget allocations and qualified human resources, enabling them to operate efficiently, human rights institutions in Norway are able to conduct global research on human rights issues and utilise more complete data and resources for investigation and advocacy.
- 3) Political actions in the selection of Komnas HAM committees often affect the performance of the institution. The selection of commissioners by the

---

<sup>5</sup> Masykuri Abdillah, "Islam and Human Rights: Theoretical And Practical Framework In Indonesia," *1st International Conference of Law and Justice-Good Governance and Human Rights in Muslim Countries: Experiences and Challenges (ICLJ 2017)*, Atlantis Press, 2017, 64–68, <https://www.atlantispress.com/proceedings/iclj-17/25891426>.

<sup>6</sup> Muhammad Ilham Arisaputra, "Access Reform Dalam Kerangka Reforma Agraria Untuk Mewujudkan Keadilan Sosial," *Jurnal Perspektif* 21, no. 2 (2016): 83–96.

chairperson and approval by the DPR can create opportunities for politicisation. Therefore, some of the elected commissioners may be seen as favouring certain political interests over impartiality and integrity in the implementation of human rights. Initially, this may affect the independence of Komnas HAM in carrying out its functions. In line with this, I Gede Suryawan argues that the politicisation factor in the selection of commissioners can affect the independence of this institution, considering that the selected commissioners are more concerned with political interests rather than carrying out their main function of upholding human rights objectively and professionally.<sup>7</sup> Although Komnas HAM can make recommendations regarding cases of human rights violations, these recommendations are often not legally binding. Initially, this led to Komnas HAM's lack of influence in shaping justice. As expressed by Teddy S. Herianto who argues that although the recommendations issued by Komnas HAM should be considered an important effort in upholding human rights, the lack of monitoring and accountability mechanisms means that the recommendations are often not implemented properly.<sup>8</sup>

- 4) the lack of available documents, confidentiality of data, or lack of cooperation from parties involved in the violations and without adequate access to relevant evidence, makes it difficult for Komnas HAM to prove violations and produce credible reports. According to Indra T. Hermawan, limited access to information and evidence is the main challenge faced by Komnas HAM in investigating human rights violations.<sup>9</sup> Komnas HAM plays an important role in advocating for the protection of human rights. However, the institution faces various difficulties related to capacity, financial support, political influence, and implementation of recommendations. Therefore, reforms are needed to improve Komnas HAM's effectiveness in law enforcement so that it can play its role more efficiently. In contrast to Norway, human rights institutions have better access to information and evidence, due to a stronger legal and policy system that supports transparency and accountability. Access to relevant data and evidence allows human rights institutions in Norway to conduct more thorough investigations and produce more credible reports.

This study asserts that although Indonesia constitutionally guarantees human rights in Articles 28A to 28J of the 1945 Constitution, the protection of human rights heavily depends on the role of Komnas HAM, whose authority is limited. Komnas HAM can only issue recommendations without binding legal force, resulting in low effectiveness due to limited resources and political

---

<sup>7</sup> Maria Christina Karen Paruntu et al., "Penerapan Kebijakan Hak Aksesibilitas Dalam Undang-Undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas Di Indonesia," *Lex Privatum* 12, no. 2 (2023), <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/49780>.

<sup>8</sup> Thomas Paterson, "Indonesian Cyberspace Expansion: A Double-Edged Sword," *Journal of Cyber Policy* 4, no. 2 (2019): 216–34, <https://doi.org/10.1080/23738871.2019.1627476>.

<sup>9</sup> Ketut Sedana Arta and Desak Oka Purnawati, "Ladang Hitam Pasca Peristiwa Gerakan 30 September 1965 (Studi Kasus Tragedi Kemanusiaan Anggota PKI Di Desa Penglatan, Kecamatan Buleleng, Kabupaten Buleleng, Provinsi Bali Dan Potensinya Sebagai Sumber Belajar Sejarah Kontemporer Indonesia)," *Jurnal Ilmiah Ilmu Sosial* 3, no. 1 (2017), <https://ejournal.undiksha.ac.id/index.php/JIIS/article/view/11472>.

interference. According to A. Masyhur Effendi and Prof. Jimly Asshiddiqie, human rights oversight institutions must possess strong authority and legal certainty to effectively perform their constitutional functions. The comparison with Norway is chosen not merely as an example, but to critically examine the factors behind the success of Norway's human rights institution, particularly its high level of independence and adequate resource allocation. Relevant aspects that Indonesia can adapt include enhancing institutional independence through transparent member selection mechanisms free from political interference, as well as providing sufficient budget allocations to support research and investigation activities. Furthermore, Norway's government policy supervision model can be adjusted to strengthen Komnas HAM's role in overseeing public policies in Indonesia. However, differences in political culture and legal systems make full adoption of the Norwegian model unrealistic. This study critically identifies adaptable aspects and emphasizes the importance of institutional reform of Komnas HAM to effectively strengthen human rights protection.

Overall, although both institutions share the essence of protecting and upholding human rights, Komnas HAM in Indonesia faces various obstacles related to limited authority, resources, politicisation, and implementation of recommendations. Meanwhile, the human rights institution in Norway operates within a stronger legal framework, with more adequate resources, as well as a more transparent selection process and implementation of recommendations supported by a more efficient oversight system. These differences suggest that to improve the effectiveness of Komnas HAM in Indonesia, there needs to be reforms that include increased authority, funding, independence, and better accountability systems. Indicators of the realisation of a rule of law are when the government upholds human rights and provides existence to human rights protection institutions for its citizens. The state plays a role in choosing and ensuring that these rights are protected, so as to create a legal order that protects the dignity and interests of citizens, and guarantees justice and common welfare.<sup>10</sup> The essence of rights is not just power guaranteed by law, but power guaranteed by law to realise certain interests. Paton emphasises that human will always leads to certain goals or interests. In this context, Komnas HAM (National Commission on Human Rights) acts as an institution that ensures that the interests of individuals and groups related to human rights are protected and realised. Komnas HAM is tasked with upholding and protecting these rights so that the human will to obtain their rights can be achieved fairly and legally in accordance with applicable law.<sup>11</sup>

This research is different from previous research by Suhardin, Abdul Wahid, and Abid Zamzam.<sup>12</sup> which highlighted the existence of Komnas HAM in seeking justice related to human rights violations. This study focuses on the

---

<sup>10</sup> Neil Duxbury, "English Jurisprudence between Austin and Hart," *Va. L. Rev.* 91 (2005): 1.

<sup>11</sup> Valeri MP Siringoringo et al., "Pengaturan Perlindungan Hukum Hak-Hak Pasien Dalam Peraturan Perundang-Undangan Tentang Kesehatan Di Indonesia," *Diponegoro Law Journal* 6, no. 2 (2017): 1-13.

<sup>12</sup> Suhardin Suhardin, "Eksistensi Komnas HAM Indonesia Dalam Menjalankan Perannya Sebagai Upaya Mencari Keadilan Sehubungan Dengan Pelanggaran HAM," *Dinamika* 27, no. 2 (2021): 268-82.

reform of Komnas HAM's authority by referring to other countries' best practices in human rights protection. Increased independence, investigative and prosecutorial powers, and oversight of government policies are important steps and emphasise more effective victim recovery, binding decisions, and adequate resource support. The philosophical perspective on the functions and authority of Komnas HAM is based on Pancasila, the 1945 Constitution of the Republic of Indonesia.

Rommy Patra's research on strengthening the existence of Komnas HAM highlights various weaknesses such as an unoptimal legal basis, minimal funding, unclear relationships with other state institutions, and limited authority and independence.<sup>13</sup> Patra suggested strengthening the legal basis by regulating Komnas HAM in the constitution, increasing independence and authority, and providing an adequate budget. The author's research is different, focusing on strengthening Komnas HAM's authority by referring to other countries' best practices. The author emphasises increased independence, powers of investigation, prosecution, and oversight of government policies, as well as strengthening victim recovery, binding decisions, and international cooperation. Both studies are in line in proposing improvements, but the previous study focused more on analysing weaknesses without providing a design for change. Meanwhile, the author's research offers a more specific construction of changes to strengthen Komnas HAM's capacity to respond more effectively to human rights violations.

## 2. Method

This research uses normative legal research methods that focus on doctrinal and regulatory studies related to the existence of the National Human Rights Commission (Komnas HAM) in law enforcement in Indonesia. According to Philipus M. Hadjon and Tatiek Sri Djatmiati, normative legal research focuses on the study of legal norms prevailing in society. This research departs from the nature of legal science which is the main component in understanding and analysing legal rules.<sup>14</sup> Peter Mahmud Marzuki argues that legal research is research that uses various approaches in analysing legal issues.<sup>15</sup> The approaches used in legal research include the statutory approach, which focuses on analysing the applicable laws and regulations, and the conceptual approach, which focuses on understanding the legal concepts underlying legal norms and rules. Both approaches are important to understand the law more deeply and systematically in a broader context. Using Comparative Study: Comparing the structure, powers and procedures of Komnas HAM in successful countries, such as European and American countries, which have effective human rights protection institutions.<sup>16</sup>

---

<sup>13</sup> R. Patra, "Penguatan Eksistensi Kelembagaan Komnas Ham Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Untan* 41, no. 2 (2012): 209–17.

<sup>14</sup> Philipus M. Hadjan, *Argumentasi Hukum*, Gadjah Mada University Press, 2005, <https://library.stik-ptik.ac.id/detail?id=1625&lokasi=lokal>.

<sup>15</sup> Peter Mahmud Marzuki, *Teori hukum* (Prenada Media, 2020).

<sup>16</sup> Johnny Ibrahim, *Theory and Methodology of Normative Legal Research* (Bayumedia Publishing, 2006).

This research employs a normative legal research method, which is appropriate for examining Komnas HAM's role in law enforcement because it allows for an in-depth analysis of legal norms, regulations, and institutional frameworks governing human rights protection in Indonesia. Unlike empirical approaches, the normative method focuses on doctrinal and regulatory studies, enabling a thorough understanding of Komnas HAM's legal authority and limitations within the existing legal system. The statutory and conceptual approaches are utilized to analyze applicable laws and underlying legal principles, providing a systematic foundation for evaluating institutional functions. Additionally, a comparative study is integrated to assess Komnas HAM against similar institutions in selected jurisdictions such as Norway, European countries, and the United States. These jurisdictions were chosen based on their recognized effectiveness in human rights protection, the presence of strong National Human Rights Institutions (NHRIs) with broad investigative and supervisory powers, and similarities in their democratic legal frameworks, which provide relevant lessons for Indonesia's institutional reform. This comparative dimension enriches the analysis by identifying transferable best practices while considering contextual differences.

### 3. Analysis or Discussion

#### A. Reflection on the Functions and Authority of Komnas HAM from a Human Rights Perspective.

Pancasila as the foundation of the state affirms respect for human dignity (Precept of Fair and Civilised Humanity) and encourages the state to guarantee the human rights of its citizens. Komnas HAM, as an institution established under the mandate of the 1945 Constitution, functions to protect individual rights, provide recommendations to the state, and educate the public about human rights. However, Komnas HAM's authority is limited. Komnas HAM does not have the legal authority to sanction or decide cases, and can only make recommendations to the President and the Parliament. This limitation reflects the principle of checks and balances included in the 1945 Constitution, in which state institutions oversee each other to prevent abuse of power. This limited authority is a major challenge to the effectiveness of human rights enforcement, which must be balanced with strengthening the authority of the institution. The independence of Komnas HAM is crucial to ensure that the institution can act in accordance with human rights principles without being influenced by political pressure. In this context, Komnas HAM also reflects the active participation of society in safeguarding and upholding human rights, which is in line with the democratic spirit of Pancasila and the 1945 Constitution.<sup>17</sup>

---

<sup>17</sup> Galang Asmara, "Peranan Ombudsman Dalam Mewujudkan Good Governance Di Indonesia," *PERSPEKTIF: Kajian Masalah Hukum Dan Pembangunan* 7, no. 2 (2002): 79–91, <https://doi.org/10.30742/perspektif.v7i2.566>.

Regulation No. 39/1999 on Human Rights plays an important role in establishing the legal framework to protect and uphold human rights in Indonesia. The cited law covers the basic rights of every person, including the right to life, freedom from suffering, and freedom of expression. John P. Humphrey argues that human rights are fundamental pillars for building a legitimate democratic state. From a constitutional law perspective, human rights principles are globally recognised to preserve human dignity and ensure equality, freedom and justice for all citizens.<sup>18</sup> In this context, Komnas HAM is organised as an independent institution and has various functions and authorities structured to ensure that human rights are respected, fulfilled and protected.

Komnas HAM has the authority to conduct studies and investigations into human rights violations. Komnas HAM has the authority to investigate human rights violations, whether committed by individuals, groups, or government entities. In this scenario, Komnas HAM acts as an institution that ensures national accountability for the implementation and protection of human rights.<sup>19</sup> Komnas HAM's authority, based on Regulation No. 39/1999, on Human Rights includes investigating human rights violations, protecting victims, and receiving public complaints. Komnas HAM plays a role in identifying and analysing violations, providing legal assistance and physical protection to victims, and ensuring accountability for violations. In addition, Komnas HAM also submits recommendations to the government for the handling and prevention of violations, and oversees policies that have the potential to harm human rights. This reflects Komnas HAM's strategic role in safeguarding human rights in Indonesia by supporting justice and accountability.<sup>20</sup>

Komnas HAM also has an important role in providing recommendations and advice to the government on steps to take to prevent future violations. The importance of these functions strongly encourages the improvement of the legal system and public policies with greater consideration for human rights. Komnas HAM is required to report its findings and recommendations to the President, who acts as an oversight mechanism for the implementation of human rights in Indonesia. In addition, Komnas HAM should ideally collaborate with other institutions, both national and

---

<sup>18</sup> Cunduk Wasiati, "Problematika Pemenuhan Jaminan Hak Asasi Manusia Di Indonesia.," *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 1, no. 2 (2022): 91–101.

<sup>19</sup> I. Gede Yusa and Bagus Hermanto, "Implementasi Green Constitution Di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan," *Jurnal Konstitusi* 15, no. 2 (2018): 306–26.

<sup>20</sup> Eci Ernawati, *State Responsibility of Myanmar Government Toward Rohingya Case in the Perspective of International Human Rights Law*, Universitas Islam Indonesia, 2013, <https://dspace.uui.ac.id/handle/123456789/32366>.

international, to improve the effectiveness of human rights protection. Through this collaboration, Komnas HAM can utilise its various capacities and experts to address human rights issues more thoroughly. Therefore, Komnas HAM plays an important role in the preservation and evolution of the human rights system in Indonesia.

Regulation No. 39/1999 on Human Rights regulates the authority of Komnas HAM in four main aspects that have significant implications for the protection of human rights in Indonesia, namely:

1. the independence and autonomy of Komnas HAM, guaranteed by this law, allows the institution to perform its duties without interference from the executive, legislative, or judicial powers. This is important to ensure objectivity and alignment with human rights. However, challenges arise in practice when Komnas HAM has to deal with political and power dynamics, which sometimes threaten its independence;
2. access and openness to public reports and complaints confirms Komnas HAM's role as a channel for complaints for justice and protection. This openness creates transparency and accountability in handling cases of human rights violations, while strengthening the legitimacy of the institution;
3. limited authority is a major weakness of Komnas HAM. While it has the ability to conduct investigations and make recommendations, Komnas HAM does not have the authority to impose legal sanctions or final judgements on human rights violations. This limits its effectiveness in ensuring legal accountability;
4. Komnas HAM's role in legal reform shows its contribution in formulating or amending regulations that support the protection of human rights, making it an agent of change in the Indonesian legal system.<sup>21</sup>

Komnas HAM is faced with several challenges in implementing its duties, despite having a strong legal basis in Regulation No. 39/1999 on Human Rights. One of the main challenges is limited budget and resources. Without adequate funding and staff, Komnas HAM has difficulty conducting thorough investigations and providing optimal protection to victims of human rights violations. These limitations have the potential to reduce the effectiveness of the institution in carrying out its role. In addition, lack of compliance on the part of the executive is a significant problem. While Komnas HAM can make recommendations, they are often not followed up by the government or other state institutions. This impedes the implementation of

---

<sup>21</sup> Pan Mohamad Faiz, "The Protection of Civil and Political Rights by the Constitutional Court of Indonesia," *Indon. L. Rev.* 6 (2016): 158.

policies that could improve the human rights situation in Indonesia, hampering Komnas HAM's effectiveness in upholding human rights<sup>22</sup>.

Regulation No. 39/1999 on Human Rights and the role of Komnas HAM show an imbalance between a strong legal basis and challenges in implementation. While Pancasila guarantees human dignity and the protection of human rights, Komnas HAM's limited resources and authority hamper its effectiveness in carrying out its functions. Philosophically, Komnas HAM should ideally possess greater independence and authority to act in accordance with the principles of justice, free from political influence. In legal theory, Hans Kelsen's concept of legal positivism is particularly relevant. Kelsen argues that law should be understood as a set of norms applied objectively, without being subject to power or political considerations. He emphasizes the necessity of clear and binding legal norms that do not depend on political decisions (Fauzan et al., 2021). Therefore, if Komnas HAM is granted greater authority and independence, it can fulfill its functions in line with applicable law, without relying on political decisions that often undermine the effectiveness of human rights enforcement.

In line with this, John Rawls's theory of justice also offers critical insights. Rawls contends that justice must be guaranteed by a legal system that not only provides equality of opportunity but also ensures the protection of the basic rights of every individual, especially the weak and marginalized (Rawls, 1991). In this regard, Komnas HAM serves as a guardian of social justice by safeguarding the rights of these vulnerable groups. However, Komnas HAM's limited authority to impose sanctions or compel government action hinders the realization of true social justice. Furthermore, unclear authority relations with other state institutions exacerbate the problem, highlighting the urgent need for reforms in Komnas HAM's authority, budget allocation, and cross-sectoral cooperation. By critically integrating the perspectives of Kelsen and Rawls, this study asserts that reforming Komnas HAM is not merely an administrative necessity but a normative imperative to ensure that the institution can effectively and independently carry out its constitutional role as a protector of justice and human rights.<sup>23</sup> Therefore, if Komnas HAM has greater authority and independence, it can perform its functions in accordance with the applicable law, without depending on political decisions that reduce the effectiveness of human rights enforcement.

In line with this, John Rawls' theory of justice is also relevant in this context. Rawls argues that justice must be guaranteed by a legal system that

---

<sup>22</sup> H. S. Salim and N. Erlies Septiana, "Penerapan Hukum Pada Penelitian Disertasi Dan Tesis," *Buku Kedua, Raja Grafindo, Jakarta*, 2014.

<sup>23</sup> M. Fauzan et al., "Wandering with Artificial Intelligence and Its Obscure Legal Liability," *Indon. L. Rev.* 11 (2021): 169.

not only offers equality of opportunity, but also ensures the protection of the basic rights of every individual.<sup>24</sup> In this case, Komnas HAM acts as a guardian of social justice by ensuring that the rights of individuals, especially the weak and marginalised, are protected. Komnas HAM's limited authority to sanction or compel government action hinders the achievement of true social justice. Limited authority and unclear relationships with other state institutions also exacerbate the situation, necessitating reforms in authority, budget, and cross-sectoral cooperation. Support from the government, the public, and international cooperation is needed for Komnas HAM to function more optimally in protecting and upholding human rights in accordance with the principles of Pancasila and the 1945 Constitution.

## **B. Komnas HAM in Global Debates on NHRIs**

Komnas HAM, as Indonesia's national human rights institution, cannot be separated from broader global debates on the effectiveness of NHRIs. In this context, Komnas HAM should be examined through three key frameworks: compliance with the *Paris Principles*, its institutional position in the consultative versus quasi-judicial debate, and its role in transitional justice. First, the *Paris Principles*, established by the United Nations, serve as international standards for the independence, authority, and legitimacy of national human rights institutions. Although Komnas HAM once achieved "A status" accreditation from GANHRI, several criticisms have emerged regarding its declining compliance—particularly in areas such as limited authority, inadequate funding, and a commissioner selection process vulnerable to political interference. Second, in the global debate on NHRI mandates, Komnas HAM aligns more closely with the Asia-Africa model, which is largely consultative in nature. In contrast, the European model—as seen in countries like the Netherlands and the United Kingdom—shows that granting quasi-judicial powers, even in a limited administrative scope, can significantly enhance institutional effectiveness and public trust. Indonesia must therefore consider whether it is feasible to adopt certain elements of the quasi-judicial model, such as the authority to provide victim compensation or adjudicate discrimination cases, without encroaching upon the formal judiciary. Third, in the area of transitional justice, many NHRIs in post-authoritarian countries such as South Africa, Argentina, and Chile have played vital roles in uncovering past human rights violations and supporting national reconciliation. Komnas HAM, however, has struggled to move major cases—such as the 1965 mass atrocities, the Trisakti shootings, and the Timor-Leste violations—into actionable legal proceedings, due to limited enforcement powers and weak

---

<sup>24</sup> John Rawls, "Justice as Fairness: Political Not Metaphysical," in *Equality and Liberty*, ed. J. Angelo Corlett (Palgrave Macmillan UK, 1991), [https://doi.org/10.1007/978-1-349-21763-2\\_10](https://doi.org/10.1007/978-1-349-21763-2_10).

political backing. This raises the question of whether Komnas HAM's mandate should be expanded or if Indonesia should instead establish a dedicated national truth commission. Integrating these global perspectives demonstrates that Komnas HAM faces a dual challenge: addressing internal institutional weaknesses while also adapting to international standards and expectations of effective, credible national human rights institutions.

### **C. Construction of strengthening the function of the National Human Rights Commission in Law Enforcement**

The duties and functions of the National Human Rights Commission in resolving human rights issues in Indonesia are indeed a serious challenge that has been going on for a long time. Komnas HAM, although regulated in Law No. 39/1999, faces a number of obstacles in carrying out its functions and authorities, both in the context of current and past human rights violations.

Komnas HAM does have the authority to investigate human rights violations and provide recommendations to the government, but this authority is limited to counselling and advocacy, without the power to follow up or prosecute cases directly. In practice, recommendations made by Komnas HAM are often not followed by concrete legal action. This is because the recommendations are non-binding, meaning that they do not have the legal power to force the government or relevant institutions to make changes or take the necessary legal action. As a result, although Komnas HAM has conducted investigations and revealed facts about human rights violations, many cases are neglected or do not receive a clear resolution. Komnas HAM's inability to process cases legally leads to legal uncertainty. Many cases of human rights violations, both past and recent, have not undergone substantial changes in justice.<sup>25</sup>

Komnas HAM, although expected to play an independent role in the enforcement of human rights, often faces structural barriers that affect its effectiveness. One of the main problems is dependence on the budget and government policy. Although Komnas HAM is legally given an independent status, in practice, it relies on funds from the state budget administered by the government. This dependence opens the potential for political intervention that can affect the objectivity and freedom of Komnas HAM in carrying out its duties, especially when handling cases involving the interests of the government or authorities.<sup>26</sup> In addition, limited resources, both in terms of budget and personnel, are also a major obstacle for Komnas HAM. Budget

---

<sup>25</sup> Rika Kumala Dewi et al., "Kendala Mewujudkan Pembangunan Inklusif Penyandang Disabilitas," *The SMERU Research Institute*, 2020, [https://smeru.or.id/sites/default/files/publication/wp\\_disabilitas\\_in\\_0.pdf](https://smeru.or.id/sites/default/files/publication/wp_disabilitas_in_0.pdf).

<sup>26</sup> Irene Istiningasih Hadiprayitno, "Defensive Enforcement: Human Rights in Indonesia," *Human Rights Review* 11, no. 3 (2010): 373-99, <https://doi.org/10.1007/s12142-009-0143-1>.

constraints often limit the capacity of these institutions to carry out their functions, such as field investigations and public education on human rights. The shortage of personnel also hindered investigations into the many human rights violations that occurred, as well as slowing down the process of handling important cases. As a result, although Komnas HAM has investigative powers, these structural challenges reduce its ability to perform its tasks optimally.<sup>27</sup>

Komnas HAM as an independent institution is often faced with political intervention that hinders its duty in upholding human rights. When cases involve security forces or state officials, there is often a conflict of interest that hinders the investigation and resolution of cases. Strong political influence, both from the government and other powerful groups, can make it difficult for Komnas HAM to work objectively and independently. This aggravates the situation when human rights violations committed by state officials or high-ranking officials do not receive serious treatment. In many cases, the legal action needed to address human rights violations cannot be carried out because of the government's or related institutions' unwillingness to involve those with power or proximity to political power. This of course has the potential to reduce the credibility of Komnas HAM in the eyes of the public and victims of violations. As a result, many cases do not get substantial justice, and the restoration of the rights of victims becomes very difficult to do. This limitation, if not overcome, will continue to reduce public confidence in Komnas HAM as an institution that should provide protection and enforcement of human rights fairly and free from political influence.<sup>28</sup>

Komnas HAM faces great challenges in handling cases of gross human rights violations, especially those that occurred in the past, such as the events of 1965, Trisakti, or East Timor. Although Komnas HAM has conducted investigations into these cases and revealed facts related to the violations that occurred, legal follow-up of the investigation results is often absent. The legal solution to this gross human rights violation is still very limited, even after the recommendations of Komnas HAM were submitted to the government.<sup>29</sup> Some of the factors that cause no follow-up are the lack of political courage of the government to solve these cases, mainly because of the complexity and

---

<sup>27</sup> Heru Susetyo, "Protection of Human Rights from Sexual Violence Against Women and Children Victims in East Seram Regency (A Study of Court Decisions in 2018-2022)," *UNES Law Review* 6, no. 3 (2024): 8222-40.

<sup>28</sup> Michele Ford, "International Networks and Human Rights in Indonesia," in *Human Rights in Asia* (Edward Elgar Publishing, 2011), <https://www.elgaronline.com/downloadpdf/edcollchap/edcoll/9781848446809/9781848446809.00009.pdf>.

<sup>29</sup> Aulia Rosa Nasution, "Terorisme Di Abad Ke-21 Upaya Penegakan Hukum Terhadap Tindak Kejahatan Terorisme Dalam Perpektif Hukum Internasional Dan Hak Asasi Manusia," *Jurnal Mercatoria* 8, no. 1 (2015): 54-74.

political consequences that can arise. Many of the parties involved in these events were the government or the state apparatus, so there were political difficulties in bringing them to justice. This creates the impression that justice for victims of gross human rights violations is difficult to achieve, and such cases are often stalled in the investigation phase without any further legal action. This limitation shows the powerlessness of the Indonesian legal system in resolving past human rights violations, which has resulted in public distrust of Komnas HAM and the existing legal system.<sup>30</sup>

Komnas HAM faces major challenges related to human rights education and socialization in Indonesia. Limitations in terms of resources and reach make educational efforts to the general public and law enforcement officers are not running optimally. Although Komnas HAM has a mandate to raise awareness about human rights, especially regarding the protection and fulfillment of basic rights, the impact has not been significant enough, especially in remote areas or communities that lack access to information.<sup>31</sup> Low public awareness of the importance of human rights protection contributes to weak support for Human Rights Enforcement. Many societies still regard human rights issues as issues that are far removed from everyday life or only relevant to certain groups, rather than Rights that should be enjoyed by every individual. In addition, a lack of understanding of human rights among law enforcement officials including police, prosecutors, and judges often leads to inadequate handling of cases of human rights violations. As a result, even though Komnas HAM has carried out various socialization steps, challenges in improving public and apparatus understanding of human rights remain a major obstacle to effective human rights enforcement in Indonesia.<sup>32</sup>

Human rights violations committed by the state apparatus, especially in the context of riots or social conflicts, are often not properly monitored by Komnas HAM. One of the main causes is limited access to information and difficulties in monitoring the actions of officials directly involved in human rights violations. In many areas of conflict or unrest, oversight of the role of the security forces is very weak, often even hindered by bureaucracy or political intervention. This makes it difficult for Komnas HAM to carry out a comprehensive investigation and supervision function. In remote areas or

---

<sup>30</sup> Alifiyah Fitrah Rahmadhani, "Penyelesaian Pelanggaran HAM Berat Di Indonesia," *UNES Law Review* 6, no. 1 (2023): 2799–807.

<sup>31</sup> Yustina Trihoni Nalesti Dewi et al., "Indonesia's Human Rights Court: Need for Reform," *Asia-Pacific Journal on Human Rights and the Law* 18, no. 1 (2017): 28–47.

<sup>32</sup> Ken MP Setiawan and Dirk Tomsa, *Politics in Contemporary Indonesia: Institutional Change, Policy Challenges and Democratic Decline* (Routledge, 2022), <https://www.taylorfrancis.com/books/mono/10.4324/9780429459511/politics-contemporary-indonesia-ken-setiawan-dirk-tomsa>.

regions that do not have adequate surveillance facilities, the state apparatus often acts without sufficient control, leading to systematic human rights violations. Komnas HAM, despite having the authority to conduct investigations, often faces obstacles in accessing evidence or witnesses who are at the scene of the incident. This difficulty exacerbates Komnas HAM's inability to disclose violations transparently and provide justice for victims.<sup>33</sup>

Komnas HAM is often hampered by structural discrimination that exists in Indonesia's legal and social systems, leading to the neglect of the rights of certain groups, such as Indigenous peoples, ethnic minorities, or other vulnerable groups. This discrimination is structured in various aspects of life, including in government policy, law enforcement, and legal interpretation that are often insensitive to cultural diversity and the rights of marginal groups. Indigenous peoples and ethnic minorities often lack equal access to the legal system, while other vulnerable groups such as LGBTQ+ or women victims of violence also face social stigma that prevents them from getting the protection they deserve. Komnas HAM, although it serves to protect human rights broadly, often faces difficulties in responding to cases of discrimination against these groups. Structural discrimination within law enforcement agencies and a lack of understanding of the rights of such groups result in a lack of serious attention to their issues. This exacerbates social injustice, where the rights of marginal groups remain neglected.<sup>34</sup>

Enforcement of Human Rights in Indonesia can be improved by adopting best practices from developed countries such as the United States, the United Kingdom, The Netherlands, and France. In these countries, human rights protection agencies have greater independence and greater authority. For example, Human Rights Commissions in the US and the UK have the authority to investigate human rights violations and provide respected recommendations, while the European Court of Human Rights (ECHR) has binding legal authority. In Indonesia, Komnas HAM faces the challenge of relying on recommendations that are often not implemented. In addition, the selection process of members in developed countries is more transparent and participatory, while in Indonesia it is often affected by political dynamics. To increase its effectiveness, Indonesia needs to give greater authority to Komnas HAM, strengthen its independence, and ensure the implementation of recommendations and a more objective and transparent selection process. adapan comparison can be seen in the table below:

---

<sup>33</sup> Citra Bintang Maranatha Manurung et al., "Analisis Kekerasan Seksual Di Lingkungan Kampus Menurut Perspektif Hukum Dan Masyarakat," *Media Hukum Indonesia (MHI)* 2, no. 2 (2024): 259–65.

<sup>34</sup> Wasiati, "Problematika Pemenuhan Jaminan Hak Asasi Manusia Di Indonesia."



**Table 1. Komnas HAM State Unitary Association**

Aspects	United States	United Kingdom	Netherlands	France
The authority and independence of Komnas HAM	The human rights commission (Human Rights Commission) and the DOJ have the authority to investigate violations and sanction.	Independent Human Rights Commission with powers of inquiry and policy recommendations.	The human rights commission has independent investigative powers and a binding report.	The human rights commission has the authority to make investigations and recommendations, but relies on government decisions.
Protection of Individual Rights	ACLU protects individual rights through partnerships with international NGOs.	Charities and advocacy groups fight for individual rights	Individual rights advocacy institutions such as the Dutch Institute for Human Rights.	The role of civil law institutions and NGOs in advocating for individual rights is particularly strong in France.
Access to public complaints and transparency	The Civil Rights Division facilitates complaints of civil rights violations by the community	Human rights complaints can be made through the Human Rights Commission in the UK.	Complaints of rights violations can be reported directly to the Dutch Open Commission on human rights.	Public complaints are filed through the legal system or rights protection agencies in France.
Enforcement of rights through the courts	An independent court with full authority to handle human rights cases.	English courts uphold individual rights through the principles of common law and Human Rights.	The Dutch courts have an independent judicial system that handles human rights cases efficiently.	France has an administrative court system focused on enforcing civil rights.
Human rights education and counseling in schools	Education on Human Rights is intensive at primary to tertiary level.	Human rights education taught in the context of citizenship.	Human rights education is compulsory in primary and secondary schools in the Netherlands.	In France, education on Human Rights is implemented in the citizenship curriculum.
The role of Media and transparency	The Media plays a major role in highlighting human rights violations and government policies.	The free Media in the UK is very active in monitoring government policies and highlighting human rights violations.	The Dutch Media are actively disclosing violations of rights and giving voice to society.	The Media in France plays a major role in reporting on human rights and civil liberties issues.

Enforcement of human rights in Indonesia can be significantly improved by adopting selected best practices from developed countries such as the United States, the United Kingdom, The Netherlands, and France—countries that have established National Human Rights Institutions (NHRIs) with greater independence, stronger legal mandates, and more robust enforcement mechanisms. However, rather than viewing these models as ideal templates, it is important to analyze why their specific features—such as binding authority, investigative powers, and autonomy from political influence—contribute to greater effectiveness, public trust, and institutional legitimacy. For example, the ability of foreign NHRIs to issue binding decisions

or compel government compliance increases their credibility in the eyes of the public and ensures that human rights violations receive concrete responses. In contrast, Komnas HAM's limited authority weakens its ability to hold state actors accountable, leading to diminished public confidence and under-enforcement of rights. At the same time, the adoption of foreign institutional features must consider Indonesia's distinct political, legal, and constitutional framework. For instance, while the UK's Parliamentary Human Rights Committee benefits from a stable and transparent legislative environment, Indonesia's multiparty political dynamics and weaker legislative oversight mechanisms may limit the applicability of such a model. Therefore, comparative analysis must move beyond listing institutional differences and focus on identifying which elements—such as increased investigatory powers, institutional independence, or enhanced budgetary autonomy—are realistically transferable and capable of reinforcing Komnas HAM's legitimacy and functionality within the Indonesian context. This analytical framing not only strengthens the comparative section but also grounds the reform proposal in both theoretical and practical terms. In this context, the progressive legal theory proposed by Satjipto Rahardjo is very relevant. According to Rahardjo, the law must be progressive towards social change and oriented towards social justice, not just following rigid procedures<sup>35</sup>. (Rahardjo, 2009)

In this regard, Komnas HAM in Indonesia needs to be given greater and independent authority in order to be more effective in responding to human rights violations. Limited authority, such as merely providing recommendations without binding legal authority, impedes the maximum protection of individual rights. Philip Nonet also expressed the view that the law should be responsive to the needs of a growing society<sup>36</sup> (Nonet et al., 2017). Legal reform related to the authority and accountability of Komnas HAM is needed to adapt to the challenges of the Times, which will increase the effectiveness of human rights enforcement. This reform, which involves giving greater powers to Komnas HAM and a more transparent selection process, will strengthen human rights protections in Indonesia, creating a more responsive and equitable legal system. The strengthening of the authority of Komnas HAM, which ideally can be done as a form of guarantee for the fulfillment of the Constitution, is as follows:

---

<sup>35</sup> Rahardjo, S. (2009). *Progressive Law. A Synthesis of Indonesian Law*. Yogyakarta: Genta Publishing.

<sup>36</sup> Nonet, P., Selznick, P., & Kagan, R. A. (2017). *Law and society in transition: Toward responsive law*. Routledge.



**Table 2. Reform to strengthen the authority of komnas HAM**

Strengthening Authority	Explanation
Independent Improvement of Komnas HAM	Komnas HAM should have greater freedom in carrying out its duties without political pressure or intervention. Komnas HAM members must be elected transparently and based on competence..
Inquiry Authority	Komnas HAM is given the authority to conduct in-depth investigations into human rights violations,.
Surveillance of the government	Komnas HAM is given the authority to oversee government policies that potentially violate human rights, as well as provide binding recommendations for the government in related policies or laws.
More effective victim recovery mechanisms	Komnas HAM can ensure the recovery of victims of human rights violations in a faster and more effective way, including in terms of compensation and rehabilitation of victims.
Ability to issue binding decisions	Komnas HAM is given the authority to issue binding decisions or recommendations against state bodies or individuals who violate human rights. This strengthens the effectiveness of such institutions.
Strengthening of resources and infrastructure	Komnas HAM needs to receive budget support, human resources, and adequate infrastructure to carry out its duties efficiently and effectively.
Closer international cooperation	Komnas HAM can strengthen its capacity through cooperation with international institutions such as the United Nations to address complex human rights violations.
Human Rights Education and socialization	Strengthening the authority of Komnas HAM also includes capacity building in human rights education and socialization to the community to increase awareness and participation in reporting violations.

Strengthening the authority of Komnas HAM in Indonesia can be done by referring to the best practices of successful countries in the protection of human rights. increasing independence, giving the authority to investigate and supervise government policies. Komnas HAM is also given the authority to ensure more effective recovery of victims, issue binding decisions, and obtain adequate resource support. In addition, closer international cooperation and Human Rights Education will strengthen Komnas HAM's capacity to respond more effectively to human rights violations.

### 3. Conclusion

1. This study demonstrates that the limited authority and resources of Komnas HAM as regulated under Law No. 39 of 1999 directly contribute to weak human rights enforcement in Indonesia. The institution's inability to issue binding decisions, combined with its dependence on other bodies to act upon its recommendations, has led to suboptimal protection of human rights and diminished public legitimacy. From a philosophical perspective, the values of Pancasila and the constitutional mandate of the 1945 Constitution affirm that justice and equality in the protection of citizens' rights are fundamental obligations of a constitutional state. Therefore, strengthening Komnas HAM must be pursued through three key pillars: enhancing institutional independence to ensure freedom from political interference, granting binding authority in addressing human rights violations, and ensuring adequate budgetary and human resources to support its investigative functions, policy monitoring, and victim recovery mechanisms.
2. Drawing from best practices in countries such as the United Kingdom, the Netherlands, and France, reforming Komnas HAM should not be limited to administrative adjustments, but should also involve strategic legal measures. One viable option is a comprehensive revision of Law No. 39 of 1999 to align with international standards for national human rights institutions. Alternatively, elevating the legal status of Komnas HAM through constitutional recognition could provide a stronger and more permanent foundation within the state structure. These recommendations are operational and policy-relevant, offering a concrete pathway for legislative reform and institutional strengthening to ensure meaningful and sustainable human rights protection in Indonesia.

### References

- Abdillah, Masykuri. "Islam and Human Rights: Theoretical And Practical Framework In Indonesia." *1st International Conference of Law and Justice-Good Governance and Human Rights in Muslim Countries: Experiences and Challenges (ICLJ 2017)*, Atlantis Press, 2017, 64–68. <https://www.atlantispress.com/proceedings/iclj-17/25891426>.
- Arisaputra, Muhammad Ilham. "Access Reform Dalam Kerangka Reforma Agraria Untuk Mewujudkan Keadilan Sosial." *Jurnal Perspektif* 21, no. 2 (2016): 83–96.
- Arta, Ketut Sedana, and Desak Oka Purnawati. "Ladang Hitam Pasca Peristiwa Gerakan 30 September 1965 (Studi Kasus Tragedi Kemanusiaan Anggota PKI Di Desa Penglatan, Kecamatan Buleleng, Kabupaten Buleleng, Provinsi Bali Dan Potensinya Sebagai Sumber Belajar Sejarah Kontemporer Indonesia)." *Jurnal Ilmiah Ilmu Sosial* 3, no. 1 (2017). <https://ejournal.undiksha.ac.id/index.php/JIIS/article/view/11472>.

- Asmara, Galang. "Peranan Ombudsman Dalam Mewujudkan Good Governance Di Indonesia." *PERSPEKTIF: Kajian Masalah Hukum Dan Pembangunan* 7, no. 2 (2002): 79–91. <https://doi.org/10.30742/perspektif.v7i2.566>.
- Dewi, Rika Kumala, Rezanti Putri Pramana, Hariyanti Sadaly, R. K. Dewi, R. P. Pramana, and H. Sadaly. "Kendala Mewujudkan Pembangunan Inklusif Penyandang Disabilitas." *The SMERU Research Institute*, 2020. [https://smeru.or.id/sites/default/files/publication/wp\\_disabilitas\\_in\\_0.pdf](https://smeru.or.id/sites/default/files/publication/wp_disabilitas_in_0.pdf).
- Dewi, Yustina Trihoni Nalesti, Grant R. Niemann, and Marsudi Triatmodjo. "Indonesia's Human Rights Court: Need for Reform." *Asia-Pacific Journal on Human Rights and the Law* 18, no. 1 (2017): 28–47.
- Duxbury, Neil. "English Jurisprudence between Austin and Hart." *Va. L. Rev.* 91 (2005): 1.
- Effendi, A. Masyhur. *Perkembangan Dimensi Hak Asasi Manusia (HAM) & Proses Dinamika Penyusunan Hukum Hak Asasi Manusia (HAKHAM)*. Ghalia Indonesia, 2005.
- Ernawati, Eci. *State Responsibility of Myanmar Government Toward Rohingya Case in the Perspective of International Human Rights Law*. Universitas Islam Indonesia, 2013. <https://dspace.uui.ac.id/handle/123456789/32366>.
- Faiz, Pan Mohamad. "The Protection of Civil and Political Rights by the Constitutional Court of Indonesia." *Indon. L. Rev.* 6 (2016): 158.
- Fauzan, M., Pasha Nur, Darian Amarta, Evan Tobias, Vikri Ricardo, and G. Fidela. "Wandering with Artificial Intelligence and Its Obscure Legal Liability." *Indon. L. Rev.* 11 (2021): 169.
- Ford, Michele. "International Networks and Human Rights in Indonesia." In *Human Rights in Asia*. Edward Elgar Publishing, 2011. <https://www.elgaronline.com/downloadpdf/edcollchap/edcoll/9781848446809/9781848446809.00009.pdf>.
- Hadiprayitno, Irene Istiningsih. "Defensive Enforcement: Human Rights in Indonesia." *Human Rights Review* 11, no. 3 (2010): 373–99. <https://doi.org/10.1007/s12142-009-0143-1>.
- Hadjan, Philipus M. *Argumentasi Hukum*. Gadjah Mada University Press, 2005. <https://library.stik-ptik.ac.id/detail?id=1625&lokasi=lokal>.
- Ibrahim, Johnny. *Theory and Methodology of Normative Legal Research*. Bayumedia Publishing, 2006.
- Indrayana, Denny. *Indonesian Constitutional Reform, 1999-2002: An Evaluation of Constitution-Making in Transition*. Penerbit Buku Kompas, 2008. <https://books.google.com/books?hl=id&lr=&id=ct1XppoQG7IC&oi=fnd&pg>

=PR15&dq=Indonesian+Constitutional+Reform,+1999-2002:+An+Evaluation+of+Constitution-Making+in+Transition&ots=W7azRusuJw&sig=jmeggSLjZtidu1TyNJhxPNkzD Om8.

Lay, Cornelis, and Bambang Purwoko. "Asymmetrical Decentralization, Representation, and Legitimacy in Indonesia: A Case Study of the Majelis Rakyat Papua." *Asian Survey* 58, no. 2 (2018): 365–86.

Manurung, Citra Bintang Maranatha, Deliana Rinasari Ghufriani, Henry Winata, et al. "Analisis Kekerasan Seksual Di Lingkungan Kampus Menurut Perspektif Hukum Dan Masyarakat." *Media Hukum Indonesia (MHI)* 2, no. 2 (2024): 259–65.

Marzuki, Peter Mahmud. *Teori hukum*. Prenada Media, 2020.

Nasution, Aulia Rosa. "Terorisme Di Abad Ke-21 Upaya Penegakan Hukum Terhadap Tindak Kejahatan Terorisme Dalam Perpektif Hukum Internasional Dan Hak Asasi Manusia." *Jurnal Mercatoria* 8, no. 1 (2015): 54–74.

Paruntu, Maria Christina Karen, Friend Henry Anis, and Elko Lucky Mamesah. "Penerapan Kebijakan Hak Aksesibilitas Dalam Undang-Undang Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas Di Indonesia." *Lex Privatum* 12, no. 2 (2023).  
<https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/49780>.

Paterson, Thomas. "Indonesian Cyberspace Expansion: A Double-Edged Sword." *Journal of Cyber Policy* 4, no. 2 (2019): 216–34.  
<https://doi.org/10.1080/23738871.2019.1627476>.

Patra, R. "Penguatan Eksistensi Kelembagaan Komnas Ham Dalam Sistem Ketatanegaraan Indonesia." *Jurnal Untan* 41, no. 2 (2012): 209–17.

Rahmadhani, Alifiyah Fitrah. "Penyelesaian Pelanggaran HAM Berat Di Indonesia." *UNES Law Review* 6, no. 1 (2023): 2799–807.

Rawls, John. "Justice as Fairness: Political Not Metaphysical." In *Equality and Liberty*, edited by J. Angelo Corlett. Palgrave Macmillan UK, 1991.  
[https://doi.org/10.1007/978-1-349-21763-2\\_10](https://doi.org/10.1007/978-1-349-21763-2_10).

Salim, H. S., and N. Erlies Septiana. "Penerapan Hukum Pada Penelitian Disertasi Dan Tesis." *Buku Kedua, Raja Grafindo, Jakarta*, 2014.

Setiawan, Ken MP, and Dirk Tomsa. *Politics in Contemporary Indonesia: Institutional Change, Policy Challenges and Democratic Decline*. Routledge, 2022.  
<https://www.taylorfrancis.com/books/mono/10.4324/9780429459511/politics-contemporary-indonesia-ken-setiawan-dirk-tomsa>.

Siringoringo, Valeri MP, Dewi Hendrawati, and R. Suharto. "Pengaturan Perlindungan Hukum Hak-Hak Pasien Dalam Peraturan Perundang-Undangan Tentang Kesehatan Di Indonesia." *Diponegoro Law Journal* 6, no. 2 (2017): 1–13.

Son, Bui Ngoc. "Constitutional Amendment and Democracy." *Minn. J. Int'l L.* 30 (2020): 75.

Suhardin, Suhardin. "Eksistensi Komnas HAM Indonesia Dalam Menjalankan Perannya Sebagai Upaya Mencari Keadilan Sehubungan Dengan Pelanggaran HAM." *Dinamika* 27, no. 2 (2021): 268–82.

Susetyo, Heru. "Protection of Human Rights from Sexual Violence Against Women and Children Victims in East Seram Regency (A Study of Court Decisions in 2018-2022)." *UNES Law Review* 6, no. 3 (2024): 8222–40.

Wasiati, Cunduk. "Problematika Pemenuhan Jaminan Hak Asasi Manusia Di Indonesia." *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 1, no. 2 (2022): 91–101.

Yusa, I. Gede, and Bagus Hermanto. "Implementasi Green Constitution Di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan." *Jurnal Konstitusi* 15, no. 2 (2018): 306–26.

**Conflict of Interest Statement:** The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

**Copyright:** ©JELTA UNG. This is an open access article distributed under the terms of the Creative Commons Attribution-Non Commercial 4.0 International License, which permits copy and redistribute the material in any medium or format, remix, transform, and build upon the material, provided you must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use and you may not use the material for commercial purposes.

**Jurnal Legalitas** (J.Legalitas – JELTA) is an open access and peer-reviewed journal published by Faculty of Law, Universitas Negeri Gorontalo. The contents of the articles and advertisements published in the *Jurnal Legalitas* (JELTA) are sole and exclusive responsibility of their respective authors and advertisers.

