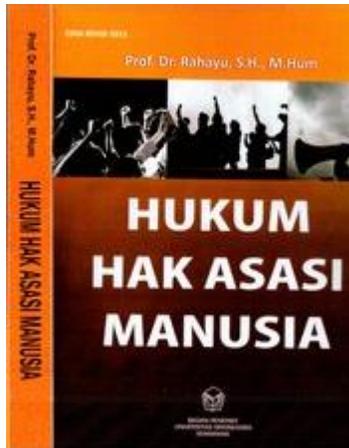


# HUMAN RIGHTS: A REVIEW OF THE BOOK "HUMAN RIGHTS LAW", ISSUING BOARD, UNIVERSITY OF DIPONEGORO, SEMARANG 2015

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BOOK is written by Prof. Dr. Rahayu, SH, M.Hum. Reviewing Human Rights Law with an easy-to-understand discussion makes this book a good read for people who want to study Human Rights Law and its enforcement mechanisms in Indonesia. The long history of the struggle for the fulfilment of human rights is continuing along with the times and the emergence of issues of human rights enforcement mechanisms, especially in Indonesia.

Human Rights are a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the rule of law, Government and everyone for the honour and protection of human dignity. In the preamble of this book, four theories are presented as the basis for understanding human rights to initiate the birth of human rights thought, which was marked by the rights revolution in the United States (17th century) and France (18th century) until the demand for solidarity rights or rights. Together arising from the persistent demands of developing countries or the Third World for a just international order.

In Chapter 1 the author writes about terms and definitions, theories, basic principles, development of thought, human rights violations and state obligations. Then in Chapter 2, the writer explains the history of the fulfilment of human rights and the development of human rights in international law and in Indonesia. Then in Chapter 3 the author explains about international human rights law instruments including introduction, main instruments, UDHR, ICCPR, ICESCR, CROC, CAT, CERD, CEDAW, CRPD, ICRMW and international human rights monitoring mechanisms. Chapter 4 describes the national human rights legal instruments, including human rights in the Constitution of the Republic of Indonesia and human rights in other laws and regulations. And finally, Chapter 5, the author describes the mechanisms for protecting and enforcing human rights in Indonesia. Human Rights can be an in-depth and long language so that this 402-page book can still be extended. This paper will be even longer if national and international human rights cases accompany it.

In the initial part of Chapter 1, the author maps the basic understanding of human rights into four parts, one of which is the Natural Rights Theory, which views that nature endows individuals with rights inherent in human dignity and cannot be revoked by the state because it is not based on political recognition that is given by the state. Then Thomas Aquinas developed it with a Thomistic view. He explained that natural law is part of God's perfect law and can be known through human reason or reason. He distinguishes 4 (four) kinds of laws. There are *lex aeterna*, *lex naturalist*, *lex divina* and *lex humane*. Through Hugo Grotius, Aquinas' theory of natural law was cut off from its theistic origins and made it a product of rational secular thought. As for John Locke, the opinion that every human being is born free and equal, meaning that every human being has rights that cannot be separated from him. This right is the right to life, freedom and

property rights. The development of the Natural Rights Theory has prepared the foundation for the international norms system of human rights with a fundamental change from its concept as a result of developments in society. This chapter also describes human rights violations and state obligations which will be more interesting if the discussion is extended along with cases that show human rights violations and state obligations so that they become more concrete. The development of Natural Rights Theory has prepared the foundation for an international norms system of human rights with a fundamental change from its concept as a result of developments in society. This chapter also describes human rights violations and state obligations which will be more interesting if the discussion is extended along with cases that show human rights violations and state obligations so that they become more concrete. The development of the Natural Rights Theory has prepared the foundation for an international system of human rights norms with a fundamental change from its concept as a result of developments in society. This chapter also describes human rights violations and state obligations which will be more interesting if the discussion is extended along with cases that show human rights violations and state obligations so that they become more concrete.

In the international sphere, human rights emerged in the 19th century with the doctrine of "protection of the state against foreigners" (State responsibility for injury to aliens) and the doctrine of "humanitarian intervention". The second half of this century saw great progress with the creation of the International Committee of the Red Cross. Post World War 1, when the international community agreed to the Treaty of Versailles, which created the League of Nations and the International Labor Organization. The development also continued until the 20th century with the movement to abolish slavery which was based on great human concern. Furthermore, the three main human rights instruments were issued. There are the Universal Declaration of Human Rights, International on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights. In Indonesia, the development of human rights became very interesting when Sukarno and Supomo and Moh. Hatta and Moh. Yamin has a different opinion regarding the inclusion of citizens' rights in the constitution.

Furthermore, the writer explains that international human rights instruments, one of which is the Universal Declaration of Human Rights, is the main document for international recognition of human rights. Although it has no legal force, considering that normatively this document is

morally binding as a basic human foundation. The preamble to this Declaration recognizes the inherent dignity of equal rights. It is not alienated for humans; the neglect of human rights results in cruel acts that cause human feelings of anger and basic human rights and freedoms need to be protected by the rule of law. There are 3 (three) ways in which international monitoring of human rights is carried out—first, the mechanism based on the Charter, through organs under the United Nations. Second, treaty-based mechanisms. This mechanism established through international treaties on human rights under the United Nations system. Third, regional mechanisms that apply to certain regions such as Europe, Africa, the United States Region and ASEAN. In Indonesia, the recognition of human rights is contained in the 1945 Constitution which precedes the Universal Declaration of Human Rights because this declaration was established on December 10, 1948, and was adopted at the UN general assembly in Paris. In this chapter, the author should be more detailed in explaining the human rights monitoring mechanism because some of the explanations are too short and lack depth. In Indonesia, the recognition of human rights is contained in the 1945 Constitution which precedes the Universal Declaration of Human Rights because this declaration was established on December 10, 1948, and was adopted at the UN general assembly in Paris. In this chapter, the author should be more detailed in explaining the human rights monitoring mechanism because some of the explanations are too short and lack depth. In Indonesia, the recognition of human rights is contained in the 1945 Constitution which precedes the Universal Declaration of Human Rights because this declaration was established on December 10, 1948, and was adopted at the UN general assembly in Paris. In this chapter, the author should be more detailed in explaining the human rights monitoring mechanism because some of the explanations are too brief and not in-depth.

Next, the book describes the national human rights instrument starting from the amendments to the 1945 Constitution on the part that is considered to result in arbitrariness and impartiality of human rights. This change brings a new chapter for the protection and enforcement of human rights by affirming the limitation of presidential power, affirming the idea of limiting the power of state institutions, abolishing certain state institutions, affirming guarantees of protection of citizen human rights and affirming the adoption of the theory of people's sovereignty. The amendment to the 1945 Constitution also adds articles regulating human rights, such as Chapter XA, Articles 28A-28J of the 1945 Constitution of the Republic of Indonesia. The normative inclusion of human rights ends the struggle for the constitutional protection of the Indonesian

nation's human rights. The main instrument of human rights regulation in Indonesia is Law no. 39 of 1999 concerning Human Rights. This law recognizes the understanding of natural rights, adopts basic human rights principles in the form of universal principles and non-derogable rights principles, contains institutional aspects in the field of human rights (Komnas HAM) and mandates the establishment of a human rights court as a special court for gross human rights violators. In addition, there are other laws and regulations, as follow as: the Law on Human Rights Courts, Elimination of Domestic Violence, Elimination of Racial and Ethnic Discrimination, the Criminal Justice System for Children, Protection of Witnesses and Victims and Protection of Children. Contains institutional aspects in the field of human rights (Komnas HAM) and mandates the establishment of a human rights court as a special court for gross human rights violations. Besides, there are other laws and regulations, such as the Law on Human Rights Courts, Elimination of Domestic Violence, Elimination of Racial and Ethnic Discrimination, the Criminal Justice System for Children, Protection of Witnesses and Victims and Protection of Children. Contains institutional aspects in the field of human rights (Komnas HAM) and mandates the establishment of a human rights court as a special court for gross human rights violations. Besides, there are other laws and regulations, such as the Law on Human Rights Courts, Elimination of Domestic Violence, Elimination of Racial and Ethnic Discrimination, the Criminal Justice System for Children, Protection of Witnesses and Victims and Protection of Children.

At the end of this book, the author writes about the mechanisms for protecting and enforcing human rights in Indonesia. In terms of protecting human rights, the government has formed *Komnas HAM*, *Komisi Perlindungan Anak Indonesia* (KPAI). The interesting thing about this protection is the establishment of a witness and victim protection agency to protect the rights of witnesses and victims to provide a sense of security in providing information in the criminal trial process. In the human rights enforcement mechanism, Indonesia has a human rights court and a Truth and Reconciliation Commission (KKR). If a human rights court is an institution that has the authority to adjudicate gross human rights violations, the TRC is a commission formed during political transition situations to deal with past serious human rights violations or crimes.

The writing of this book is divided into V Chapters which are continuous in each chapter so that it can make it easier for beginners to study human rights law. In addition, the relevant legal

regulations discussed in this book are attached at the end of the book, which is very helpful for readers to understand in more detail what regulations are used. However, this book describes many theories that are not interspersed with cases or field facts regarding Human Rights. With good discussion, it makes me think that this book can be used as a reference for anyone. A fairly complete explanation and rules make it even more relevant to read.

The benefit that can be taken from this book is the emergence of an awareness of human rights in everyday life. Respect for humans as dignified creatures can combat human rights violations that are still happening today. By upholding human rights values, there will be no more use of human rights to violate the human rights of others.

LEGAL ADAGIUM

**LE SALUT DU PEUPLE EST LA  
SUPREME LOI**

The highest law is the protection of society