

Identification of International Human Rights Principles in Indonesia's New Criminal Code

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Abstract

This paper explores the incorporation and alignment of international human rights principles within Indonesia's latest Criminal Code. As nations strive to uphold fundamental rights and liberties, examining the compatibility of domestic legislation with international standards is imperative. This study employs a comprehensive analysis of Indonesia's new Criminal Code, focusing on the identification and assessment of provisions that either conform or diverge from established international human rights norms. By scrutinizing key legal aspects, such as due process, freedom of expression, and protection against discrimination, this paper aims to shed light on the extent to which Indonesia's legal framework reflects its commitment to global human rights standards. The findings contribute valuable insights into the

ongoing discourse surrounding the harmonization of domestic laws with international human rights instruments, offering implications for policy development, legal reform, and fostering a culture of respect for human rights in Indonesia.

Keywords

Legal Norms, International Human Rights, National Criminal Code, Human Rights Principles

I. Introduction

The Constitution of the Republic of Indonesia, namely the 1945 Constitution, has recognized that the State of Indonesia is a state of law, this is stated in Article 1 paragraph (3). This can also be seen where in all lines of life have been regulated in the laws and regulations in Indonesia, it is also a form of the conception of Indonesian pouring as a state of law. The concept of the legal state itself has been known internationally. The characteristic or characteristic of the rule of law itself lies in providing protection for Human Rights itself. The Indonesian State of Law is a state of law based on the values of Pancasila which is the philosophy and basis of the state. As the basis of the state, Pancasila, which is a reflection of the soul of the Indonesian nation, should be the source of law from all existing legal regulations. So it can be said that Indonesia is a State of Pancasila Law. With this, consignment in upholding human rights values and principles must be upheld and regulated in every law and regulation in Indonesia.(Hadi, 2022)

Enforcement in human rights, as an effort to align with the characteristics of the rule of law, namely the enforcement of protection of human rights already exists and is contained in the State Constitution. This is done as a consequence Indonesia is a state of law as stated in the Constitution of the Republic of Indonesia Year 1945, then the effort to maintain and protect human rights is to make these rights part of national law. In the context of the state of law, Pancasila human rights have been contained in Pancasila itself. An example is contained in the first precept, where it contains divine values, if interpreted literally then Indonesia recognizes and protects religious freedom. (Aswandi & Roisah, 2019) In addition to the broader concept of the State, the concept of the rule of law that prioritizes human rights protection must also be applied in regional government, as an instrument of Indonesia annihilating the regional autonomy system. Along with the development of autonomy by local governments, it is necessary to recognize, protect and supervise human rights by local governments. Therefore, the formation and formulation of policies by local governments in the form of Regional Regulations (Perda) or other regional policies must not conflict with the laws and regulations above them. The 1945 Constitution as the basis of the state expressly states the principles of human rights. (Khairunnisa, 2018)

Human rights applied by Indonesia are also inseparable from the existence of the Declaration of International Human Rights called the UDHR (Universal Declaration of Human Rights), UDHR is a major step taken by the international community in 1948 in an effort to uphold human rights principles. The norms contained in the UDHR are international norms agreed and accepted by countries in the world through the

United Nations.(Arianta et al., 2020) In Indonesia itself, recognition of UDHR through Law No. 39 of 1999 concerning Human Rights. Human rights themselves are essentially inherent rights of every human being who must be respected and protected, this is also in accordance with Article 1 number 1 of Law No. 39 of 1999.(Pawestri, 2017)

Through the UDHR The application of international human rights principles in Indonesia is becoming more deeply rooted (Fitriyadi & Raul, 2020). This is also suspected by the emergence of Human Rights Courts, with the passing of Law N. 26 of 2000 concerning Human Rights Courts. The Human Rights Court is a court that examines and decides all forms of gross human rights violations, including genocide and crimes against humanity that constitute gross human rights violations (Sujatmoko, 2016). Gross human rights violations are types of violations that have fatal consequences, which have a massive impact nationally and internationally, therefore gross human rights violations must be regulated in the Criminal Code by applying international human rights principles.(DM et al., 2022) In addition to gross human rights violations, human rights enforcement is also found in various types of criminal acts, including victims of sexual violence. Legal protection for victims of sexual violence can be interpreted as part of human rights, namely the right to individual safety, the right to personal freedom and security, and self-protection of one's honor and dignity that is inherently inherent in humans from birth.(Khristianti Weda Tantri, 2021) In relation to gross human rights violations, the most highlighted by the international community is gross human rights violations using weapons, including terrorism, (Laitulpa, 2013) Because terrorist organizations have spread in various

countries around the world. So this shows that the principle of international human rights must be in the concept of the Criminal Code, where now Indonesia has its own Criminal Code, namely Law No. 1 of 2023 concerning the Criminal Code.

Based on the problems described earlier, the formulation of the problem (*research questions*) in this study includes 3 (three) main things, namely, *first* how the principles of international human rights in the Indonesian National Criminal Code; *second*, how international human rights principles are reflected in various articles in the Indonesian National Criminal Code; *third*, how international human rights norms affect the formulation of offenses in the Indonesian National Criminal Code.

II. Method

As a *know-how* activity, legal research is useful for solving issues at hand. Legal issues arise because there are two interconnected legal propositions. The issue in English is "*something that people are discussing or considering*". Seeing this meaning in normative legal research, the term legal issue should be used. Meanwhile, in *socio-legal research* the problem is the gap between law and law enforcement, or, the gap between *das sollen* and *das sein*, or, the gap between "something that should be" and "something that happens". For example, the gap between the rule of law and its implementation in society. This is the gap between law and law enforcement. So close is this problem to the law, even the object is also the law, that people say that actually *socio-legal research* is also *legal research*.

According to Peter Mahmud Marzuki "The approaches used in legal research are the Law approach (*statute approach*), case

approach (*case approach*), conceptual approach (*conseptual approach*), historical approach (*historical approach*), comparative approach (*comparative approach*). (Marzuki, 2015)

Research is a means used by humans to strengthen, foster and develop science. A study has begun when one attempts to solve a problem, systematically, with certain methods and techniques scientifically. Thus a scientific activity is an effort to analyze and construct, methodologically, systematically and consistently. (Soekanto, 1995) Research is a systematic investigation of the increasing amount of human knowledge and as a process of identifying and investigating "*fact*" or "*problem*" with a view to gaining insight about or finding the right solution to it. Approach systematically when a researcher follows a specific scientific method. The focus of legal research can measure the interaction of legal relations with social values, attitudes, behaviors so as to support legal and social systems, while providing means of social control and instruments of social change. (Macaulay et al., 1995)

Legal Research is an analytical process that includes certain methods, systematics and thinking that aims to study certain legal symptoms, then seek solutions to problems that arise. So it takes an appropriate research method. This method helps the research process in accordance with the formulation of the problem under study and the research objectives to be achieved. The determination of steps in the legal research method carried out in this study as shown in Figure 1.

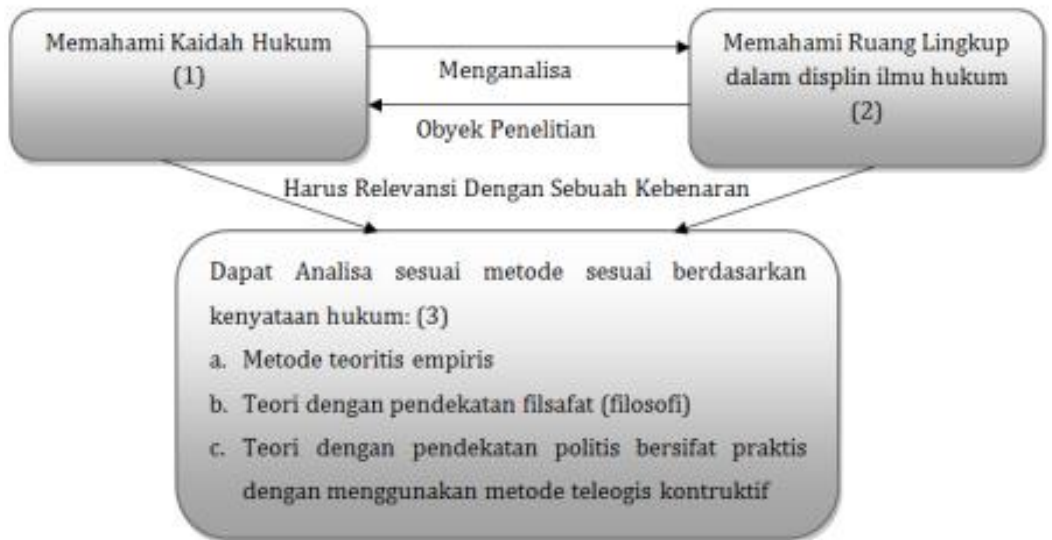


Figure 1. Determination of Legal Research Method Steps
(Purwati, 2020)

On scientific research can use any of the parts *grand method* that is *Library Research* is a scientific work based on literature or literature; *Field Research* i.e. field research and *Bibilographic Research* That is research that focuses on the ideas contained in theory. Based on the subject of study and the type of problem that exists, then from 3 (three) types *grand method* As mentioned above, in this study will be used research methods *Library Research* or literature research. Regarding this kind of research it is also commonly called "*Legal Research*".(Soekanto & Mamudji, 2006) This kind of legal research does not recognize field research (*field research*) because what is studied is legal materials so it can be said *library based, focusing on reading and analysis and analysis of the primary and secondry materials.*(Ibrahim, 2006)

III. International Human Rights Principles in Indonesia's National Criminal Code

Basically, human rights are basic rights owned by a person from the time he is born into the world until he dies. Soetandyo Wignjosoebroto mentioned that human rights are universally recognized rights inherent in every human being because of his nature as a human being.(Eko, 2018) This is reinforced by the opinion of Thomas Paine who said that human rights are rights owned by every human being because of their existence, which includes all intellectual rights such as the right to think, as well as all rights to act as an individual who is comfortable and achieve self-happiness.(Efendi, 2004) The protection of human rights must be fulfilled and must not be reduced under any circumstances. Leah Levin defines human rights as rights that are forever attached to humans so that it would be impossible if a human being could live as a human being without human rights.(Arifin, 2019) While the definition of human rights according to article 1 Number 1 of Law No. 39 of 1999 concerning Human Rights, human rights are defined as:

"A set of rights inherent in the essence and existence of man as a creature of God Almighty and is His gift that must be respected, upheld and protected by the state, law, the Government, and everyone for the honor and protection of human dignity and dignity".

Historically, human rights have been recognized since the 13th century and experienced rapid development after the second

world war, which was around the 20th century with the ratification of the *Universal Declaration of Human Rights* or commonly called the Universal Declaration of Human Rights (UDHR) on December 10, 1948 by the United Nations. UDHR was born as a response to the many cases of human rights violations during World War 2. There are 30 articles in the UDHR where the main content of each article is as follows:

"Article 1: All people are born free, have equal rights and dignity.

Article 2: Human Rights apply to all.

Chapter 3: Everyone has the right to life, freedom, and salvation.

Chapter 4: No one shall be enslaved.

Chapter 5: No one should be tortured and cruelly treated

Article 6: Everyone has the right to recognition before the law.

Article 7: All persons are equal and entitled to legal protection.

Article 8: Everyone has the right to legal protection.

Article 9: No one shall be arbitrarily arrested, detained, disposed of.

Article 10: Everyone has the right to be tried fairly and openly.

Article 11: All persons are innocent until proven guilty

Article 12: No one shall be interfered with in his personal affairs.

Article 13: Everyone has the right to dwell and move.

Article 14: Everyone has the right to protection.

Article 15: Everyone has a matter of citizenship.

Article 16: Adult men and women have the right to marry and form families.

Article 17: Everyone has the right to own property, either alone or collectively.

Article 18: Everyone has the right to freedom of thought, conscience and religion.

Chapter 19: Everyone has the right to have and issue an opinion.

Chapter 20: Everyone has the right to freedom of assembly and union.

Article 21: Every person shall participate in the government of his country.

Article 22: Everyone has the right to social security.

Article 23: Everyone has the right to work.

Article 24: Everyone has the right to rest and entertainment.

Article 25: Everyone has the right to an adequate level of living.

Article 26: Everyone has the right to education.

Article 27: Everyone has the right to participate in cultural life.

Article 28: Everyone is concerned about a national and international challenge.

Article 29: In exercising his rights and freedoms, everyone shall be subject to the law, the sole purpose of which is to ensure justice.

Chapter 30: No one should interpret freedom by harming the rights and freedoms of others."

Indonesia as a country consisting of diverse ethnic groups and cultures is one of the countries that recognizes equal human rights. This is certainly inseparable from historical defects that write that Indonesia has experienced suffering and social inequality due to discriminatory behavior carried out by the colonizers. Therefore, the Indonesian nation highly respects all efforts to protect and fulfill human rights. All of these things are reflected in the ideals of the Indonesian nation contained in the Preamble of the 1945 Constitution where it is stated that "*Freedom is the right of all nations, and colonization of the world must be abolished because it is incompatible with humanity and justice.*" The ideals of the Indonesian nation then gave birth to the determination of the Indonesian nation to always be independent, in the sense of being free from social inequality and discriminatory

behavior. That's why TAP MPR RI Number XVII / MPR / 1998 was born, which essentially contains an order to ratify UN instruments on human rights as long as they do not conflict with Pancasila and the 1945 Constitution. The Government of Indonesia has ratified 7 (seven) international human rights instruments into national laws and regulations, namely: Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, Convention against Torture, Convention on the Elimination of All Forms of Racial Discrimination, Covenant on Economic, Social and Cultural Rights, Covenant on Civil and Political Rights and Convention on the Rights of Persons with Disabilities. Historically, the principle of state accountability for human rights has evolved from state responsibility for the treatment of foreigners.(R.K., 2008) The country has promised to acknowledge, protect and respect human rights as its responsibility.

As we all know that everything related to human rights violations and discriminatory behavior cannot be separated from the threat of criminal acts. In Indonesia, although the existence of human rights has been clearly regulated in Articles 28A to 28J of the 1945 Constitution, the fact is that this does not necessarily make the community immediately easily guaranteed human rights. We can see that until now there are still many acts of human rights violations that occur in Indonesia. That's why ideas began to arise related to the protection and guarantee of human rights, especially civil rights and political rights, one of which is the establishment of the Human Rights Law, the Election Law, the Political Party Law, until the latest is Law No. 1 of 2023 concerning the Criminal Code or more easily known as the

Indonesian National Criminal Code. The birth of the Indonesian National Criminal Code certainly has the ultimate goal of achieving the trident of legal ideals, namely *legal certainty*, *legal usage*, and legal justice.

Although basically the ratification of the Indonesian National Criminal Code has a noble goal, namely the achievement of the trident of legal ideals, in fact it still often raises pros and cons from many parties related to the enforcement of human rights in the Indonesian National Criminal Code. This is because there are several articles that are considered to suppress the rights of the Indonesian people. Among them are the right to freedom of opinion, the right to freedom of expression, and other basic rights that are included in human rights. This at first glance may be true if in the Indonesian National Criminal Code human rights are severely suppressed. In fact, when viewed in Article 2 Paragraph (2) of the Indonesian Criminal Code states that:

"The law that lives in society as referred to in paragraph (1) applies in the place where the law lives and as long as it is not regulated in this Law and in accordance with the values contained in Pancasila, the 1945 Constitution of the Republic of Indonesia, human rights, and general law principles recognized by the community of nations".

This means that in fact in the Indonesian National Criminal Code there are human rights principles as stipulated in the article. Since the beginning, the Indonesian state has never suppressed human rights, it's just that in guaranteeing the protection of human rights there are rules which as long as they do not conflict with Pancasila and the 1945 Constitution and do not violate the

rules and cause criminal acts, every human being has the right to obtain their human rights. Basically, despite the existence of freedom, freedom also needs to be accounted for by not interfering or even violating the human rights of others.(Mutawalli, 2023)

IV. International Human Rights Principles Reflected in the Articles of the Indonesian National Criminal Code

The draft Indonesian Criminal Code Law which was passed in early 2023 is a big discussion, because after a long time Indonesia finally created its own criminal system and could be separated from the Criminal Code which was previously left behind by the Netherlands. This new law we now know as the Nusantara Criminal Code or the Indonesian Criminal Code certainly has some changes in it. At first glance, the Book of Jesus listens that what used to be the previous Criminal Code was divided into 3 parts The basic rule book is now simplified into 2 Basic rule books, of course, this is not without reason. This change has several impacts on existing regulations so that the laws that are now being re-recommended are re-included in this latest Criminal Code or Law Number 1 of 2023 concerning the Criminal Code.

The new Criminal Code, of course, has something in common, which is made to contain a norm that regulates the life of the existing community as a guideline. We often interpret these norms as laws that have the aim of protecting the community which in the form of administrative and criminal sanctions. However, this regulation is made not only to see the impact of szja

mistakes but to consider human rights which are certainly recognized by the world and Indonesia itself.

A. Right to Life

Punishment or punishment for people or corporations who violate and make criminal acts is also regulated in the latest Criminal Code, but this rule is also not only viewed with mistakes made but also in terms of human rights. (Gisella Tiara & Siti Bilkis, 2023) Human Rights, one of which is taken into consideration in the sentencing decision, is the Right to Life, as the name implies and internationally recognized. One reflection of this human rights can be seen by the application of death penalty regulated in Article 98 of the latest Criminal Code. In this case we see that the application of the death penalty as the last alternative given in the sentencing decision for the convict. (Rizal, 2023) This reflection emerges as one of the applications of the international human rights principle of the Right to Life for every person in this world.

B. Right of Assembly and Association

The next human rights we can see as human rights that have been internationally recognized. The right of assembly and association is certainly one of them which in the application of the latest Criminal Code in the provision of punishment is also a consideration. (Firmansyah et al., 2018) This reflection of human rights can be seen in the case of crimes against groups up to extermination, because this is contrary to the rights of assembly and association. Article 598 of the latest Criminal Code guarantees this and is clearly reflected in

the existing regulations in the form of strict sanctions for this matter.

In this regulation, it is a criminal offense to guarantee human rights to freedom of assembly and association until the death penalty is sentenced to death for perpetrators who violate and commit these crimes. Furthermore, even so, Article 599 of the latest Criminal Code also explains that the prohibition on the use of human rights freedoms is misused for things that cause crimes. This crime in groups for example is a crime of decency.

C. The Right to Freedom of Expression and Expression

Human Rights are reflected in the Latest Criminal Code and have become a lot of discussion because they are said to curb or limit this right. The right to freedom of expression is an inherent right in human beings because humans actually have the need to channel their self-expression in a matter. The existence of this human right also has an influence on public life both nationally and internationally. (Nur Zarlal, 2021) But of course this right needs to be guaranteed and given basic rules so as not to be wrong in its application.

Freedom of opinion is caused by 4 main factors, namely:

1. As an effort to reach a maximum potential and to ensure fulfillment in oneself;
2. To find truth and progress;
3. Participation in a decision;
4. As an effort to achieve stability for both the country and society.

This factor will certainly be a consideration in its arrangement. (Nurwasyilah et al., 2023) The latest Criminal Code

in this freedom is reflected in Article 218 of the latest Criminal Code which contains a prohibition in freedom of expression insulting the dignity of the President and Vice President. Furthermore, the controversy is Article 240 of Law Number 1 of 2023, which is considered by the government not to be criticized and is bound as anti-criticism. The demonstration arrangements in Article 273 of the latest Criminal Code reflect indications that the right to freedom of expression is really strictly regulated now which should be the right of the community.

V. International Human Rights Norms Affecting the Formulation of Delict in the Indonesian National Criminal Code

Indonesia is a state of law, thus obliging every citizen to implement, protect and uphold human rights. This is because Indonesia has carried out international agreements on human rights and the enforcement of human rights is a principle that is firmly held by every Indonesian citizen. Law and human rights have a close relationship, so there are benefits that will be caused, because the relationship includes law as a medium that takes care of getting equal rights and rights that must be maintained. So it can be concluded that the law without rights is useless and vice versa rights without law will be useless. Human rights for Indonesian citizens are contained in the 1945 Constitution, namely getting the right to be able to live, have a family, grow and develop, get protection if experiencing violence and discrimination, develop themselves as needed, get education to improve self-quality, freedom of religion, recognition and pastI of

the existence of fair rules and the same attitude before the law, to choose work as we want, choose citizenship, residence, freedom to express opinions, the right to prosperity and others.(Nandini et al., 2021)

The implementation of human rights in Indonesia adheres to the ideology of Pancasila where the community can implement human rights properly in accordance with the nature of the ideology of Pancasila. Indonesia's criminal law through the Criminal Code has also included human rights protection in its regulatory formulations. The Criminal Code, or Criminal Code, is a legal regulation that regulates criminal acts and applicable sanctions. The establishment of this Criminal Code began during the Dutch colonial period in Indonesia, at the beginning of the 20th century, where the Dutch East Indies government required a systematic legal regulation in dealing with criminal acts. The existence of technological advances and social changes affects or is the background of changes in the Criminal Code in Indonesia. These changes have been stated and have been valid into Law Number 1 of 2023 regarding the Criminal Code (KUHP) or often referred to as the Indonesian National Criminal Code and will come into effect in 2026.

The Indonesian National Criminal Code is an important part of efforts to build a fair and just legal system in Indonesia. The Indonesian National Criminal Code also integrates the principles of justice and human rights protection. Through these changes, it is important to ensure that everyone involved in the criminal justice system receives fair protection, their rights are protected and they are treated fairly.(Malau, 2023) These principles are incorporated into various stages of the judicial process, from investigation and prosecution to trial in court.

Indonesia's National Criminal Code can provide better legal certainty by simplifying and clarifying existing regulations. This will help law enforcement agencies, such as police, prosecutors, and judges, to carry out their duties clearly and transparently. Legal clarity also guarantees the protection of citizens as they can understand their rights and obligations under regulations. Indonesia's National Criminal Code also incorporates and accommodates international standards relating to criminal law and human rights. This is important because it ensures that changes to the Criminal Code do not contradict the principles recognized and adopted by the international community.(Sumigar, 2020)

As already mentioned that the Enforcement of Human Rights and Criminal Law in Indonesia as stated in the National Criminal Code is very relevant and originates from the Pancasila Ideology, it can be ascertained that international legal norms relevant to the Pancasila Ideology also influence the formulation of offenses in the National Criminal Code. In addition, in the era of society 5.0 where we are required to use technology, protection related to cybercrime must also be done. In this case, the National Criminal Code has accommodated cybercrime related to personal data, but in this era cybercrime has developed, where the term cyber espionage emerged. Cyber Espionage is an espionage crime committed by utilizing internet technology.(Hamdan Mustameer, 2022) Therefore, legal instruments in Indonesia must accommodate it, but until now there has been no legal instrument that accommodates this, this can threaten state sovereignty and can also undermine the nation's ideology. Even though this is very related to international legal norms that must be enforced to maintain state sovereignty.

VI. Conclusion

Indonesia as a state of law certainly recognizes the protection of human rights, various legal instruments ranging from the highest to the law have recognized the protection of human rights. This is also in line with the Principles of International Law which strongly protect the protection of human rights. It can be seen from the existence of the Universal Declaration of Human Rights (UDHR). Not to forget, too, that the new criminal code or commonly known as the National Criminal Code or KUHP Nusantara also recognizes the protection of human rights, but this is still limited by Indonesia's highest norms, namely Pancasila and the 1945 Constitution.

There are several international human rights principles accommodated in several articles in the National Criminal Code including the right to life, the right to association and assembly, the right to freedom of expression and opinion. Although basically the National Criminal Code recognizes the death penalty for convicts, the death penalty here is not as a basic punishment like the old Criminal Code but in the National Criminal Code recognizes the death penalty as an alternative crime. In addition, not only the principles of international human rights, but the norms of international law have also been recognized in the National Criminal Code. So it can be said that this National Criminal Code has accommodated various international human rights principles. However, this must also not contradict the principles of Pancasila Ideology and the 1945 Constitution.

VII. References

- Arianta, K., Mangku, D. G. S., & Yuliartini, N. P. R. (2020). Perlindungan Hukum Bagi Kaum Etnis Rohingya Dalam Perspektif Hak Asasi Manusia Internasional. *Journal Komunitas Yustitia Universitas Pendidikan Ganesha Jurusan Ilmu Hukum*, 3(2), 166–176.
- Arifin, F. (2019). *Hak Asasi Manusia: Teori, Perkembangan, dan Pengaturan*. Thafa Media.
- Aswandi, B., & Roisah, K. (2019). Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (Ham). *Jurnal Pembangunan Hukum Indonesia*, 1(1), 128. <https://doi.org/10.14710/jphi.v1i1.128-145>
- DM, M. Y., Jagat, S. S., Perdana, R., & Saragih, G. M. (2022). Kedudukan Dan Peranan Pengadilan Hak Asasi Manusia Di Indonesia. *Jurnal Pendidikan Dan Konseling*, 4, 1349–1358.
- Efendi, A. M. (2004). *Makalah Sosialisasi Nilai Nilai HAM Dalam Masyarakat*.
- Eko, R. (2018). *Hukum Hak Asasi Manusia: Perspektif Internasional, Regional, dan Nasional*. PT. Raja Grafindo Persada.
- Firmansyah, I., Miftah Farid, A., Prasetyo, D. P. C., & Fahreza, F. A. (2018). Zina Dan Gerakan Lgbt: Quo Vadis Kebijakan Hukum Pidana (Penal Policy) Dalam Penyelamatan Moralitas Bangsa (Anotasi Putusan Mahkamah Konstitusi Nomor 26/PUUXIV/2016) / Adultery And Lgbt Movement: Quo Vadis Penal Policy For Saving Moral Nations (Annotation. *Jurnal Hukum Dan Peradilan*, 7(2), 263. <https://doi.org/10.25216/jhp.7.2.2018.263-278>
- Fitriyadi, A. A., & Latukau, F. (2020). Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement. *Jambura Law Review*, 2(2), 120–138.

<https://doi.org/10.33756/jlr.v2i2.5400>

- Gisella Tiara, C., & Siti Bilkis, S. (2023). Analisa Hukum Mati di Indonesia Dalam Perspektif Hak Asasi Manusia dan Alternatif Penegakan Hukum. *Jurnal: Al-Qisth Law*, 6.
- Hadi, F. (2022). Negara Hukum Dan Hak Asasi Manusia Di Indonesia. *Wijaya Putra Law Review*, 1(2), 170–188. <https://doi.org/10.38156/wplr.v1i2.79>
- Hamdan Mustameer. (2022). Penegakan Hukum Nasional dan Hukum Internasional Terhadap Kejahatan Cyber Espionage Pada Era Society 5.0. *Jurnal Yustika: Media Hukum Dan Keadilan*, 25(01), 40–53. <https://doi.org/10.24123/yustika.v25i01.5090>
- Ibrahim, J. (2006). *Teori dan Metodologi Penelitian Hukum Normatif*. Bayu Media Publishing.
- Khairunnisa, A. A. (2018). Penerapan Prinsip-Prinsip Hak Asasi Manusia Dalam Pembentukan Produk Hukum oleh Pemerintah Daerah. *Jurnal Manajemen Pemerintahan*, 5(1), 65–78.
- Khristianti Weda Tantri, L. M. (2021). Perlindungan Hak Asasi Manusia Bagi Korban Kekerasan Seksual di Indonesia. *Media Iuris*, 4(2), 145. <https://doi.org/10.20473/mi.v4i2.25066>
- Laitulpa, S. (2013). Suriah Dan Potensi Perang Global (Suatu Kajian HAM Internasional). *Jurnal Hukum Internasional*, 1(2), 220–233.
- Macaulay, S., M. Friedman, L., & Stookey, J. (1995). *Law and Society*. WW Norton & Company.
- Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 840. <https://doi.org/10.37680/almanhaj.v5i1.2815>
- Marzuki, P. M. (2015). *Penelitian Hukum Edisi Revisi*. PT Kharisma Putra Utama.
- Mutawalli, M. (2023). Implementasi Prinsip Konvensi

- Internasional Dalam Mengurai Pelanggaran HAM di Indonesia. *Arajang: Jurnal Ilmu Sosial Politik*, 6(1), 3.
- Nandini, R. T., Trisiana, A., & Utami, D. Y. (2021). Relevansi Ham Dalam Perspektif Hukum Di Indonesia. *Bhineka Tunggal Ika: Kajian Teori Dan Praktik Pendidikan PKn*, 8(1), 40–48. <https://doi.org/10.36706/jbti.v8i1.13362>
- Nur Zarliah, M. (2021). *Implementasi Undang-Undang Transaksi Elektronik (Uu Ite) Ditinjau Berdasarkan Kitab Undang-Undang Hukum Pidana (Kuhp) Terhadap Kebebasan Berekspresi Masyarakat Di Media Sosial*.
- Nurwasyilah, A., Sinaga, J. G. P., & Masdi, A. K. (2023). *Ancaman Hak Kebebasan Berpendapat Dalam RKUHP: Sebuah Perdebatan*. 1–14. <https://doi.org/10.11111/dassollen.xxxxxxx>
- Pawestri, A. (2017). Hak penyandang disabilitas dalam perspektif HAM internasional dan nasional. *Era Hukum*, 2(1), 1–19. <http://www.republika.co.id/berita/nasional/umu>
- Purwati, A. (2020). *Metode Penelitian Hukum*. Jakad Media Publishing.
- R.K., S. (2008). *Hukum Hak Asasi Manusia*. PUSHAM UII.
- Rizal, M. C. (2023). Manusia Perspektif Teori Alasan Penghapusan Pidana. *Jurnal: Ilmu Hukum*, 16(1), 18–41.
- Soekanto, S. (1995). *Metode Peneitian Normatif*. Rajawali.
- Soekanto, S., & Mamudji, S. (2006). *Penelitian Hukum Normatif Tinjauan Singkat*. Rajawali Press.
- Sujatmoko, A. (2016). Hak atas Pemulihan Korban Pelanggaran Berat HAM di Indonesia dan Kaitannya dengan Prinsip Tanggung Jawab Negara dalam Hukum Internasional. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 3(2), 330–350. <https://doi.org/10.22304/pjih.v3n2.a6>
- Sumigar, B. R. F. (2020). Pelanggaran Berat HAM dalam RUU KUHP: Tinjauan dari Hukum Internasional (Gross Violations of Human Rights in the Criminal Code Bill: an Overview from International Law). *Negara Hukum:*

Membangun Hukum Untuk Keadilan Dan Kesejahteraan,
11(2), 125–144. <https://doi.org/10.22212/jnh.v11i2.1639>

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None

Publishing Ethical and Originality Statement

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