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A Synergistic Approach to Sustainable Societies

Book of Abstracts



Safeguarding Children's Developmental Rights Through Mandatory Vaccination

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Vaccination is universally acknowledged as paramount for deterring the spread of infectious diseases and elevating public health. However, recent debates around mandatory vaccination have raised concerns regarding children's well-being and rights. This article examines the significance of safeguarding children's developmental rights by implementing mandatory vaccination programmes. It delves into the ethical and legal aspects of mandatory vaccination while emphasising the profound impact that unvaccinated children can have on their developmental rights. It highlights the adverse consequences of vaccine-preventable diseases on children's physical, cognitive, and emotional development. Furthermore, the article underscores the importance of achieving the SDG 3. Vaccination is pivotal as it contributes to disease prevention, reduces child mortality rates, and promotes universal access to healthcare. Therefore, the article also introduces the new global strategy, the Immunization Agenda 2030 (IA2030). This article is based on socio-legal research conducted qualitatively. All data was gathered through library research and thoroughly analysed using the content analysis method. The paramount considerations are the child's best interests and their developmental rights. It concludes that mandatory vaccination aligns with by SDG 2030 and serves as a critical measure to ensure children's right to health, allowing them to flourish and contribute to a sustainable future for all.

Integrating Gender Discourses in History Education for Inclusive Human Rights Pedagogy

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History education in Indonesia has traditionally focused on major events and the actions of prominent figures and male actors. It made the history narrative in education, often overlooking the contributions and experiences of women. This conceptual article will explore the potential of integrating gender discourses in history education to achieve equity and inclusive human rights pedagogy. Drawing on various sources, including studies on women's empowerment, gender mainstreaming, and history education, this article argues that integrating gender discourses in history education can create a transformative learning environment that promotes gender understanding and empowers learners to challenge patriarchy. By integrating gender discourses into history education, we can provide a more inclusive and comprehensive understanding of the past, ensuring that women's stories and perspectives are acknowledged and celebrated. This approach not only promotes equity but also sets the stage for a more inclusive human rights pedagogy that values the experiences of all individuals in shaping our historical collective memory.

Human Rights in Cyberspace and Countries' Use of Big Data

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While big data offers many possibilities for society and citizens in policymaking, it also raises many ethical and security concerns. The main concern is an individual's right to online privacy and real-time surveillance. With the development of technology, almost every aspect of our lives can be monitored and there are many documented scandals of misuse of personal data and illegal online surveillance by many governments. These cases are clear violations of basic human rights to privacy and further highlight the need for an online privacy law. The Internet is an "inherent and inalienable" human right under the "preservation of life, liberty, and pursuit of happiness" guaranteed to all individuals in the Declaration of Independence. Considering that the Internet is an important part of our lives, shouldn't our rights be extended to protect the privacy of users on the Internet? This article discusses how governments misuse big data to control and monitor their citizens under the pretext of security and policymaking.

The Lack of State Responsibility for Stolen Children During the Indonesian Occupation of East Timor

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Indonesia's occupation in East Timor from 1975 to 1999 still left many unsolved problems for the government. Which later became a bad precedent of the past human rights violation enforcement in Indonesia that affected society for generations. One of the problems is The Stolen Children which is a term for children who have been stolen during the Indonesian occupation of East Timor (now Timor Leste) from 1975 to 1999. The Stolen Children became operational assistance workers of the Armed Forces of the Republic of Indonesia (ABRI), and some were promised proper education facilitated by Indonesian charitable and religious foundations. However, not all of these promises were fulfilled so most of The Stolen Children grew up and survived on the streets with poor economic conditions, low education, being victims of violence to exploitation by families who adopted them. According to sources from the Timor-Leste Truth and Reconciliation Commission, there were at least more than 4,000 children separated from their families during the Indonesian occupation of East Timor at that time.

Indonesia's Struggle in Asset Recovery Amidst Corruption and Political Challenges

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This article examines the nexus of asset recovery, human rights, and the fight against corruption, focusing on Indonesia's ongoing efforts to establish comprehensive asset recovery laws. Indonesia, like many countries in the global south, grapples with the challenge of recovering stolen assets while maintaining human rights amid corruption and political influence. Despite numerous calls, Indonesia has yet to enact an Asset Recovery Law, raising concerns about political will and reluctance within the government and parliament. This absence highlights the complexities of asset recovery in a context where entrenched corruption and power abuse prevail, leading to potential human rights violations, especially when used against political opponents or individuals lacking due process. This article assesses Indonesia's journey, acknowledging progress in asset recovery and anti-corruption measures while recognizing ongoing human rights and abuse of power challenges. It advocates for a balanced approach that prioritizes transparency, accountability, and human rights principles in asset recovery processes. Drawing upon Indonesia's case, this article contributes to the global discourse on asset recovery, emphasizing the importance of effective legal frameworks, robust institutions, and international cooperation. It underscores the necessity of a balanced approach, advocating for transparency, accountability, and adherence to human rights principles throughout asset recovery processes.

Relasi Kuasa Nahdlatul Ulama (Nu) Dan Penghayat Kepercayaan Sapta Darma di Desa Mungli

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Ketimpangan relasi masih mengakar dalam praktik sosial keagamaan yang lebih didominasi oleh kelompok mayoritas. Nahdlatul Ulama (NU), sebagai organisasi Islam terbesar di Indonesia yang dikenal memiliki pemahaman keagamaan yang moderat dan inklusif tetapi dalam praktiknya ditemui dominasi dan relasi kuasa terhadap kelompok penghayat kepercayaan. Artikel ini membahas praktik relasi kuasa elit Nahdlatul Ulama (NU) terhadap penghayat Sapta Darma di desa Mungli, Kabupaten Lamongan. Penelitian ini dilakukan secara kualitatif dengan pendekatan fenomenologi dan kajian teori relasi kuasa Michel Foucault. Teknik pengumpulan data melalui wawancara, observasi dan studi dokumentasi. Pengolahan data menggunakan teknik analisis interaktif melalui proses reduksi, penyajian, dan menyimpulkan data. Pengecekan keabsahan data melalui triangulasi sumber. Hasil penelitian menunjukkan bahwa terdapat Sapta Darma sebagai kelompok minoritas mengalami tantangan kebebasan beragama berupa pengontrolan dan labelling oleh elite NU. Mereka memandang Sapta Darma sebagai gerakan pewarisan budaya yang menyebarkan ajarannya melalui jalur pengobatan. Pembatasan terhadap penghayat dilakukan karena dianggap bertentangan dengan ajaran Islam. Fakta ini menunjukkan kontradiksi asas Islam moderat yang dinamis dalam kelompok NU.

Trafficking in Women in India in Post-Covid Era: A Menace to Human Rights

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Trafficking of Women in India is undeniably a grave issue that jeopardizes human rights. It is one of the many ways in which the dark aspects of human existence manifest themselves. It is a major global issue of contemporary era and is on the rise in an alarming rate. As per the report the of U.S. State Department Trafficking-in-Persons the world's most comprehensive resource on anti-trafficking efforts, including 188 countries and territories of year 2023 place India in Tier-2 arguing that the country does not fully meet the minimum standards for elimination of trafficking. The present study will be covered from the available literature. This research paper will address the situation of trafficking of women in post-covid era and will endeavor to highlight the several factors leading to the vulnerability of women to trafficking in India in post-covid. This paper will also provide some preventive measures to address and deal this problem.

Gender Dan Human Rights: Telaah Kritis Adagium Jawa "Perempuan Sebagai Konco Wiking"

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Modernization has not changed much in society's mindset in viewing women, especially Javanese society in the modern era which still perpetuates the nobility values in the Konco Wiking adage (friends whose place is behind). Cultural conditions that have been adopted from generation to generation have been detrimental to women in private and public spaces. With this, we are re-relating the concept of Konco Wiking to current conditions, a phenomenon in Javanese society that men are always given priority in the family or social spaces while women are left behind by the shackles of the 3M tradition (Macak, Masak, and Manak) as the ideal female existence. If Javanese women do not adhere to Konco wiking, it is the same as women going against nature. Looking at the history of our ancestors who affirmed the position of women behind men, "a man is great because of the presence of women as a support system" along with the existence of sexist sentences "Why do you end up going to high school in the kitchen, bed and well".

Navigating New Horizons: Exploring Multi-Spatial Justice in Indonesia's Evolving Capital Landscape

Mr Muhammad Anis Zhafran Al Anwary, Independent | Ms Prisca Listiningrum, Universitas Brawijaya

This article delves into the intricate relationship between land, particularly in the context of the developing Nusantara Capital, and its significance beyond mere ownership. Highlighting the perspective of indigenous communities, the study explores how land holds intrinsic value tied to their way of life and culture, directly impacting overall quality of life. Employing a qualitative socio-legal approach and drawing insights from urban development experiences in Brasilia and Jakarta, the research utilizes a multi-spatial justice framework to analyze the potential implications of land acquisition on the realization of the right to an adequate standard of living. The findings underscore three critical aspects: the importance of recognizing diverse spatial entities for equitable treatment, the promising yet concerning aspects of the State Capital Law, and the anticipation of future inequities in land compensation leading to potential urban disparities. This study emphasises the need for addressing procedural and substantive fairness in land acquisition, fostering inclusive urban development, and aligning legal frameworks with the principles of multi-spatial justice.

Menelisik Implikasi Pencabutan Roe V. Wade

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Penelitian ini membahas mengenai implikasi global pencabutan putusan Roe V. Wade, terutama terkait upaya pemenuhan dan perlindungan Hak Kesehatan Reproduksi Perempuan, bukan hanya di Amerika Serikat tetapi juga di berbagai negara. Di tengah berbagai tantangan dan hambatan mewujudkan perlindungan atas Hak Kesehatan Reproduksi Perempuan secara umum maupun dalam kerangka SDGs, pandangan-pandangan kontraproduktif kembali menguat terutama stigma terhadap aborsi. Hal tersebut menjadi beban tambahan dalam wacana dan penerapan kebijakan yang memiliki keterkaitan dengan Hak Kesehatan Reproduksi Perempuan, termasuk pada perencanaan pembangunan berkelanjutan, khususnya SDG 3 dan 5. Perspektif Feminisme Interseksional menjadi kerangka berfikir yang relevan dalam mengkaji pengalaman marginalisasi perempuan sebagai fenomena yang menyangkut berbagai dimensi kompleks, dan perspektif mereka yang terpinggirkan harus menjadi pusat aktivisme feminis. Penelitian ini menggunakan metode kualitatif dengan studi kepustakaan sebagai teknik pengumpulan data. Peneliti menyimpulkan adanya implikasi yang cukup kuat pencabutan Putusan Roe V. Wade terhadap isu perlindungan Hak Kesehatan Reproduksi Perempuan secara global yang juga terkait kompleksitas isu perempuan. Marginalisasi Hak Kesehatan Reproduksi perempuan terjadi di berbagai level dalam struktur-struktur politik, sosial dan budaya.

Patterns of Restrictions on Union of Academic Freedom

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Academics without collective consciousness is impossible. However, in its development, the Campus Workers Union, which was formed on August 17 2023, experienced problems, this is something that needs to be learned from other countries that have formed academic unions. Various academic unions, for example in the American Federation of Teachers, United Academics, American Association of University Professors, University and College Union, The Academic Union and NTEU (National Tertiary Education Union) have different organizational patterns. The research use socio legal methods, use content analysis and inductive reasoning with source from statutes, textbooks, journals, survey and interview. These patterns of restrictions will increase the awareness of academics in Indonesia to protect their rights and realizing academic welfare. From the results of this research, it was found that collective awareness was not formed simultaneously with the legality of the union. There are unions that are formed along with collective consciousness and there are unions that are separated from collective consciousness. Collective awareness is the strength for whether the union will grow. From these various journeys of collective awareness, restrictions have become a daily part of union work. These restrictions come from individuals, fellow academics and related with power relations.

Understanding Rohingya Case: Between Stateless and Refugees Issue in the Human Rights Perspective

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Mr Zaka Firma Aditya, Constitutional Court of the Republic of Indonesia

The Rohingya ethnic group is a community that lives in the Arakan region of the state of Myanmar. This ethnic group has had no citizenship since the enactment of the 1864 Foreign Countries Act, 1948 Myanmar Citizenship Act was drawn up by the British government. The peak occurred when the Myanmar citizenship law was implemented in 1982. In this law, it was stated that the ethnic groups recognized as Myanmar citizens were those who had ancestors and lived in Rohingya since 1823. The Myanmar government considered that the Rohingya ethnic group were illegal immigrants who came from Bangladesh because of their similar physical. As a result of the lack of citizenship status, the Rohingya ethnic group is not under the protection of a state, resulting in many human rights violations occurring. Conditions in the Arakan region heated up again in 2012, which led to oppression, torture, and murder causing Rohingya residents to flee to several surrounding countries such as Bangladesh, Thailand, Malaysia, and Indonesia. Based on legal research and literature study, this paper attempted to understand the legal standing of Rohingya from a human rights perspective.

The Dilemma of Social Piety and State Stability in the Resolution of the Rohingya Refugee Problem

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The humanitarian crisis experienced by the Rohingya ethnic group led them to come to Indonesia to seek refuge. On the one hand, their arrival has received sympathy and support from the community. On the other hand, their arrival also raises various challenges, such as humanitarian, economic, and security issues. This research aims to explain the humanitarian crisis faced by Rohingya refugees and the dilemma between religious values and state stability in accepting Rohingya refugees. This research is literature research with an interdisciplinary approach. The findings of this research are, first. The existence of the Rohingya Ethnicity in Myanmar is discrimination, violence, and not recognized as part of the ethnicity in Myanmar. This humanitarian crisis began with the Burmanization policy which resulted in gross human rights violations, namely Genocide. Second, the acceptance of Rohingya refugees who are Muslims is an implementation of Islamic values as solidarity with fellow Muslims. However, it can also cause instability in the Indonesian state itself. The instability includes religious, legal, economic, social, and security aspects. This research will contribute to state policy in making policies while still upholding humanitarian values and applying the principle of prudence in solving the Rohingya refugee problem.

She Fought Against Coal: Women and Children of Coal-Free Bataan Movement

Ms Kathryn Almira, University of the Philippines

The island nation of the Philippines ranked No. 1 in the latest World Risk Index report as the country most affected by extreme natural events and the climate crisis. Each year, around 20 typhoons batter the Philippine archipelago. Amid these threats, the country's continued reliance on coal to meet its power needs exacerbates climate impacts. For the poorest and most vulnerable children and families with the least ability to cope, the devastating consequences may hit the hardest and the longest. Framing the climate crisis through a human rights lens, this ethnographic research explores the gradual injuries of living along the fence line of a coal-fired power plant and situate the findings within the framework of environmental justice in light of the "sana-dapat" (human rights) of women and children in the coal-affected community of Lamao in Limay, Bataan. This paper expands the analysis through the notions of slow violence (Nixon, 2011) and rupture (Mahanty et al., 2023). Elaborating the temporal and spatial complexity of the cumulative harms of toxic pollution to human and environmental health, the study further examines how the everyday burdens of coal produce the conditions for grassroots action and contribute to the growing climate justice movement in the country

Diskriminasi terhadap Mahasiswi Bercadar di Perguruan Tinggi di Indonesia

Dr Efa Ida Amaliyah, IAIN Kudus

Beberapa kasus yang terjadi di dunia akademik terutama di perguruan tinggi mencoba membatasi mahasiswi dalam mengekspresikan keyakinan ajarnya dalam menutup aurat (cadar). Hal ini menimbulkan kontroversi bagi banyak kalangan karena sudah membatasi hak seseorang dalam menjalankan kebebasan beragama dan berkeyakinan. Studi ini melihat adanya fenomena pelarangan cadar yang terdapat dalam regulasi lembaga pendidikan. Penelitian ini menggunakan pendekatan kualitatif deskriptif melalui observasi, wawancara, dan studi dokumentasi dengan mengaati kebijakan tertulis dan lisan yang ditemukan di media. Data yang ditemukan memberikan gambaran kondisi obyektif adanya regulasi pelarangan cadar yang ada di beberapa perguruan tinggi. Sebagaimana yang ditunjukkan dalam penelitian ini hak kebebasan beragama dan berkeyakinan telah mengalami kemunduran dengan intervensi dan intimidasi terhadap mahasiswa bercadar. Perguruan tinggi juga membuat stereotif dalam melihat cara berpakaian dan berbusana mahasiswinya terutama yang bercadar bahwa mahasiswi tersebut termasuk kelompok radikal dan teroris. Sejalan dengan ini diperlukan dikap kritis dan pemikiran reflektif atas kebijakan regulasi yang dibuat oleh perguruan tinggi tentang cadar. Perguruan tinggi diharapkan memberi hak dan kebebasan mahasiswa untuk berpakaian sesuai dengan keyakinan agamanya, sehingga mahasiswa tidak mendapatkan perlakuan yang diskriminatif.

Philanthropy-Based Organization and Its Role in Supporting Local Sustainable Development in Lombok

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Ecological justice and development have long been subjects of discussion in the international community. In this context, there is international consensus that the environment and development must be integrated to achieve sustainable development. Non-Governmental Organizations (NGOs) emerge as key actors strategically assisting in the realization of sustainable development in Indonesia. Gili Eco Trust stands out as one such NGO actively promoting sustainable development. The organization has implemented numerous programs addressing environmental concerns and the rights of local community, particularly those related to marine ecosystems affected by destructive fishing practices around coral reefs. This research explores the extent of Gili Eco Trust's role in advancing the agenda of sustainable development within the environmental domain, focusing on the coral reef ecosystem in Lombok, particularly in Gili Trawangan. Employing qualitative research methods, including direct observation, interviews, and secondary research from books, journals, articles, and the internet, the study assesses the multifaceted contributions of Gili Eco Trust. The NGO's initiatives encompass coral reef restoration, environmental campaigns, waste management, and educational programs. The findings reveal that Gili Eco Trust has effectively fulfilled its role as an NGO, contributing to positive developments within the local community, both economically and in the tourism sector.

Human Rights Journalism: an Alternative Perspective on Covering Environmental Issues

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Various environmental problems are occurring in Indonesia to date. Environmental issues like deforestation, climate change, clean water crisis, plastic waste pollution, and air pollution are starting to receive serious attention from the public. So far, the media has often played a role in highlighting this problem as an environmental issue. However, environmental problems usually have an impact, not only in the politically but also regarding human rights. This research aims to analyze the extent of media coverage in reporting environmental issues from a Human Rights Journalism perspective. Data collection was carried out using content analysis methods on environmental news in several mass media in Indonesia and literature study. It is also hoped that the results of this research can provide recommendations on how the media can provide alternative discourse in educating the public regarding their human rights on environmental issues that occur in Indonesia.

Digital Library Management Systems in Facilitating Global Communication of Religious Teachings

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In today's world, Digital Library Management Systems (DLMS) have become indispensable software applications, representing a prevailing trend among readers, researchers, and scholars worldwide. Amidst the prevalent conflicts and challenges threatening human rights, this study aims to spotlight human rights communication within religious teachings through DLMS. Employing a qualitative approach, the research utilizes thematic analysis of various sources, encompassing written, electronic, and digital materials. Additionally, interviews within religious communities enrich the research findings. The study underscores the efficacy of religion in addressing human rights issues, with consistent messages of peace prevailing across faiths such as Buddhism, Christianity, and Islam. Leaders within these religions advocate for global principles of peace, loving kindness, and equity. DLMS emerges as a pivotal tool in disseminating these teachings globally, providing a rapid and effective means of communication. Furthermore, DLMS plays a critical role in preserving sacred texts, scriptures, and historical documents, ensuring the continuous transmission of teachings to future generations, and facilitating the communication of human rights within religious contexts, fostering a world where human rights are upheld and protected. This initiative not only ensures the preservation of human rights of religious teaching but also promotes the sustainability of humanity in the years to come.

Implications for Sovereignty, Human Rights, and Peace in Asia-Pacific

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The Rohingya conflict in Myanmar has become a focal point in international discussions on human rights and peace in the Asia-Pacific region. As per Article 2, paragraph 7 of the UN Charter, no state is entitled to meddle in the domestic affairs of another. In 2023, Rohingya refugees entered Indonesia, triggering debates within the government and society. Indonesia's non-participation in the 1951 refugee convention has led to contention, as it is argued that the nation lacks the authority to grant rights to refugees within its sovereign territory. The ensuing discourse revolves around the perceived infringement on Indonesia's right to privacy and sovereignty by the behavior of Rohingya refugees. This paper aims to explore the disruptions to Indonesia's peace caused by the unconsented presence of Rohingya refugees, contributing to a deeper understanding of the conflict. The ultimate goal is to foster discussions on concrete steps for achieving peace and justice for human rights in Asia and the Pacific.

Ius Constituendum Penghapusan Skck Sebagai Syarat Melamar Pekerjaan

Ms Reni Putri Anggraeni, Mr Ahmad Alveyn Sulthony Ananda, Mr Jannatin Alfiah, Universitas Jember

Penelitian ini bertujuan untuk menguraikan urgensi penghapusan Surat Keterangan Catatan Kepolisian (SKCK) sebagai syarat memperoleh pekerjaan terlebih bagi eks narapidana. SKCK sejatinya merupakan label negatif tertulis bagi eks narapidana terhadap riwayat kejahatan yang pernah dilakukan. Kewajiban melampirkan SKCK sebagai syarat melamar pekerjaan telah menutup akses eks narapidana dalam memperjuangkan kesejahteraan hidupnya. Padahal, Eks narapidana telah mendapatkan binaan secara psikologis dan keterampilan kerja ketika di Lembaga Pemasyarakatan. Binaan tersebut bertujuan agar eks narapidana dapat diterima kembali di masyarakat setelah masa hukuman berakhir. Namun, adanya syarat melampirkan SKCK, telah mempersulit mantan narapidana untuk diterima di masyarakat termasuk dalam hal memperoleh pekerjaan. Ketentuan ini adalah bentuk diskriminasi bagi eks narapidana dan telah berseberangan dengan amanat sila kelima Pancasila dan Pasal 28I ayat 2 Konstitusi. Dilematisasi atas inkonsistensi tujuan pemasyarakatan dan keadaan sosial yang mendiskriminasi, harus segera mendapatkan penyelesaian. Melihat adanya diskriminasi ini, telah membuktikan bahwa SKCK bukan lagi komponen yang harus dipertahankan. Terlebih, ketentuan tersebut telah bertolak belakang dengan cita-cita Konstitusi dalam mewujudkan kesejahteraan bagi seluruh warga negara. Penelitian ini merupakan penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan dan konseptual.

Social Innovation and Interventions for Humans in the Building of National Strategic Projects

Dr Ricca Anggraeni, Universitas Pancasila

The National Strategic Project (PSN), as a strategic program for growth and development to create jobs and improve the well-being of the people, has gained privileges in the Indonesian legal system. Various legislative regulations were formed to be the legal policy for facilitating the course of the PSN, including for acquisition. For example, the provisions of Government Regulation No. 42 of 2021 on National Strategic Projects Facilitation give the government the power to prepare a program in terms of managing the social impact of communities directly affected by the PSN, which is in accordance with the financial capacity of the state and/or the local finances. So special is the PSN in the Indonesian government's eyeglasses. However, from that ease, just as the bitter back of the PSN screen happens, like in the Rempang case, The indigenous peoples whose livelihoods as fishermen were reduced had their rights reduced in the Rempang Island Development, Eco City, resulting in a conflict that ended in acts of violence with armory. It has a psychological impact on society.

Peran Dinas PPKB PPPA Kabupaten Magetan Dalam Edukasi serta Advokasi Hak Anak dan Perempuan

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Dinas Pengendalian Penduduk, Keluarga Berencana, Pemberdayaan Perempuan dan Perlindungan Anak (PPKB PPPA) Kabupaten Magetan merupakan instansi pemerintah di bawah Badan Kependudukan dan Keluarga Berencana (BKKBN) Provinsi Jawa Timur. Lingkup kerja Dinas PPKB PPPA Kabupaten Magetan yang meliputi: Ketahanan dan kesejahteraan keluarga; Pemberdayaan perempuan dan perlindungan anak; serta Keluarga berencana, membuat Dinas PPKB PPPA Kabupaten Magetan turut terlibat dalam upaya advokasi dan edukasi di bidang HAM, khususnya yang berkaitan dengan perempuan serta anak. Penelitian ini bertujuan untuk mengidentifikasi apa saja bentuk advokasi dan edukasi HAM yang dilakukan oleh Dinas PPKB PPPA Kabupaten Magetan, serta bagaimana hasil dari edukasi dan advokasi tersebut terhadap tingkat pemahaman HAM di Kabupaten Magetan. Metode yang digunakan dalam penelitian ini adalah metode sosio legal dengan pendekatan kualitatif deskriptif. Melalui penelitian ini dapat diketahui bahwa upaya advokasi dan edukasi HAM oleh Dinas PPKB PPPA Kabupaten Magetan dilakukan melalui satuan tugas khusus dan organisasi binaan seperti Forum Anak dan Insan Genre Kabupaten Magetan. Pemberian edukasi melalui sarana tersebut terbukti dapat meningkatkan pengetahuan dan pemahaman masyarakat mengenai HAM sekaligus bentuk-bentuk pelanggarannya. Selain pemberian edukasi, tersedia pula forum aduan bagi korban pelanggaran hak anak dan perempuan sebagai bentuk advokasi yang disediakan Dinas PPKB PPPA Kabupaten Magetan.

Use of Digital Technology in Getting Decent Jobs and Protecting Indonesian Migrant Workers

Dr Riri Anggriani, Ms Titie Yustisia Lestari, Ms Gabriella Almasari Datuan, Universitas Tadulako

The rise of digital technology has revolutionized the job market, making it easier and faster to find decent work. But the benefits of digital technology should not stop there - it can also be a powerful tool for protecting the human rights of Indonesian migrant workers. Indonesian migrant workers often face exploitation, abuse, and discrimination, which is why we must leverage digital technology to provide them with the resources and support they need. By using digital platforms, we can offer valuable information on workers' rights, legal protections, and access to services that can help them navigate the challenges they face. Moreover, digital technology can provide a platform for Indonesian migrant workers to speak out and seek help when they need it. With these platforms, workers can report cases of abuse and exploitation and receive immediate assistance. In conclusion, the use of digital technology can be a game-changer in securing decent jobs and protecting the human rights of Indonesian migrant workers. It can provide them with an equal opportunity to access information, resources, and support services, which will not only help them overcome challenges but also improve their overall well-being.

Hak-Hak Bersyarat Terpidana Teroris di Lembaga Pemasyarakatan Super Maximum Security Nusakambangan

Mr Umar Anwar, Mr Markus Marselinus Soge, Politeknik Ilmu Pemasyarakatan

Pemberian hak bagi setiap narapidana di lembaga pemasyarakatan (lapas) seharusnya tidak ada diskriminasi. Tetapi bagi narapidana teroris (napiter) justru terdapat diskriminasi pemberian hak bersyaratnya. Hak bersyarat tidak didapatkan apabila tidak mengakui Pancasila sebagai Ideologi negara, Negara Kesatuan Republik Indonesia (NKRI), dan Undang-Undang Dasar (UUD) 1945 sebagai Konstitusi. Apabila dilakukan, maka sama dengan thogut (tunduk kepada selain Allah) dan kafir. Rumusana masalah: 1. Bagaimana penerapan hak-hak bersyarat bagi napiter di lapas super maximum security nusakambangan?, 2. Apa saja hak bersyarat yang tidak didapatkan napiter di lapas super maximum security nusakambangan? Metode penelitian dengan pendekatan Socio-legal, melakukan wawancara mendalam pada 6 napiter di lapas nusakambangan. Hasil menunjukkan bahwa napiter kategori ideolog sangat sulit untuk mengakui Pancasila sebagai ideologi dianggap tunduk pada thogut dan kafir di hadapan Allah, mencium bendera dan tunduk pada UUD 1945 yang bukan dari Hukum Allah. Sehingga, napiter tidak akan mendapatkan hak-hak bersyaratnya dan ditempatkan di lapas super maximum security di Nusakambangan sampai masa akhir masa pidana. Hak-hak bersyarat yang tidak diberikan adalah: Remisi, Asimilasi, Pembebasan bersyarat, cuti menjelang bebas, dan cuti bersyarat yang ditentukan undang-undang. Kesimpulannya bahwa napiter tidak mendapatkan hak bersyarat sampai mengakui Pancasila, mencium bendera dan tunduk pada UUD 1945.

The Discrimination and Violence Against Women in “Kawin Tangkap”

Ms Sherly Aprilia, Mr Arief Setiawan, Universitas Brawijaya

This article originates from research addressing the implementation of CEDAW in Indonesia in overcoming the practice of “kawin tangkap” as discrimination against women in Central Sumba. The research aims to analyze the implementation of CEDAW in Central Sumba, particularly in the aspect of law enforcement regarding cases of “kawin tangkap”. Qualitative method with descriptive type was employed, utilizing case study approach in 2014–2021. The research involved two months of participatory observation in Central Sumba. Data were collected through interviews with survivors, NGOs, government, law enforcement officers, and literature review. Despite Indonesia’s ratification of CEDAW in 1984, cases of “kawin tangkap” continue to persist. The ratification has not yielded significant impacts, especially in terms of law enforcement, evident in the absence of any officially reported cases that are successfully prosecuted. The lack of action by law enforcers is identified as one of the primary factors hindering the resolution of “kawin tangkap” cases in Central Sumba. This is due to a gap in understanding “kawin tangkap” as a customary practice. Therefore, the researcher suggests the need for alignment in understanding “kawin tangkap” as a form of discrimination and violence against women by all parties, accompanied by consistent and impartial law enforcement.

The Challenges of Human Rights Advocacy for Refugees in Indonesia

Mr Ridwan Arifin, Universitas Negeri Semarang

This paper explores the challenges faced by human rights advocates working to secure the rights of refugees in Indonesia, a nation characterized by cultural diversity and a complex geopolitical landscape. Serving as a crucial junction for refugees seeking sanctuary, Indonesia poses numerous obstacles in the journey to uphold human rights. Through qualitative interviews, case studies, and legal analyses, the study unveils the intricate difficulties advocates encounter. From navigating legal frameworks to addressing cultural biases, advocates strive to build bridges connecting refugees with their inherent rights. The paper examines how political and social dynamics influence advocacy efficacy and shape refugee experiences in Indonesia. Additionally, the research scrutinizes the roles of international organizations, local NGOs, and grassroots initiatives in forming cross-border alliances. It evaluates the impact of these collaborations in overcoming challenges and creating a more supportive environment for refugees. By shedding light on the complexities of human rights advocacy in Indonesia, the paper contributes to a nuanced understanding of the issues, offering a foundation for future research and policy initiatives. Ultimately, it seeks to foster a more inclusive and rights-centric approach to the refugee crisis in the region.

Human Rights Approach Through the Realization of Local Wisdom in Environmental Licensing Mechanism

Mr Haikal Arsalan, Universitas 17 Agustus 1945 Surabaya | Ms Dinda Silviana Putri, Universitas Surabaya

This study aims to formulate legal rules in environmental licensing that are not only based on generally accepted environmental protection principles but also take into account the local wisdom values of indigenous communities in environmental protection. This is similar to what is done in New Zealand which pays attention to Mātauranga Māori in environmental management and protection. This study is structured as doctrinal legal research using a conceptual approach, a statutory approach, and a comparative approach. The results of this study indicate that currently, there is still very little recognition of local wisdom values in Indonesia in terms of environmental licensing. Meanwhile, several traditional areas such as those in Kalimantan, Riau, and Mataram have their local wisdom values that cannot be ignored concerning environmental protection. For this reason, the author provides recommendations for local authorities to regulate in every region where indigenous communities have local wisdom in environmental protection, to formulate environmental licensing regulations and policies by taking into account the local wisdom values of indigenous communities in environmental protection.

Divine Mercy & Human Flexibility-Centered Approach in Shariah

Dr Syamsul Asri, Universitas Gadjah Mada

The silence of the sharia on any given act was intentional, it is manifestation of God’s mercy. Ibn Idris (died 1837) believed that to attempt to fill a silence deliberately left by God is to abrogate one of His mercies. Following this maxim, Ibn Idris differentiate between ittiba' and taqlid as basic guideline for general public to follow. Ittiba' is asking scholars or muftis for a judgement from the revealed sources only. If the scholar could not provide an answer directly from the revealed sources, but relied on analogical reasoning or other unapproved methods, general public must find another scholar who could. On the other hand, taqlid is practicing uncritical following a scholar or mufti or mazhab (islamic jurisprudence school) without reservation. This paper locates Ibn Idris's difference between Ittiba' and taqlid in larger methodological discourse on ijtihad and shariah and argues for another yet native basic framework for contemporary human rights understanding. The aim of this paper is to imagine the emergence of another public Muslim awareness of human rights based solely on human flexibility as manifestation of divine mercy.

Paguyuban Petani Lahan Pantai Opposing the Neoliberal Policy in the Kulon Progo Coastal Area

Ms Eka Zuni Lusi Astuti, University of Limerick

The Government of Kulon Progo Regency and Jogja Magasa Iron, Ltd. socialized the sand iron mining plan to the coastal community in Kulon Progo, Yogyakarta in 2006. The coastal farmers refused the plan because mining would grab their agricultural land as the source of livelihood and harm the environment. The coastal farmers established Perhimpunan Petani Lahan Pantai (PPLP) to fight the mining plan. The PPLP developed social movements in the coastal areas through rallies, information campaigns, and networking with national and international NGOs. In 2014, the government postponed the mining plan, which remains unclear today. Moreover, resistance became a strategy to resist all forms of industrialization that would grab coastal land. The PPLP resistance is a reaction to extractivism developed by the state and public sector. The phenomenon reflects the fifth premise of accumulation by dispossession theory by Harvey (2003), that accumulation by dispossession encourages struggles. Therefore, this paper will describe how the Indonesian political economy sets up the extractivism process in the context of the sand iron mining plan in Kulon Progo and how the PPLP sustains its resistance.

Architectural Interventions and Human Rights: Mitigating Marginalization in Urban Development

Ms Dian Awaliyah, Universitas Sultan Fatah

This paper explores the intersection of architecture, human rights, marginalized communities in the context of urban development. Rapid urbanization has led to increased spatial inequalities, disproportionately affecting marginalized populations. The study addresses the pressing research question: How can architectural interventions contribute to fostering human rights and reducing marginalization in the evolving landscape of city development? The primary research objective is to identify and analyze qualitative methods through which architects can actively engage in creating inclusive and rights-based urban spaces. Utilizing a qualitative research approach, the study employs in-depth interviews, participant observations, and architectural case studies to capture the lived experiences of marginalized communities in evolving urban settings. Findings underscore the critical role of architectural design in promoting human rights and mitigating marginalization. Design elements such as inclusive public spaces, affordable housing solutions, and community-driven planning emerged as key factors in fostering social cohesion and equitable urban development. The paper concludes by advocating for a collaborative approach involving architects, policymakers, and local communities to build cities that prioritize human rights, inclusivity, and the well-being of all residents. This research contributes valuable insights to the ongoing discourse on sustainable, socially just urban development.

Enhancing Health Information Systems for Indonesian Migrant Workers: A Review

Ms Natasya Azis, Ms Salma Majidah, Mr Ris Heskial Sijinjak, Ms Silvi Purba, Youth Health Hub Indonesia

Migrant workers make a significant contribution to Indonesia's economic development through remittance mechanisms and capacity building gained while working overseas. Despite their important contribution, the government still failed to fulfill their human rights, especially the right to health. Access to health services for migrant workers in host countries is influenced by a number of factors, including migrant-unfriendly health policies, income and education disparity, and language barriers. The health information system for migrant workers in Indonesia relies on case reporting rather than active screening of risk factors. This may lead to underreporting of inequality issues. There is a pressing need for a vigilant health information system for migrant workers that integrates detection, prevention, and alert systems. Although they do not reside in Indonesian land, the workers are still entitled to similar attention like other citizens. We conducted a literature review on the current national health information system, and analyzed possible adaptable strategies for migrant workers that focus on identifying health risk factors, taking into account broad technological, accessibility, and data interoperability issues. This information system will be vital to support the Indonesian Embassies on fulfilling the health rights of migrant workers through the implementation of preventive and promotive measures.

Ride Hailing Application (RHA) Drivers and Users in Jakarta

Professor Yoshifumi (Yosh) Azuma, Ritsumeikan University | Ms Amanda Amalia Noor Arifah, Independent

This presentation analyses the findings of the 2021-2 survey conducted in Jakarta during the pandemic, collected from 453 drivers and 500 users through online surveys on Google Forms. The research investigates mirror images from drivers and uses among residents, focusing on their sentiments. While previous research on RHA has concentrated on the drivers and uses qualitative data, this study sheds light on drivers' sentiments towards their passengers and vice versa. Significant perception gap between the drivers and users show somewhat conflicting data from both sides—for example, disparities in female and male users towards the drivers. Female users are more concerned of the various forms of harassment rather than more punctual, either in pick-up and drop-off times or the accuracy of the pick-up point, travel time, and drop-off. In contrast, many drivers commented on rude behaviour, abusive language, being drunk, paying problems, etc. The text-mining analysis implies that too-harsh driver assessment from passengers is the realm of disregard for human rights. This presentation explores "Business and Human-Rights" of RHAs by analysing more comprehensive manner.

Orkestrasi Penta Helix Perlindungan Hak Anak

Ms Farida Azzahra, House of Representatives of the Republic of Indonesia

Mr Ardian Prabowo, Ministry of National Development Planning

Kasus kekerasan anak masih menjadi persoalan serius yang belum terselesaikan di Indonesia. Kasus tersebut terus meningkat dalam empat tahun terakhir hingga mencapai 28.545 laporan pada tahun 2023. Mengacu pada masalah tersebut, penelitian ini bertujuan mengidentifikasi dan mengevaluasi tindakan pemerintah dalam penanganan kasus kekerasan anak dan upaya pemenuhan hak anak, serta menawarkan solusi berupa kolaborasi Pentahelix. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan regulasi, pendekatan konsep efektivitas hukum, serta pendekatan perbandingan. Hasil penelitian menunjukkan bahwa upaya pemerintah dalam penanganan kekerasan terhadap anak selama ini belum efektif karena hanya dilakukan satu arah. Oleh karena itu, Peneliti menggagas penerapan model Pentahelix dengan memetakan peran pemerintah, akademisi, swasta, media, dan komunitas dalam usaha penanganan kasus kekerasan terhadap anak. Usulan yang ditawarkan pada setiap stakeholders mencakup instrumen regulasi, instrumen ekonomi, serta pendekatan perilaku. Salah satu instrumen regulasi yang dapat dilakukan oleh pemerintah adalah dengan membentuk regulasi terkait kesehatan mental. Untuk instrumen ekonomi, pemerintah dapat menerapkan pemberian insentif terhadap daerah layak anak. Selain itu, instrumen ekonomi juga dapat dilakukan pelaku usaha untuk memberikan pengupahan yang layak pada orang tua. Sementara edukasi, sosialisasi, dan pembentukan posko pengaduan dapat dikolaborasi oleh stakeholders lainnya.

The Role of Agritourism in Conflict Transformation: Lessons from the Case of Villaconzoilo in Jaro

Ms Claire Ed Bacong, University of the Philippines

Mr Antonio Jr. Salazar, Chiang Mai University

Agritourism has emerged as a potential strategy for economic development in areas affected by conflict. However, the creation of agritourism sites can also lead to new tensions and conflicts over land, resources, and economic benefits. This study aims to explore processes of conflict transformation in the context of agritourism development projects in conflict-affected areas in the Philippines. This study investigated how agritourism as a policy and practice has served as a conflict transformer in Jaro, Leyte, a conflict-laden village in one of the poorest regions in the Philippines. Using Villaconzoilo, a community-organized ecotourism site in Jaro, Leyte, as a case study, this study contributes to the development-tourism-peace nexus debate by discussing the dual role of agritourism as an agent and spoiler of peace. Preliminary findings show that agritourism is successful in terms of establishing opportunities for decent livelihood in conflict-affected areas and restoring access to land and other resources. However, agritourism that is devoid of social justice and human rights lens, and that does not directly address the root cause of conflict may eventually trigger the resurgence of conflict. Lastly, the authors recommend reforms to integrate a human-rights based approach in the development-tourism-peace.

Protection of Human Rights in the Formation of Legislation Through the Fast Tract Legislation Mechanism

Mr Moh. Bagus, UIN Sunan Ampel

The fast tract of legislative phenomena in Indonesia these days has demanded the public to act critically against all the policies adopted by the legislature. Anomalies of this provision have created many problems among the society, such as a lack of meaningful participation that is the constitutional right of citizens. It is a normative legal study, using four approaches: a statute approach, case approach, conceptual approach, and comparative approach. The research result indicates that law makers implemented quickly will reduce the meaning of participation by the public. Although there are situations where participation is impossible to apply, as in the context of the laws that are established in response to the Constitutional Court's ruling. However, in the context of Indonesia it is possible to combine deliberation and public participation in fast-track legislation, either through normal legislative procedure or after the law is enacted. Mechanisms such as sunset clause, review clause, and post-legislative scrutiny can be implemented in Indonesia to ensure the realization of responsive legal products.

Rehabilitation in Indian Prisons: A Gendered Perspective

Ms Avni Bahri, O.P. Jindal Global University

A key component of the correctional system is the rehabilitation of offenders, which aims to address the root cause of criminal behaviour and facilitate offenders' reintegration back into society, thereby reducing recidivism. These programs encompass a wide range of interventions, such as education, counselling, substance abuse treatment, and life skills development. However, it should be noted that access to these programs is not uniform, with disparities often attributed to factors such as prison overcrowding, insufficient funding, and limited availability of qualified staff. Nevertheless, due to the limited availability of rehabilitation services in prisons and the ineffectiveness of the existing programs, there is a gender gap in access to these treatments. As a result of gender inequalities, male and female offenders face unique challenges and barriers, which significantly impact how offenders are perceived and treated in society. This research paper attempts to explore factors contributing to the gender-specific barriers to accessing rehabilitation programs in India, highlighting the importance of gender-responsive approaches in addressing the specific needs of male and female offenders and proposing potential strategies to address these issues.

Innovative Narratives: Thai BL Series as a Platform for Social and Political Dialogue

Mr Nicolas Barcikowsky, Inalco University

After its birth in 2014, the Thai Boys Love (BL) series industry has been closely scrutinized by the Thai government since 2020. Some officials went as far as recognizing BL culture as an innovative constituent of Thailand's "soft power". Catapulted onto the international stage with governmental backing, Thai BL series have emerged as a platform for dialogues concerning gay rights and gender diversity. Screenwriters utilize this platform to articulate their perspectives on various socio-political issues such as gender equality, freedom of speech, and even same-sex marriage—an issue of contemporary political significance in Thailand. Furthermore, antecedent quantitative research has indicated that the consumption of BL series may positively influence the acceptance of gender diversity among viewers, thereby motivating our inclination to conduct a qualitative study on this subject. This contribution endeavors to demonstrate, through a review of the Thai press and a content analysis of a selected corpus of BL series analyzed in the Thai language, that they portray homosexual relationships and contribute to fostering an inclusive society through a positive approach.

Non-Procedural Indonesian Migrant Workers in Many Countries: Issues and Challenges

Ms Vera Bararah Barid, National Research and Innovation Agency (BRIN)

Indonesian Migrant Workers are one of the development actors that make a significant financial contribution to families and communities, both in the country of their country of origin and destination. After returning to their country of origin, Indonesian Migrant Workers also gave benefits for the socio-economic development of the community where they live through skills and work experience. Based on World Bank records, Indonesia is the second largest sending country of migrant workers in the Southeast Asian region. In 2019, it is estimated that there will be 9 million Indonesian migrant workers spread across 142 countries, with remittances reaching more than 1% of the total Gross Domestic Product (GDP). Unfortunately, there are still many practices of sending non-procedural Indonesian Migrant Workers by several parties. This paper will explain the challenges and factors faced by Indonesian migrant workers and related parties in dealing with non-procedural migrant workers in destination countries. This paper is the result of research conducted from February to August 2023 using a qualitative approach. The data used are primary and secondary. This study also uses in-depth interviews with relevant stakeholders, especially policymakers for Indonesian migrant workers.

Digital Surveillance and Violation of Privacy Rights: The Dismantlement of Bangladesh's Public Sphere

Ms Rozyna Begum, Mahidol University

Over the past few years, the Bangladesh government's digital surveillance has violated citizen's privacy rights and contributed to the disruption of the public sphere in Bangladesh. Bangladesh's constitution ensures privacy rights as well as international human rights standards. The government has argued that such surveillance is necessary for national security and cybersecurity concerns and has introduced enabling digital legislation for that. Citizens, including political opponents, rights advocates, journalists, and academics, have faced severe consequences due to surveillance and violations of privacy rights. Monitoring of citizens' online activities and media communication now forces citizens to self-censor themselves and refrain from engaging in political debate or expressing opinion in public spheres. Public Spheres are no longer a place for citizens' opinion sharing and bring people of shared views together as "big brother is watching". This has consequently contributed to a suppressed civic environment, resulting in the return of the Bangladesh Awami League regime's authoritarian power for the fourth consecutive term. The study aims to unravel the intricate dynamics surrounding the intersection of digital surveillance and the demolition of the public sphere, intertwining legal analysis, sociopolitical frameworks, and empirical evidence to delineate the evolving landscape of digital surveillance in Bangladesh.

A Critical Legal Appraisal of the International Crimes Tribunal Bangladesh

Dr Maruf Billah, Universiti Teknologi MARA (UiTM)

This study examines the right to fair trial of the accused who are recently being prosecuted and punished by the International Crimes Tribunal Bangladesh (ICTB), a domestic criminal tribunal is aimed to try and punish international crimes committed in the Bangladesh Liberation War of 1971. The proper application of fair trial rights of the accused enshrined by international laws ensures safeguard against the arbitrary application of procedural justice in any criminal prosecution. Therefore, this study firstly examines importance of fair trial rights as the procedural justice in a criminal proceeding that is aimed to prosecute international crimes. Secondly, it scrutinizes some specific components of fair trials rights of the accused such as, right to a fair and public hearing, trial by an independent and impartial tribunal, be presumed innocent until proven guilty, adequate time and facilities for the defense, and be tried without undue delay, enshrined by the international and regional human rights treaties, with subsequent practices by international criminal tribunals. Thirdly, this study also outlines that the ICTB adequately failed to implement these fair trial rights in ensuring accused's procedural justice.

The Malaysian Maritime Enforcement Agency's Response to the Rohingya Refugee Crisis

Dr Aizat Bin Khairi, Dr Andika Ab Wahab, Universiti Kebangsaan Malaysia | Afrizal Tjoetra, Universitas Teuku Umar

This article explores the dilemma faced by the Malaysian Maritime Enforcement Agency (MMEA) as it navigates the challenging terrain of balancing human rights considerations with national security imperatives in response to the Rohingya refugee crisis. The agency's response is marked by the delicate tension between upholding human rights obligations and addressing security concerns. This study employs a qualitative methodology, utilizing purposive sampling to identify MMEA personnel experienced in managing the Rohingya refugee crisis. In-depth interviews were conducted with respondents, employing semi-structured questions. The ethical and legal challenges faced by the MMEA in handling the Rohingya refugee crisis are examined, considering Malaysia's non-ratification of the 1951 Refugee Convention and its ramifications on the treatment and protection of Rohingya refugees. The securitization of migration and the perception of refugees as potential security threats further complicate the agency's decision-making process. The MMEA endeavors to adopt a comprehensive and multidimensional approach that reconciles human rights values with security imperatives. This research underscores the imperative for enhanced regional cooperation, policy coherence, and the development of sustainable solutions. It emphasizes the protection of Rohingya refugees while concurrently addressing the legitimate security concerns of host countries, thereby framing the discussion within the broader contexts.

Keterlibatan Perempuan Bali Dalam Parlemen Dari Perspektif Keadilan Gender Dan Hak Asasi Manusia

Ms Maria Margaretha Christi Ningrum Blegur Laumuri, Ms Ida I Dewa Ayu Dwi Yanti, Ms Bagus Gede Ari Rama, Ms I Gusti Ayu Agung Ari Krisnawati, Ms Ni Made Indahwati, Universitas Udayana

Isu perempuan masih menjadi pembahasan yang relevan untuk dibahas sampai saat ini. Hal ini dikarenakan, walaupun telah diakomodasi dalam berbagai instrumen hukum baik secara nasional maupun internasional, secara de facto pemenuhan hak perempuan dalam kaitannya dengan kesetaraan gender masih menjadi pekerjaan rumah yang besar bagi setiap negara, terkhususnya Indonesia. Budaya patriarki di Indonesia seolah telah menggariskan bahwa perempuan cenderung hanya mengambil peran domestik dan ritual semata-mata serta membatasi peran dalam status/posisinya dalam masyarakat. Salah satu provinsi di Indonesia yang masih menganut budaya patriarki adalah Provinsi Bali. Isu gender dalam kaitannya dengan peran perempuan dalam konteks kesetaraan gender di Provinsi Bali dapat dilihat dengan masih rendahnya presentase keterlibatan perempuan dalam parlemen di Provinsi Bali. Badan Pusat Statistik Provinsi Bali mencatat presentase keterlibatan perempuan di parlemen kurang dari tiga puluh persen (30 %). Sebagai contoh persentase keterlibatan perempuan dalam parlemen di Provinsi Bali pada tahun 2014 adalah 9,09% kemudian tahun 2019 adalah 16,36%. Merujuk pada permasalahan tersebut maka dalam penulisan ini akan dibahas terkait "Keterlibatan Perempuan Bali dalam Parlemen dari Perspektif Keadilan Gender dan Hak Asasi Manusia". Metode penelitian hukum yang dipergunakan dalam penulisan ini adalah metode penelitian hukum normatif, dengan jenis pendekatan yakni peraturan perundang-undangan, kasus, dan sejarah

Precarious Workers and Peasants in Barito Kuala, Indonesia: Human Rights Perspective

Professor Mirza Buana, Universitas Lambung Mangkurat

This article explores the relationship between precarious workers and peasants from a human rights perspective. The concepts of precarious workers and peasants are rarely linked, especially in modern society. However, in the Global South context, the two concepts are interlinked with poverty, development, and human rights issues. In Indonesia, both before and after enacting the Omnibus Law on Job Creation, informal workers, especially those with precarious conditions, had no statutory protection. This study examines the condition of precarious workers in a rural wetland area of Barito Kuala, Indonesia. This article showcases that both groups encounter the same threats from modern development as a marginalized society. The main empirical section analyses the threats encountered by precarious workers and peasants. This article concludes that the extensive influence of 'modernization' is the barrier to workers' protection in Indonesia.

(Re)Negotiating Indigenous Rights, Development, and Environmental Preservation in Southern Philippines

Mr Jonel Maria Caba, Mindanao State University

This paper aims to scrutinize the impact of development policies and projects on Philippine ecosystems and the indigenous communities reliant on them, elucidating the intricate connections between environmental concerns, human rights, and broader developmental issues in the country since the Cold War period. Employing the historical method, the study endeavors to unveil the often-overlooked struggles against the encroaching and detrimental forces of development within indigenous territories. The analysis then delves into innovative approaches for conflict prevention and resolution, ensuring the preservation of human rights and fostering enduring peace. The research asserts that both public and private institutions must recalibrate their understanding of development in cognizance of the prevailing environmental crisis while upholding the rights of indigenous peoples within their sacred and ancestral lands. It begins with active participation from diverse perspectives, encouraging the contribution of expertise, insights, and experiences.

Human Rights and Criminal Procedure: Ethical Considerations in the Processing of E-Evidence

Ms Giola Cami, University of Szeged

With the development of Communication and IT, the importance of electronic evidence in criminal proceedings has increased, impacting not only cybercrimes, but traditional offenses as well. Considering the borderless nature of cyberspace, e-evidence is not confined to a single territorial jurisdiction, but rather occurring within a cross-border landscape, involving multiple states. In this regard, the collection of e-evidence presents a challenging process for criminal proceedings, particularly when it comes to the data integrity pertaining human rights implication. Within the existing international criminal legislation governed by CoE proceedings on e-evidence collection, rules have been established on requiring firm protection of privacy rights for individuals, while ensuring compliance with the rigorous data protection standards. Examining the CoE's framework, the study assesses e-evidence cross-border acquisition standards in criminal proceedings and their impact in safeguarding individual rights. I argue that new judicial competencies vested directly to service providers pose serious risk to data protection guarantees. As a case study, this paper compares compliance of Albania's laws as a signatory party with CoE legal framework on e-evidence and argues that application of Article 7 of 2nd Protocol creates asymmetry, violating human rights standards in the cross-border e-evidence collection.

Legal Politics and Human Rights Towards Power in the 2024 Elections in Indonesia

Professor Sri Zul Chairiyah, Padjadjaran University

Legal politics in Indonesia defines and guides the development of laws, acting as a fundamental force shaping national legal principles. It plays a dual role, influencing political activities and being influenced by them. The interplay between law and politics is examined in the context of the 2024 elections, a period marked by evolving legal regulations under the Jokowi administration. Human rights, recognized as fundamental and inherent to individuals, face challenges arising from insufficient awareness and a dearth of legal frameworks. This research delves into the intricate relationship between legal politics, human rights, and power dynamics during the 2024 elections, seeking to uncover their profound ties to democracy. Key challenges include maintaining national order, addressing security concerns, and rectifying the shortage of effective legal instruments. The study utilizes an explanatory methodology, relying on secondary data from books to analyse these complex dynamics. The central research inquiry explores the reciprocal impact of politics on law and vice versa, encapsulated in the assumptions: "Will politics affect the law?" and "Will the law affect politics?" Understanding these dynamics is crucial for comprehending the evolving landscape of legal governance in Indonesia, especially in the lead-up to significant electoral events.

Reintegration of Former Combatants in Society in the Light of Chittagong Hill Tracts 1997 Amnesty

Dr Sanchoy Chanda, Institute of Social Science and Public Health

The Chittagong Hill Tracts (CHT) is the hilly area in Bangladesh, taking up ten percent of the country and having border with India and Myanmar. Approximately 700,000 tribal people in thirteen different ethnic groups with their own language, religious belief and practices are living in this area. The tribal people have felt threatened by non-tribal migration and the conflict started with government as the hill people claimed the land to be theirs by "virtue of being tribal" to the region. Shanti Bahini (Peace Force), the armed wing of the tribal political organization, with 48,000 members from the Jana Sanghati Samiti, (JSS, People's Solidarity Association) fought an armed battle for regional autonomy starting in 1977. Shanti Bahini members surrendered their weapons when the CHT Peace Accord was signed between the government and the JSS on 2 December 1997. The peace accord is for the government to secure safe repatriation of the refugees, protection of internally displaced people, deportation of the settlers, the army's withdrawal, employment of tribal armed members, and a political regime prioritizing tribal culture. In this study, I will examine the overall effectiveness of international peace accords and amnesty, such as in the case of the Chittagong Hill tracts.

Human Rights and Freedom of Religion or Beliefs in the Indonesian Constituent Assembly Debates 1956-59

Dr Suhadi Cholil, UIN Sunan Kalijaga

This paper examines the dynamics of debates on human rights and freedom of religion or beliefs during the constitutional (re)formulation process by the members of Constituent Assembly from 1956 to 1959. Since the beginning, Sukarno realized the fragility of the consensus recorded in the 1945 Constitution and took precautions to propose a space for debate on the state ideology in a more democratic and better situation. The parliamentary debate of this era is chosen because it had profound and rich polemics regarding the discourse of human rights and freedom of religion or beliefs. The Constituent Assembly, selected by members of the Parliament from the 1955 Election, was responsible to draft a new constitution to replace the 1950 Constitution. They consisted of 544 members who convened for the first time on November 10, 1956. Although the Constituent Assembly ultimately never produced an acceptable constitution and was later dissolved by President Sukarno through a Presidential Decree, the polemics are interesting to be examined for the development of the discourse on human rights and freedom of religion in the subsequent eras.

An Assessment of Host Countries Response to the Rohingya Refugee Crisis: A Global Compact Evaluation

Ms B. Lora Christyanti, Ministry of Law and Human Rights

The escalation of the Rohingya refugee crisis has presented formidable challenges for host countries, prompting divergent policy responses. Notably, India implemented an expulsion order in 2017 before the problem got widespread. Bangladesh relocated the migrants to the overcrowded Cox Bazaar. Recently, Indonesia refused to admit them by sea, which was condemned by the international community but commended by neighboring country, Malaysia. Despite the fact that Indonesia and Bangladesh had the highest number of disembarkations, the observable trend indicates that transit states are closing their borders, driven by various reasons. Moreover, United Nations High Commissioner for Refugees (UNHCR) data portray that international responses have dropped between 2016 and 2022. A closer examination reveals that, on average, for every refugee naturalized since 2016, five new refugees have emerged. This paper, through a comprehensive desk study incorporating recent data, news, and publications, aims to elucidate how some countries are struggling to meet their international obligations despite national needs indicating the reverse. As a result, this paper underscores the importance of the global compact in achieving four key objectives: reducing pressures on host countries, increasing refugee self-reliance, expanding access to third-country solutions, and improving conditions in countries of origin for safe and dignified returns.

Rights, Intuition and Judicial Climate Witnessing

Dr Harison Citrawan, National Research and Innovation Agency (BRIN)

Narrative is a critical instrument in understanding climate crisis. Taking into account the defeasibility of climate science information in the Anthropocene, the role of narrative has never been more significant than before, particularly when encountering the question of justice in the courtroom. This study analyzes the relationship between rights, judicial reasoning, and climate temporalities in encapsulating the normative uncertainty of the crisis. It focuses on the peculiar temporal narratives in climate litigation that allow judges to imagine the crisis via certain means and methods of reasoning. Reading the way judges frame collective legal responsibility in Jakarta Air Pollution citizen lawsuit (2019) through the lens of legal epistemology, this study contends that the uncertainty of climate crisis should be grasped as an unanticipated encounter in judges' epistemic reasoning, which ineluctably insists them to create a creative and experimental inquiry into the multiplicity of experiences of climate crisis injustice. Judicial reasoning has now turned into a form of climate witnessing. This form of witnessing is made conceivable because judges gain knowledge about climate injustice through their intuition rather than from objectified reasons.

Customary Schools and the Existence of Indigenous Peoples in the Hegemony of National Law

Mr Emanuel Raja Damaitu, Professor Dominikus Rato, Professor Bayu Dwi Anggono, Universitas Jember

This article aims to explore the relationship between the existence of the Pesinauan Osing Traditional School and the existence of indigenous peoples. The issue of recognizing indigenous peoples has become a global issue that is also related to human rights. The struggle of indigenous peoples to obtain legal recognition, not only limited to the text in the constitution, has often been carried out and faced many challenges. One strategy is to establish indigenous schools. If so, then the question is whether the existence of indigenous schools can be evidence that supports the existence of indigenous peoples. Next, can customary schools also transform the values that form the basis of customary law? This question will then be explored using the socio-legal approach method with a transdisciplinary approach between normative customary law, empirical legal anthropology, and formalistic legal politics. The results obtained then are that traditional schools have a relationship with the existence of indigenous peoples. The activities of indigenous schools that transform customary values to the surrounding young generation indicate that efforts to keep these values alive continue.

Intersectionality and Human Rights: A Comprehensive Analysis of Health Disparities

Dr Akshaya Desai, NMIMS deemed to be University | Ms Riddhi Munoth, Maharashtra National Law University

This research paper aims to analyze the nexus between human rights and health, focusing specifically on the concept of intersectionality. Intersectionality acknowledges that individuals possess identities that intersect and can result in unique forms of discrimination and disadvantage. It explores how factors such as race, gender, socioeconomic status and disability to give rise to health disparities which ultimately impact the enjoyment of rights. Through an approach this research investigates how legal frameworks, social policies and healthcare systems contribute to both addressing and perpetuating these disparities. By examining real life case studies and utilizing human rights instruments as references this paper seeks to offer insights into the development of inclusive and equitable health policies that uphold the principles of human rights for everyone. Key Aspects of this research paper include exploration of how frameworks and critical analysis of existing healthcare policies, with identification of areas requiring improvement. It seeks to contribute to the discussions on rights and health by offering a detailed comprehension of how various social identities intersect and impact health outcomes. Additionally, it puts forward measures to foster more inclusive healthcare system that prioritizes human rights principles.

Reclaiming Regional Approach in Indonesia's Counter-Trafficking Policies

Mr Pamungkas Ayudaning Dewanto, Ms Heavy Nala Estriani, Universitas Mataram

Not until the early 1990s that human trafficking was considered a security threat to Southeast Asian countries. The end of the Cold War, rapid globalization, and intense human mobility have conditioned Southeast Asia to become a fertile ground for human trafficking networks to grow. At the same time, globalization has also created a space for international organizations to encourage governments to adopt international conventions in combating trafficking. Despite this encouragement, governments in Southeast Asia have performed poorly due to difficulties in putting national policies into practice. In this paper, we argue that given the transnational nature of human trafficking, the global-national approach to tackling this problem is inadequate. We further argue that situating the fight against human trafficking in the regional context of ASEAN has triggered countries to take a conservative turn in anti-trafficking policies. Against the backdrop, regional cooperation facilitates this reconditioning of Southeast Asia's anti-trafficking model. In this paper, we use Indonesian efforts in combating human trafficking since 2007 as a case study. In this research, we have conducted both literature surveys and participant observation, mainly by engaging with multiple stakeholders (international, national, and subnational) in their efforts to combat human trafficking among migrant workers.

Promoting Employment Rights of Women with Disabilities: Does Collaborative Activities Matter?

Ms Utami Dewi, Universitas Negeri Yogyakarta

Women with disabilities are facing obstacles to obtain paid jobs, although the disability law has ensured their employment rights in Indonesia. However, only a few papers focus on how state and non-state actors collaborate to promote their employment rights. This paper examines whether these actors collaborate to increase the opportunities and achievement of women with disabilities in paid work. The data for the analysis were from 61 semi-structured interviews with business managers, NGO leaders, government officials, and women with disabilities. The findings suggest that these state and non-state actors have collaborated to boost employment for women with disabilities. However, these collaborations have not significantly changed their employment. Some government agencies and employers had an inadequate commitment and did not prioritise collaborative activities to promote the employment rights of women with disabilities. Stigma and negative attitudes toward women with disabilities also discouraged them from participating in the labour market and collaborative activities to enhance their work opportunities. Changing negative attitudes and stigma about women with disabilities' working capacities may be necessary to promote their employment rights.

Pengembangan Sistem Peringatan Dini Untuk Pencegahan Konflik di Kabupaten Maluku Tengah

**Dr Yustina Trihoni Nalesti Dewi, Dr Robertus Setiawan Aji Nugroho, Dr Andreas Pandiangan, Soegijapranata Catholic University
Dr Jonathan Kwik, University van Amsterdam**

Maluku Tengah menyimpan potensi konflik di 59 titik terkait masalah adat diantaranya perebutan petuanan (ulayat) dan tanah dati, penentuan matarumah parentah (hak menjadi kepala desa/raja turun-temurun). Penanganan konflik di wilayah 49 pulau sering terkendala koneksi dan transportasi intra dan antar-pulau. Keterlambatan penanganan konflik menyebabkan pelanggaran serius HAM. Maka, perlu pengembangan sistem peringatan dini berbasis teknologi dan big data untuk kecepatan pengumpulan informasi dan akurasi respon terhadap berbagai potensi konflik. Paper ini membahas aspek HAM dalam pengembangan sistem peringatan dini berbasis teknologi. Metode yang digunakan adalah kajian literatur, wawancara dengan FORKOPIMDA dan tokoh Masyarakat di Maluku Tengah yang kemudian divalidasi dalam FGD sejumlah pemangku kepentingan. Kesimpulannya, pengalaman negara-negara lain membuktikan bahwa sistem peringatan dan tanggap dini berbasis teknologi akurasi mencapai 80% dalam mencegah konflik sehingga dapat mencegah pelanggaran serius HAM seperti kekerasan antar-kelompok, pengungsian, bahkan pembunuhan secara massal. Pengembangan sistem peringatan dini yang melibatkan partisipasi komunitas secara aktif sangat dibutuhkan untuk Maluku Tengah, namun perlu menerapkan prinsip kehati-hatian agar tidak berpotensi melanggar hak privasi dan perlindungan data, tidak bias dan melanggar asas diskriminasi, serta tidak memberi kekuasaan dan kontrol berlebihan pada pihak-pihak tertentu.

A Critical Examination of Rights Violations Among Female-Dominated Domestic Workers in Indonesia

Ms Rahma Dhona, Universitas Brawijaya

As a labor force dominated by women, domestic workers in Indonesia frequently gotten to be casualties of different rights infringement. This certainly cannot be isolated from the complex influence of gender, sexuality and women on significant impacts on existing social realities considering that 84 percent of domestic workers are women. Amid the period 2005 to 2020, at slightest 2,332 cases of violence were recorded by the National Commission on Violence Against Women in Indonesia. This paper critically examines the issues of violence and exploitation experienced by domestic workers, an important segment of the informal labor sector in Indonesia. With a normative approach surrounding the ambiguity of legal protection for domestic workers in Indonesia, this research seeks to make a contribution by offering specific insights into current social realities. In addition, this report proposes a comprehensive analysis of the responsibilities of the Indonesian government and how the government should guarantee the rights of every individual, especially the rights of workers in the informal sector in Indonesia. The findings from this research also shed light on how domestic workers have a significant role in the life of the world's work chain.

From Harming to Helping: Harnessing Technology to Improve Transnational Volunteering

Ms Jacklyn Durham, The University of Sydney

The UN espouses volunteerism as a powerful means to promote peace and development globally. While the number of individuals heading overseas to volunteer has grown explosively in recent years, the practice of transnational volunteering has been increasingly accused of undermining human rights and harming rather than helping those in host states. I argue that for transnational volunteering to realise its potential whilst ensuring human rights are upheld will require eschewing Eurocentric research practices that are typically used to examine the problem. Instead, mobilising technology to undertake innovative participatory research can enable host communities to inform and action meaningful change themselves. This paper explores the evolution and facilitation of a collaborative study being conducted with development and humanitarian practitioners in Nepal. It provides important first-hand insight into how technology can be harnessed to solve problems in novel ways.

Children's Right to Freedom: from International Regulations to Practical Solutions

Mr Trinh Duy Thuyen, University Economics of Ho Chi Minh City, Viet Nam

The alignment between investigation durations and detention measures is a central theme in the Criminal Procedure Code 2015, particularly concerning individuals under the age of 18. The current Code presents inconsistencies, with detention periods for under-18s restricted to two-thirds of the adult duration but a lack of equivalent adjustments in investigation timeframes. This paper underscores the necessity for congruent durations to ensure legal coherence and safeguard the rights of this younger age group. Drawing on the principles of the Convention on the Rights of the Child (CRC), it advocates for harmonized durations to reduce potential rights violations and emphasizes the need for subsequent research to assess the practicalities of such changes. The ultimate objective is to promote an efficient legal framework centred on the best interests and rights of the child.

Hak dan Kebijakan Bagi Perempuan Untuk Terlindungi dari Kekerasan Seksual

Associate Professor Carissa Dwilanisusantya, Associate Professor Ratih Widowati, Associate Professor Ifah Atur Kurniati, Politeknik Negeri Media Kreatif

Berdasarkan data dari Komisi Nasional Perempuan Tahun 2020, dari total kasus kekerasan di lingkungan Pendidikan sebanyak 88% merupakan kasus kekerasan seksual dan perguruan tinggi merupakan jenjang pendidikan dengan persentase kejadian kekerasan seksual tertinggi yaitu sebesar 35%. Perempuan menjadi gender yang selalu menjadi korban kekerasan seksual, sementara berdasarkan hak asasi manusia seharusnya perempuan dan laki-laki mendapatkan kesempatan yang sama dalam mendapatkan pendidikan. Untuk memberikan kesempatan pendidikan yang setara telah dibentuk Permendikbud tahun 2021 yang mengatur pencegahan dan penanganan kekerasan seksual (PPKS) di lingkungan perguruan tinggi dengan implementasi pembentukan Satuan Tugas (Satgas) PPKS. Namun hal tersebut tidak secara langsung menghilangkan kasus kekerasan seksual di perguruan tinggi, faktanya hingga saat ini masih terjadi kasus kekerasan seksual di berbagai perguruan tinggi. Perempuan, masih menjadi sasaran yang mudah dalam kekerasan seksual. Penelitian ini bertujuan mengidentifikasi penyebab dan masalah kekerasan seksual pada perempuan dan bagaimana menciptakan kebijakan yang sesuai di lingkungan pendidikan agar aman dan nyaman sehingga perempuan tidak lagi memiliki rasa khawatir. Penelitian ini menggunakan metode penelitian kuantitatif untuk mendapatkan data tentang tindak kekerasan seksual dan penyusunan kebijakan yang sesuai dengan lingkungan perguruan tinggi tertentu terkait penciptaan lingkungan pendidikan yang aman dan nyaman.

An In-Depth Analysis of the Rights of Refugees in Indonesia

Mr Luthfi Widagdo Eddyono, Constitutional Court of the Republic of Indonesia

This study presents a comprehensive analysis of the legal and humanitarian situation concerning the rights of refugees in Indonesia. Indonesia, being situated at the intersection of regional migratory routes, has a vital role in addressing the difficulties encountered by displaced individuals seeking shelter inside its territory. This study explores Indonesia's international commitments by analyzing its adherence to different conventions and treaties about the rights of refugees. Furthermore, it examines the domestic legal structure, highlighting the difficulties and deficiencies in enforcing these laws. The study also illuminates the circumstances that refugees encounter in Indonesia, encompassing challenges about the availability of education, healthcare, and employment opportunities. The paper identifies areas in which Indonesia's approach to refugee rights might be enhanced, highlighting the significance of adopting a comprehensive and rights-oriented standpoint to safeguard the welfare and honor of displaced populations. This research aims to provide valuable insights that can influence policy changes and humanitarian interventions in Indonesia and other relevant contexts, with a specific focus on refugee rights.

The Threat of Women's Representation and Rights in the 2024 Election: A Socio-Legal Analysis

Dr Erlina, Universitas Lambung Mangkurat

This article examines three decisions relating to women's representation and rights in the 2024 election. The 2023 Supreme Court Decision corrects the provisions of Article 8 (2) of The 2023 Election Commission (KPU) Regulation which uses the formula for calculating women's representation by rounding down. As a result, there are 267 candidates for DPR members who are not fulfilling at least 30% of women's representation. The Supreme Court decision ordered the KPU to revoke the article because it contradicts the constitutional norms, human rights, and women's rights in particular. Moreover, the 2023 Bawaslu Decision determined that the KPU committed an administrative violation. This article uses a sociolegal method by examining the legal and political implications of the three decisions.

Problematizing Ethnonationalism and the Challenges of Democracy in Indonesia

Ms Fitria Esfandiari, Professor Mohammad Fadli, Universitas Brawijaya

In the early days of independence, integration was interpreted and realized in physical form and general policies aimed at the Indonesian people. This is not relevant at this time considering that national identity does not always rest on physical activity. This research aims to examine the problems of ethnonationalism and its challenges in the implementation of democracy in Indonesia. The method used is normative juridical by examining related legal materials. The results of this research explain the historical aspect, especially - during the New Order era, the approach taken by the state was very centralized, so it did not accommodate one of the characteristics of the Indonesian nation, namely pluralism. The conclusions from this research include that one of the important principles for re-studying history and the events that led to the birth of ethnonationalism is so that the Indonesian nation can avoid similar events in the past.

Contemporary Challenges Revolving Around Human Rights Education in Southeast Asia

Ms Arianne Joy Fabregas, Arellano University

This research study examines the contemporary challenges embedded within the sphere of human rights education in Southeast Asia. As the region undergoes rapid socio-political transformations, the critical need for a strong human rights education framework becomes increasingly apparent. The research scrutinizes key challenges that impede the effective implementation of human rights education, including issues of accessibility, cultural nuances, and the role of technology in shaping educational paradigms. Southeast Asia's diverse cultural landscape demands an exploration of region-specific challenges, and the study aims to shed light on how these complexities impact the development and delivery of human rights education initiatives. Moreover, the study delves into the influence of technology on shaping the educational experience, analyzing both the opportunities and risks it presents in the context of human rights dissemination. By examining these challenges, this research can contribute valuable insights for policymakers, educators, and advocates seeking to enhance human rights education in Southeast Asia and beyond, fostering a more informed, empowered, and rights-conscious citizenry in the region.

Human Rights Education in Pontianak City

Mr Moh. Fadhil, IAIN Pontianak

Pontianak City has a history of conflict, and the memory of this conflict continues to be passed down to younger generations. According to the Setara Institute, Pontianak City ranks 75th out of 94 cities in terms of tolerance of diversity. In response, a civil society movement led by young people has emerged, promoting tolerance and human rights education. The initial strategy for building a Human Rights City discourse was the formulation of a tolerance policy. However, this policy received resistance from older groups who were part of the regional leadership elements. The aim of this paper is to describe the triadic relationship between tolerance issues, legal paradigm battles, and the discourse of Human Rights City in Pontianak City. This writing employs a socio-legal framework with a critical legal approach. Empirical data from direct observations in Community Service activities and legal materials obtained through secondary sources are used as data sources. The results aim to demonstrate a paradigmatic battle between the positivism paradigm of the old group and the critical paradigm of the young group. This statement suggests that young individuals aspire to move beyond the effects of conflict by promoting tolerance and education on human rights.

Protecting Rohingya Refugees in Non-ratifying 1951 Convention States: The Case of Indonesia

Dr Chairul Fahmi, UIN Ar-Raniry

This article aims to analyse the status of Rohingya refugees under international law, and the legitimacy of the Indonesian government to prevent Rohingyas from entering Indonesian's territory. It uses doctrinal methodology by analyse of laws, regulations, theories, concepts, and legal principles related to this issue. The result finds that the government believed that Rohingya refugees as illegal immigrants and has right to prevent the refugees from entering Indonesian's water or territory. But, Indonesia has ratified the UNCLOS which obligates the State parties" to render assistance to any person found at sea in danger of being lost;" and " to proceed with all possible speed to the rescue of persons in distress..." Furthermore, accordance to Articles 6–9 Indonesian Presidential Regulation No. 125/2016 on the Treatment of Foreign Refugees, states that the authorities are obligate to rescue the refugees by transferring them into a rescue vessel or towing to the closest port. Thus, even though Indonesia has not ratified the 1951 Convention, based on the international law of the sea and the regulation 125/2016, Indonesia is obliged to rescue Rohingya refugees who are adrift on the high seas, and save them to land.

Ban on Face Cover by European States and Its Impact on the Freedom of Religion and Beliefs

Mr Sajeed Faturdeen, Independant

Many States in the European Union introduced general or specific bans on face cover and religious symbols in public schools, universities and public places. The ban on religious symbols in the public places and educational institutions has escalated the tensions, disbelief and mistrust between the people who are following different religions and beliefs. Although limitations are permitted for freedom of religion and belief, the European States justified the limitations on the basis of 'living together' in contrary to the provisions of the ICCPR. The acceptance of the term 'living together' by the European Court of Human Rights (ECTHR) set a wrong precedence and it is applied in different societies in enforcing the majoritarian view in undermining the rights of minorities. Although the Human Rights Committee (HRC) determined that Article 18(3) of the ICCPR must be strictly interpreted and the term 'living together' is a vague concept and made recommendations, the State parties has not taken any action to implement the recommendations. Since the HRC has no power to enforce the recommendations, the mere essence of the treaty is negated and it provides precedence to other States around the globe to limit the freedom of religion and belief.

Protection of Environmental Activists in Guarding Climate Change in Indonesia

Mr Azmi Fathu Rohman, Mr Zaky Badruzzaman, Mr Ahmad Yani, Universitas Gadjah Mada

The criminalization of environmental activists is one of the problems that triggers low public participation in sustainable environmental protection efforts. From 2014 to 2023, there have been 827 decriminalization of environmental defenders in Indonesia. The poor protection of environmental activists makes it difficult for them to oversee sectoral environmental issues, let alone the global issue of climate change. Whereas the participation of environmental activists in guarding the issue of climate change is needed. This study aims to describe the condition of protection of environmental activists in guarding climate change in Indonesia and aims to initiate the concept of strengthening environmental activists in guarding climate change. The research method used in this study is socio-legal. This study is expected to portray the problems of protecting environmental activists from aspects of policy and law. In addition, it is also expected to design a policy and legal framework for strengthening the protection of environmental activists in guarding against climate change in the future.

Bangladesh's Body Parts Trade: A Critical Analysis of Gaps in Justice

Dr Mst Kanij Fatima, Australian Catholic University

Dr Sallie Yea, La Trobe University

The illicit trade in body parts in Bangladesh has been well-documented by both the media and academic scholarship. However, there is limited research addressing the question of the role of the law in preventing the trade and delivering criminal and remedial justice. Through a case study, this article critically evaluates the adequacy of Bangladeshi anti-trafficking law to criminalise organ trafficking whilst also ensuring victim protection. The analysis draws out three key gaps in the application of the law to achieve justice: vague laws related to organ trafficking; poor implementation of existing laws; and absence of adequate policies. We argue that gaps in international law (either their content or their application to Bangladesh), combined with problems relating to capacity, have negatively impacted domestic laws relating to organ trafficking.

Freedom to Form a Family and Religion for Couples with Intellectual Disabilities

Ms Indah Fatmawati, Universitas Gadjah Mada

This study aims to analyze how the Islamization of some residents with intellectual disabilities in Karangpatihan Village. Islamization on the one hand is considered to violate the absolute internal forum, and is part of freedom of religion and belief (KBB), but on the other hand it is a need for state guarantees of freedom to form families which are part of human rights. This conflict is very interesting to discuss considering that previously the mentally impaired were always questioned about their legal standing in carrying out civil actions and ignored their responsibility in criminal acts and doubted their ability as voters in general elections. This study will answer the question of how the Islamization of intellectual disabilities couples in Karangpatihan Village as the basis for the validity of marriage who have different terminology listed in Article 44 of the Criminal Code, Law Number 1 of 2023 concerning the Criminal Code and Islamic law regarding the legal capacity of people with mental disorders from a human rights perspective.

Hak Atas Pendidikan Bagi Masyarakat di Desa Toro, Kecamatan Kulawi, Kabupaten Sigi

Dr Virgayani Fattah, Ms Hilda SH., MH., Universitas Tadulako

Hak atas pendidikan, merupakan bagian penting dalam hukum HAM. Pendidikan merupakan prasyarat bagi pelaksanaan hak asasi manusia. Masyarakat adat pada umumnya tidak terlindungi secara efektif oleh hukum dan kebijakan yang ada. Hukum nasional seringkali tidak menanggapi keadaan, karakteristik dan kebutuhan khusus mereka. Hak untuk memperoleh pendidikan merupakan hak bagi semua warga negara, termasuk masyarakat adat. Sistem pendidikan hanya menyediakan satu pola pendidikan yang berkalu bagi semua anak di Indonesia, baik anak-anak yang tinggal di perkotaan maupun yang tinggal di daerah terpencil, termasuk anak-anak dari kelompok masyarakat adat padahal kebutuhan pendidikan bagi setiap kelompok anak-anak berbeda. Berdasarkan ILO, masyarakat berhak untuk mengelola sistem pendidikan sendiri. Desa Toro merupakan Desa Adat di Kecamatan Kulawi, Kabupaten Sigi. Masyarakat Adat yang berada di Desa Toro dikenal dengan Masyarakat Adat Ngata Toro. Anak-anak Masyarakat Adat Ngata Toro mengikuti sekolah formal di SD yang berstatus negeri dan SD yang berstatus swasta. Selain bersekolah di SD formal, anak-anak masyarakat adat Ngata Toro juga mengikuti sekolah adat yang diselenggarakan oleh masyarakat adat Ngata Toro. Sekolah adat tersebut dilaksanakan seminggu sekali, bertujuan agar pengetahuan adat dan kearifan lokal mereka tetap lestari turun temurun.

The Institutionalization of Religious Intolerance in Aceh

Mr Yogi Febriandi, IAIN Langsa

This article examines the impact of Qanun number 4, issued in 2016 on the establishment of houses of worship, on religious rights in Aceh. After the implementation of Islamic law in Aceh, there has been an increase in the infringements of the right to worship. Using a case study approach, this article focusing on places of worship disputed by the Aceh government. Through a state favoritism analysis, this study shows the problems faced by the PJKP Church in Lhokseumawe and the Muhammadiyah Mosque in Bireun highlighting the state's strong preference for one religious group or denomination. This article argues that the infringement of religious rights is driven by the legal policy issued by the state that restricts the rights of religious minorities, leading to institutionalized intolerance. In conclusion, this article asserts that religious favoritism in policymaking has contributed to the infringement of the right to worship in Aceh.

A Critical Analysis of the Prohibition of Communism, Leninism, and Marxism in the Criminal Code

Mr Zico Junius Fernando, Universitas Bengkulu

This study examines the implications of Article 188 of the Criminal Code, which prohibits the dissemination of the teachings of communism, leninism, and Marxism, on academic freedom and human rights in Indonesia. This article has caused controversy because it is considered to have unclear boundaries and has the potential to threaten freedom of expression and scientific freedom, especially in the academic environment where these three ideologies are often the subject of study. This research utilises normative legal methods by adopting statutory, conceptual, comparative, and futuristic approaches. The nature of this research is descriptive-prescriptive. The data that has been collected is analysed using the content analysis method. This research aims to understand the impact of the regulation on the dynamics of academic freedom and how it interacts with internationally recognised human rights principles. The results show that the ban has the potential to curb academic freedom but also reflects a narrow approach to understanding diverse nationalities. The research recommends the need for dialogue between the government, academics, and civil society to create a more inclusive interpretation of the law that respects freedom of thought and expression as part of human rights.

State's Intervention on Interfaith Marriage Through the Supreme Court's Circular Letter

Mr Muhammad Ihsan Firdaus, Universitas Lambung Mangkurat

The right to marry has become a universal human right, as it has been included in the category of non-derogable rights. It has become an obligation for a signatory country to respect, protect, and fulfill the rights without being limited or reduced. The right to marry is constitutionally regulated in Article 28B (1) of the 1945 Indonesian Constitution. The Supreme Court issued the 2023 Circular Letter on Guidelines for Judges in Adjudicating Cases of Application for Interfaith Registration of Different Religions and Beliefs. The circular letter violates the right to marry which is a non-derogable right. This article examines how the applicable laws, legal concepts and cases in Indonesia related to the decisions of district courts in each region in Indonesia that accommodate interfaith marriages. This explores how state intervention in regulating and limiting private rights through the Circular Letter and how the state's position should be in terms of guaranteeing the fulfillment of citizens' rights.

How Platform Architecture Nudges Indonesian Gig Workers to Enter Unfavorable Working Condition

Mr Nurangga Firmanditya, National Research and Innovation Agency (BRIN)

This paper attempts to view the problems suffered by gig workers in Indonesia as the results of their unfavorable working conditions. Using the Pathetic Dot Theory or more formally known as the New Chicago School approach as proposed by Lawrence Lessig, it will take its focus on the relationship between platform architecture and its regulability. Neither the platform architecture nor the values it creates (e.g. the status of gig worker as partner or their working conditions) are given, hence its construction must not be within the exclusive realm of its architect. The coder, in this case. To leave it out of legal discourses concerning gig economy due to certain established constraints, such as the protection of company secrets among others, is to avoid the root of the problem itself. Instead of arguing how law can be used to directly correcting the legal statuses or rights of worker within a gig economy; this paper offers a different approach and argue that in order to create a proper working condition for gig workers, the law needs to be able to configure the platform architecture itself and in turn influencing the individual actions under its constraint.

Protection of Women's Reproductive Rights

Ms Mailiza Fitria, UIN Sjech M. Djamil Djambek

In line with the birth of Law no. 16 of 2019 which regulates the age of marriage for men and women, namely 19 years, has provided a positive step in the form of equal treatment by the state towards men and women. However, empirically what is happening in the field is not in accordance with what the legislators normatively envisioned, the rate of marriage at an early age, especially for women, has actually increased significantly. This is because there is still the opportunity for marriage dispensation provided by the law in question. This means that there will continue to be violations of human rights, especially women's reproductive health rights, which should be protected and fulfilled as mandated by Law no. 36 of 2009 concerning Health. To reduce the risks of weakening women's reproduction, this study offers protection for women's reproduction from these risks, one of which is through preventing early marriage, based on local regulations and state regulations.

How Refugee and Asylum Seeker Led NGOs in Bangladesh and Indonesia Can Create Value

Ms Joyce Fu, Ms Fabia Claridge, Independant

We (People Just Like Us) have had a long-held vision to work in partnership with refugee-led organizations both within and outside Australia in third countries. We would like to assist refugees living long-term in countries where they cannot be permanently settled to receive education, training and thus create economic value within their communities regardless of border restrictions. We have many friends and associates who are young, full of energy and talent. When they are kept in limbo long-term, in harsh conditions, their talent is wasted and everyone loses. Instead of this negative punishment and stigma, we would like to see the creation of talent hubs that will benefit refugees but also the wider economy and the international community. This can also create an uplift in understanding and accepting that refugees create economic benefits and employment and that they can work in leadership roles, rather than be viewed as people who take the jobs of others or drain resources via welfare. Such an enterprise even started in pilot schemes, can create enormous benefits beyond that of simple social enterprise in an increasingly digital world.

Human Rights Protection of Stateless Persons in Southeast Asia

Ms Arimbi Fajari Furqon, Mr Rilo Pambudi S., Universitas Gadjah Mada

This paper will examine the opportunities and challenges of human rights protection for stateless persons in the Southeast Asian region using burden and responsibility sharing (BRS). In the view of de jure, almost all stateless persons in Southeast Asia experience discrimination against humanitarian and legal aid. Though Article 15 UDHR mandates the right to a nationality which has been accepted as international customary law. BRS is generally used when handling refugees to obtain a durable solution through UNHCR's Global Compact on Refugees. It is carried out with international cooperation and 4 key objectives. This paper will explore first, how the existing condition of stateless person in Southeast Asia? Second, how the prospect of burden and responsibility sharing to tackle the human rights protection of stateless person in Southeast Asia? By the socio-legal research, the preliminary finding of this paper is UNHCR has tried to work with government both from host countries and third countries, NGOs, other UN agencies (UNFPA, UNICEF) and civil society to advocate access to citizenship and human rights protection of stateless person through the global #IBelong campaign, but in its application it is still difficult to reach regionally integrated cooperation in handling stateless person in Southeast Asia.

Lombok Ahmadiyah Conflict and Its Impact on Community Services

Mr Abdul Gaffar, UIN Sjech M. Djamil Djambek

The Lombok Ahmadiyah conflict has had a long road since the 1980s since the issuance of the Fatwa of the Indonesian Ulema Council. Refugee Ahmadiyah Lombok Congregation who took refuge in the Transito Dormitory experienced discrimination and negative stigma, and found it difficult to obtain their rights as citizens, including the freedom to worship according to their beliefs, including more generally limited access to public services. This research attempts to answer several crucial questions such as how the access to public services by the Ahmadiyah since taking refuge in the Mataram Transito Dormitory, how the negative stigma they experienced, and the verdict they received as deviant. This study used a qualitative research method using in-depth interview techniques with the Ahmadiyah Congregation who took refuge in the Transito Dormitory and observations in the Transito Asarama. This study found that while in the transit hostel the Ahmadiyah Congregation experienced discrimination in the form of access to public services which were difficult to reach, they also experienced negative stigma due to heretical fatwas, and they were considered exclusive because they were not open to the local community.

Dissecting the Notions of Human Rights Within Cyberspace- Identity and Politics

Dr Madhura Ganguli, Dr Arvind Shanker Shukla, Sharda University

When Guy Debord (1967) went on to speak about "the society of the spectacle" he was talking about the germinating notions of a hyper- realistic world where spatiality was gradually but definitely giving way to a cyberspace. With time, in the post globalized scenario, we can see that there has been an exponential rise in hybridity of identity and its resultant identity politics and human rights. This paper intends to look into the notions of human rights and identity, that have been shifted from its core notions of spatiality and governance, to a virtual world where the elements of identity are often anonymous, yet traceable only through cyber technology. The loss of reality and the rise of hyper- realism, has led to the subversion of conventional power structures of identity and human rights. This paper intends to look into both implementation and abuse of rights in the cyberspace, and the need for a mechanism to sensitize the populace regarding human rights in cyber space.

The Role of Ai Technologies in Granting the Access to Justice in Diverse Society

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The integration of AI into India's legal landscape has significantly impacted access to justice in a culturally and regionally diverse nation. India, known for its unique challenges in providing equitable legal support, faces issues related to religious, ethnical, economical and linguistic variations, which play a significant role in the reception and utilization of AI solutions in legal field. The basic ethical fundamentals of AI: fairness, inclusiveness, accountability, etc., assure that the customers and their rights and freedoms won't be affected by inappropriate decisions. The diverse nature of Indian society requires to consider all its features while developing and deploying the AI solutions, so any given customer could use it disregarding their caste, ethnicity, language, religion, or income. The other issue is the illiteracy (both linguistic and digital) of the certain part of society, which effects their use of digital technologies. Therefore, AI solutions in legal field should meet the requirements of granting the access to justice for every Indian citizen. In this way AI can play the significant role in shaping the Indian legal landscape, bridging the justice gap in one of the world's most populous and diverse nations.

Fatwa-Based Protection of Muslim Women's Human Rights: Comparative Study of Fatwa on Abortion

Mr Mukhammad Nur Hadi, Mr Elva Imeldatur Rohmah, Mr Zainatul Ilimiyah, UIN Sunan Ampel

This article aims to highlight legal protection efforts for women undergoing abortion in Indonesia through religious edicts (fatwa), focusing on examining fatwas' legal considerations and identifying which ones are more responsive to women's protection and advocating for women's fundamental rights in pregnancy, resulting from marital rape. Employing normative legal research and utilizing comparative, conceptual, and philosophical approaches, this article gathers several abortion fatwas from various Indonesian Islamic organizations, such as Nahdlatul Ulama (NU), Muhammadiyah, the Indonesian Ulama Council (MUI), and the Congress of Indonesian Women Ulama (KUPI). The article finds that most fatwas justify abortion in emergencies only in cases of pregnancy resulting from marital rape and before the fetus reaches 40 days of gestation, considering the timing of ensoulment. This is evident in the fatwas of NU, Muhammadiyah, and MUI. The KUPI fatwa explicitly declares that abortion can be permitted at any stage in such cases to protect women from the consequences of such pregnancies. Here, KUPI emphasizes women's right to life, while others lean towards protecting the life of the fetus.

Legal Interpretations of Child Custody Disputes Between Parents of Different Religions

Associate Professor Muhammad Lutfi Hakim, IAIN Pontianak

This article examines the legal interpretation of the principle of the 'best interests of the child' by religious court judges in child custody disputes between parents of different religions in Indonesia. The Compilation of Islamic Law (Kompilasi Hukum Islam) explicitly assigns custody of children younger than 12 years to the mother, regardless of her religious affiliation. In contrast, religious judges assume custody of non-Muslim parents based on their interpretation of the 'best interests of the child'. This socio-legal research analyses nine religious court decisions, ranging from the first instance to cassation, as primary sources. The research findings reveal that religious judges' legal argumentation in determining custody for children younger than 12 years is motivated by four reasons: protection of the child's religion, Muslims as a custodial requirement, availability of custodian parent time, and the child's physical and psychological health. According to the interpretation of the 'best interests of the child', the first two reasons are primary legal considerations that negatively impact the custody rights of non-Muslim parents.

Kebijakan Pemerintah Daerah Dalam Pemenuhan Dan Perlindungan Hak Penyandang Disabilitas

Associate Professor Muhammad Lukman Hakim, Associate Professor Indah Dwi Qurbani, Universitas Brawijaya

Disabilitas menjadi problem besar di Indonesia sehingga juga berimbas pada Pemerintah Daerah. Penyandang disabilitas adalah bagian dari masyarakat marginal yang tersisihkan dalam proses pembangunan nasional. Mereka tidak mendapatkan posisi yang layak dalam kehidupan sosial masyarakat. Evaluasi Dasawarsa Penyandang Disabilitas di Asia Pasifik memuji Indonesia sebagai salah satu negara yang telah mencapai kemajuan dalam koordinasi nasional serta dibuatnya berbagai produk Hukum. Indonesia mempunyai Undang-undang khusus mengenai penyandang Disabilitas serta berbagai peraturan yang relevan dengan kebutuhan penyandang disabilitas. Hal ini mempengaruhi Pemerintah Daerah dalam proses perencanaan. Namun, komunitas difabel seringkali luput dari perhatian kebijakan. Pembuat kebijakan tidak secara tegas memberlakukan adanya peraturan hukum tentang aksesibilitas kepada seluruh jajaran Pemerintah, Pemerintah Daerah dan masyarakat. hal ini terjadi akibat dari kompleksitas faktor sosial, budaya, dan hukum. Penyandang difabel hanya dianggap sebagai warga Negara kelas dua dan tidak menjadi bagian yang memberikan kontribusi penting dalam proses pembangunan secara menyeluruh. Realitas tersebut memperlihatkan adanya perbedaan mendasar tentang aspek budaya dan pemahaman tentang isu difabilitas antara Negara berkembang dan Negara maju. Dengan menggunakan kajian empiris, tulisan ini akan menjadi model kebijakan pemerintah daerah dalam pemenuhan dan perlindungan hak penyandang disabilitas.

Innovative Approaches to Preventing and Resolving Intra-Islamic Religious Conflict in Indonesia

Dr Diah Halimatusa, Mr Wasisto Raharjo Jati, National Research and Innovation Agency (BRIN)

The intra-Islamic religious conflict in Indonesia, particularly involving Ahmadiyya and Shia communities, has created a sad narrative of violations against religious freedom and human rights. Discrimination, intimidation, and violence have affected the lives of minority groups, limiting their ability to freely practice their beliefs. This conflict touches on the core values of religious freedom, human rights, and pluralism in Indonesia. The need for joint efforts to address this issue and preserve the cultural and religious diversity of the nation is increasingly urgent. This research aims to find innovative approaches that can be adopted to prevent and resolve intra-Islamic religious conflict in Indonesia. The study shows that there are three approaches that can be taken: First, exploring the potential for inter-religious dialogue and reconciliation. Second, promoting education and awareness about religious diversity, human rights, and the principles of non-violence. Third, engaging local religious and community leaders, as well as civil society organizations, in conflict resolution efforts. These approaches are expected to provide solutions to prevent and resolve intra-Islamic religious conflict in Indonesia while upholding human rights and promoting lasting peace.

Indonesia's Blasphemy Law and Its Relevance to Discrimination Against Women

Ms Cholida Hanum, UIN Salatiga | Mr Tri Wibowo, UIN Profesor Kiai Haji Saifuddin Zuhri

Every year cases of women victims of violence due to religious discrimination continue to increase. Women from both minority and non-minority religions are targeted for punishment in cases of blasphemy. This research examines how the actual existence of the blasphemy exists in the legal system in Indonesia and its relation to various discriminations against women. This research is a normative legal research. Where there is secondary data consisting of primary legal materials, namely laws and regulations on blasphemy and secondary legal materials, namely articles, books, media that review issues of discrimination against women and other related sources. The results of the study stated that in fact women have two vulnerabilities as women and marginal people. One of the contributing factors is the enactment of blasphemy articles in the criminal law system, including the recently passed Criminal Code which still contains blasphemy offenses. Therefore, persecution and criminalization under the pretext of blasphemy against women is a serious problem that cannot be tolerated and clearly contradicts the concept of a rule of law based on the constitution.

Harmonizing Human Rights and Environmental Due Diligence Standards with Business Practices in Indonesia

Associate Professor Soleh Hasan Wahid, IAIN Ponorogo

This study examines the harmonization of international human rights and environmental due diligence standards within Indonesian business practices, particularly in the freelance sector. Using a normative legal approach, the research involves an in-depth analysis of relevant legal documents and literature. The aim is to evaluate the current Indonesian legal framework and its effectiveness in incorporating global due diligence standards into the freelance work environment. The findings indicate a marked discrepancy between international norms and local business practices in Indonesia, with the freelance sector facing distinct challenges. These include an urgent need for regulatory harmonization and increased awareness of the importance of due diligence among businesses and freelancers. The study highlights the need for comprehensive regulatory reform in Indonesia. This reform should aim not only to align domestic practices with global standards but also to educate and raise awareness among stakeholders in the freelance sector. Finally, the paper advocates for a concerted effort by government, industry and civil society to ensure the effective adaptation and implementation of international due diligence standards in Indonesia's evolving business landscape, particularly in the area of freelance work.

Afghanistan and Gender Apartheid: Urgent Calls for Regulation Under International Law

Ms Shofa Umrotul Hasanah, Universitas Brawijaya | Mr Afiq Rosdan, Universiti Teknologi Mara

The notion and implementation of apartheid play a pivotal role in shaping post-war international law. Gender apartheid as one of the apartheid spectrums involves the mistreatment of specific gender groups and their fundamental human rights as stipulated under ICCPR, ICESCR, CEDAW, and UDHR. As a consequence of gender apartheid practice in Afghanistan due to the rise of Taliban authority, there are certain restrictions regarding the rights of Afghan women. Despite the damage, international law does not recognise gender apartheid as a specific crime. The legal doctrinal research method is applied to examine the urgency of gender apartheid recognition and regulation under international law, as well as to suggest an alternative that involves gender equality as part of human rights.

Patterns of Development and Position of Children in Correctional Institution

Associate Professor Hasmonel, Ms Muhammad Aditya Wardhana, Universitas Terbuka

Ms Jeanne Darc Noviayanti Manik, Universitas Bangka Belitung

In Law Number 22 of 2022 concerning Corrections, a correctional child is someone who is declared a child and based on a court decision is proven to have committed a criminal act, so his freedom is deprived and placed in a juvenile correctional institution (LPKA). The aim of the research is to find out and analyze the coaching patterns carried out for children and the position of children who are in conflict with the law, especially LPKA Pangkalpinang and Tangerang. The research uses empirical juridical methods, using statutory, comparative and case approaches. The independence development program consists of activities in the form of training held by LPKA officers in collaboration with other parties, and a personality development program in the form of schools and several forms of coaching. The entire process of developing students through the correctional system is an integral unit to return children to society equipped with the abilities, needed to become good and useful citizens. The child's position remains as a child who has rights and obligations, only within the LPKA.

The Complex Nexus: Climate Change, Migration, and Human Rights in Pantura Java

Ms Inayah Hidayati, National Research and Innovation Agency (BRIN)

The connection between climate change and migration is complex, comprising gradual environmental and climatic shifts and sudden and unexpected changes that increase the likelihood of population movement. In Pantura Java, where coastal communities are exceptionally susceptible to the impacts of climate change, the possibility of displacement and migration due to rising sea levels and extreme weather events is a pressing concern. Our qualitative research on coastal communities in Demak, Indonesia, reveals that the vulnerability of these communities to extreme weather events and subsequent displacement underscores the urgency of integrated governance strategies that safeguard the rights of migrants affected by water scarcity and other climate-related challenges. The human rights implications of climate-induced migrations cannot be ignored, and it is essential to address the issue of displacement, migration, and human rights in Pantura Java through a comprehensive approach that considers the intricate interplay between climate change, migration, and human rights. This approach should encompass legal frameworks, regional policies, and governance strategies that protect the rights of displaced populations and address the multifaceted impacts of climate change on migration.

Fiqh Reasoning for Different Religious Marriages Abdullah Al-Alayli's Perspective

Ms Rani Octaviola Hidayatillah, UIN Kiai Haji Achmad Siddiq I Ms M khoirul hadi al-asyari, UIN Sunan Kalijaga

There are two important questions in this paper, first, what is Abdullah Al-Alayli's view of the verses on interfaith marriages and how is the fiqh reasoning developed and its relevance to the development of human rights in the world? Secondly, what is the contribution and relevance of interfaith marriages in Indonesia? by using qualitative research methods and discussion delivery methods using content analysis and descriptive analysis approaches to answer Abdullah Al-Alayli's views on the verses on Interfaith Marriage and how fiqh reasoning is built and its relevance to the development of human rights in the world and its contribution and relevance to interfaith marriages in Indonesia, the results of this research are first to answer Abdullah Al-Alayli's views on the verses on interfaith marriages and how fiqh reasoning is developed and their relevance to the development of human rights in the world

Sustainable Development and Empowerment Through Technology-Driven Education in Rohingya Communities

Mr Tin Maung Htwe, Chiang Mai University

This research paper explores the potential of innovative educational programs, particularly those utilizing technology, to empower Rohingya youth and children in Internally Displaced Persons (IDP) camps. It aims to understand the challenges faced by Rohingya youth in accessing quality education, focusing on the role of technology-driven initiatives at the local and international levels. The study also examines the broader implications of such education for sustainable development within the Rohingya community, emphasizing empowerment theory. The research considers the Rohingya crisis's impact on education, particularly in IDP camps, and reviews existing research on technology's role in educating refugees and IDP camp residents by analyzing training sessions on peace-building, digital literacy, and gender equality through platforms like Zoom and Google Classrooms, benefiting the community due to limited mobility and cultural norms. The study also scrutinizes technology-driven educational initiatives and their impact, highlighting improved access to education, enhanced learning outcomes, and improved psychosocial well-being. It explores empowerment's role in sustainable development, envisioning educated Rohingya youth as potential educators within and outside Rakhine state. This research underscores the transformative potential of innovative education in empowering Rohingya youth and investment in initiatives for sustainable development within the Rohingya community.

Memory Passionis in Papua: Special Autonomy, Violence and Human Rights in Indonesian West Papua

Dr Marlon Arthur Huwae, Universitas Papua Manokwari

The paper aims to investigate the trend of violence and demand for justice and human rights cases in West Papua-Indonesia. Using the mixed method approach of thematic study and ethnography, the research reveals the data from the memory passions books from 1998 to 2021 to understand the violence and the outcry demand of West Papuans regarding independence, oppression, and human rights. The ethnography is used to understand how the West Papuans struggle and position themselves with the idea of Indonesia and Independence. The research shows that there is a positive trend in demanding justice and solutions for human rights cases in West Papua, while the independence aspiration is a negative trend. The research is also able to portray the creative and flexible positioning of West Papuans to deal with the idea of Indonesia and Independence. The paper then addresses the solution called shifting the narratives of 'kepala dilepas ekor ditarik' to the narratives of 'menjadi berdaya guna di negeri sendiri'.

Rights, Health, and Exploitation of Migrant Labour in the Taiwanese Fishing Sector

Ms Aniello Iannone, Universitas Airlangga

The migration of Indonesian workers, particularly 'ABK' or Anak Buah Kapal (crew workers), constitutes a noteworthy phenomenon in the contemporary global landscape. Indeed, the prevalence of Southeast Asian migrant labor has consistently increased, with Taiwan emerging as a primary destination for labor migration from peripheral regions. Indonesia, in particular, stands out as a major source of migrant labor for Taiwan, with a notable surge in the number of ABK in recent years. However, these migrant workers frequently encounter substantial challenges pertaining to their human rights and health, both during the migration process and upon reaching their destination. Crew members (ABK) often work under challenging physical conditions. They are often exploited, working longer than their due hours and for long periods, causing problems with their rights as migrant workers. They face high pressure and work long hours without adequate rest, in unhealthy conditions, and may become ill or sick. This research proposal seeks to undertake a comprehensive exploration of the rights and health issues faced by Indonesian ABK migrant workers. The primary objective is to identify key challenges and gain a nuanced understanding of the exploitative dynamics extending beyond the Taiwanese fishing industry.

Capturing the Existence of the National Strategy for Business and Human Rights (Stranas Ham)

Ms Zainatul Ilmiyah, Ms Elva Imeldatur Rohmah, Ms Moh. Nur Hadi, Ms Mega Ayu Ningtyas, UIN Sunan Ampel

The concept of Indonesian development should be closely linked to the protection of Human Rights. In line with this goal, in 2023, the government will strive to mainstream human rights in every business process carried out by the government and the private sector. However, on the other hand, implementing the National Strategy Project as a form of business-based development often faces human rights problems in society. Based on normative juridical research methods with a statutory approach, a conceptual approach and a case approach, in this research, it was found that the National Strategy for Business and Human Rights (Stranas BHAM) policy is one of the instruments created by the government to provide human rights guarantees in every business process carried out in Indonesia, especially in National Strategy Projects. The policy of integrating business implementation processes with the protection of Human Rights (HAM) in the form of the National Strategy for Business and Human Rights is not only an effort to restore victims of human rights violations but also an effort to prevent human rights violations in a preventive manner.

Upaya Penyelesaian Pelanggaran HAM Terkait Pemindahan Paksa Anak-Anak Timor Leste

Ms Nadia Indria, Mr Arief Setiawan, Universitas Brawijaya

Artikel ini mempunyai pertanyaan tentang upaya penyelesaian kasus pelanggaran HAM terkait pemindahan paksa anak-anak Timor Leste ke Indonesia antara 1975-1999. Penelitian ini bertujuan untuk mengidentifikasi penyelesaian pelanggaran HAM oleh pemerintah Indonesia pada kasus tersebut. Penelitian ini menggunakan metode kualitatif sebagai metode penelitiannya dengan memanfaatkan wawancara dan studi literatur sebagai metode pengumpulan datanya. Kasus pemindahan paksa anak-anak Timor Leste ke Indonesia dilakukan oleh militer, lembaga keagamaan, dan negara. Aneksasi yang dilakukan oleh Indonesia ke Timor Leste mengakibatkan 4.000 anak-anak Timor Leste dipindahkan secara paksa ke Indonesia. Hingga tahun 2021, CSO Indonesia berhasil mengidentifikasi 160 korban dan mempertemukan mereka dengan keluarga aslinya di Timor Leste. Peran pemerintah Indonesia terlihat minim dalam kasus ini, maka peneliti ini menyarankan peran tanggung jawab secara penuh dari pemerintah Indonesia kepada para korban. Bentuk tanggung jawab tersebut dapat berupa memberikan kelengkapan proses administrasi, reunifikasi keluarga korban, dan pasca reunifikasi keluarga.

Risk and Impacts of Deep Seabed Mining and Options for Mitigation

Dr Rachma Indriyani, Universitas Sebelas Maret | Ms Lynette Petsul, University of Papua New Guinea

The enormous knowledge gap about the deep sea's ecosystems is a growing problem for the formulation of policies, laws and regulations pertaining to the use of the deep sea, especially for deep-sea mining. The current framework governing deep seabed mining in Area Beyond National Jurisdiction (ABNJ) is hybrid. It seeks responsibility for states, international organizations, state enterprises, and private companies. In terms of legal liability, the situation involves different civic and global concepts being applied simultaneously. This paper presents the case of Nautilus Minerals Solwara 1 activity in Papua New Guinea to highlight the nexus between marine biodiversity, deep sea mining, and indigenous communities. We do so by first applying quantitative approach to measure the resiliency rate of marine ecosystem after the seabed mining activities. We then undertake a qualitative analysis to existing legal regulation and guidance to consider mitigation to environmental impacts and social and legal issues post Solwara deep-sea mining project.

Examining the Role of Administrative Climate Change Litigation in Fulfilling Environmental Rights

Ms Alfania Sekar Ismaya, Ms Deka Oktaviana, Ms Wibisena Caesario, Universitas Gadjah Mada

Climate change litigation – as a part of ecological justice has become a global trend to demand the courts play a significant role in addressing climate change, particularly when the state fails to fulfill the environmental rights as part of human rights. This study aims to trace the dynamic patterns of administrative climate change litigation from 2009 to 2023 using the classification patterns by Peel and Osofsky, as well as the climate change lawsuit types by Wibisana and Cornelius. Furthermore, this dynamic serves as the foundation in evaluating the enforcement of environmental rights by the administrative judiciary. In doing so, it examines the considerations of judicial decision making to ascertain the extent to which the courts play a role in safeguarding environmental rights, identify the influencing factors, and determine the parties affected by such decisions. Thus, evaluating climate change litigation remains significant to ensure the courts has pursued to fulfill its duty as a guardian of environmental rights.

The Struggle of Preservation on Rohingya Language as the Impact of Marginalization by Myanmar Policy

Mr Fakron Jamalain, Sekolah Tinggi Ilmu Tarbiyah Ibnu Sina Malang

Mr Moh. Rozy Zamroni, Universitas Negeri Malang

People Rohingya have their own language, they speak an Indo-European language of the Southeastern Bengali branch, called Ruáingga or Rohingya. Under Myanmar Policy their right to speak Rohingya is under threat. The policy of Anti-Rohingya law does not just risk their lives but also their language, and indeed this policy violates human rights. This study focuses on how the Myanmar government creates policies about the Rohingya language and what news talks about Rohingya language preservation on YouTube and how people respond to it. To answer this question, the researcher uses a qualitative method with a netnography approach. Policy-making guidelines will be studied and the people's sentiment about language preservation will be documented and analyzed using the Python program and NVIVO 14. From news that appeared in YouTube, the researcher found that Rohingya refugees managed to keep Rohingya language alive through teaching, and digitalised Rohingya script and the responses are variatives.

Analysis of Right to an Adequate Standard of Living Among Migrant Construction Workers in India

Mr Chinnaswamy Janarthan, Sharda University

The Author had associated with migrant construction workers in his long career and witnessed various problems faced by them including inadequate standard of living. Hence he was compelled to study their problem in detail after superannuation and continued his detailed research into the life events & human rights violations of migrant construction workers. From the earlier studies and observational research conducted by Author, he has observed the violation of Right to an Adequate Standard of living among migrant workers. The violations includes Dis-satisfactory living conditions (no proper drinking water, no proper sanitary, etc.), inadequate food and nutrition, inadequate housing and improper medical care when required. In spite of sufficient protections in National Constitution & International declarations & conventions for the protection of Right to an Adequate Standard of living still the gap is persisting. Certain steps such as attitudinal change of officers/contractors responsible for the construction activities is essential and to ensure implementations of provisions available in the Constitution etc were suggested. It is also suggested to constitute a committee consisting of NGOs, Govt Officers and from workers to analyse and to make action plan/ fix a target for protection of Right to an Adequate Standard of living of migrant workers.

The Legitimacy of Fatwas Depriving Human Rights

Mr Suparman Jayadi, UIN Mataram

Humanitarian crises encompass not only armed conflict, natural disasters, and other emergencies but also social injustice and inequality resulting from differences in ideology, ethnicity, tribe, gender, and religion. This article analyses the situation of the Ahmadiyah minority group in Lombok, West Nusa Tenggara, and the violence and discrimination they face. This study utilises a qualitative research methodology with a case study approach. The data was collected through observation, in-depth interviews, and documentation. Giddens' theory of structuration was employed to analyse the data. The research findings indicate that the Jemaat Ahmadiyah Qadian (JAQ) was subjected to bullying and labelled as a cult based on Indonesian Ulema Council (MUI) fatwa in 1980 and 2005, as well as local regulations. The significance of this structure is related to the discourse and meaning of cult as an instrument to justify minority groups as opponents in Islam. The dominance of the majority as a superior quantity can lead to discriminatory actions, violence, and even murder. This legitimizes discrimination, violence, and vigilantism against JAQ. The Fatwa of the MUI and local regulations on 'cults' are often used as a basis for such actions.

Land Grabbing Melalui Putusan Pengadilan

Mr Valerianus Beatae Jehanu, Mr Nicolas Wianto, Universitas Katolik Parahyangan

The International Land Coalition (ILC) mendefinisikan konsep perampasan lahan (land grabbing) sebagai bentuk pelanggaran terhadap hak asasi manusia. Bentuk-bentuk perampasan lahan seringkali dimulai dari lemahnya legalitas dalam penguasaan lahan secara fisik oleh warga. Konsekuensinya, warga yang telah mendiami suatu wilayah tanpa sertifikat akan rentan untuk disingkirkan. Padahal, konstruksi hukum pertanahan juga menempatkan reformasi agraria sebagai agenda prioritas. Artikel ini akan menunjukkan bagaimana perampasan lahan justru dilanggengkan melalui Putusan Pengadilan dalam kasus Punclut, Dago Elos, dan Tamansari di Bandung. Terdapat dua permasalahan yang akan dianalisis dalam artikel ini. Pertama, apakah Hakim dalam memutuskan konflik agraria di Punclut, Dago Elos, dan Tamansari mempertimbangkan kaidah reforma agraria. Kedua, bagaimana dampak Putusan Pengadilan tersebut terhadap ketidakpastian tenurial dan marjinalisasi warga di ketiga wilayah tersebut. Kepastian tenurial (tenurial security) sendiri adalah konsep tentang kepastian hak atas tanah yang terkait dengan hak atas hunian yang layak. Metode penelitian yang akan digunakan untuk menjawab permasalahan pertama adalah metode yuridis-dogmatis, yaitu pendekatan norma hukum mengenai reforma agraria dalam ratio decidendi Hakim. Permasalahan kedua akan dijawab melalui pendekatan yuridis-sosiologis, melalui observasi dan wawancara dengan warga Dago Elos, Punclut, dan Taman Sari yang terdampak putusan-putusan tersebut.

Conflict, Governance and Development: Issues of Human Rights in Bihar and Jharkhand, India

Dr Rukmani Joshi, Mr Neikuosatu Kire, Sharda University

The universality innate in the notion of human rights communicates a cosmopolitan principle of equal moral concern for all human beings. However, as per the customary interpretation of human rights obligations, 'state' bears the prime responsibility for shielding the human rights of its own members. This paper investigates the premises underlying a range of governance initiatives executed in the region of Bihar and Jharkhand to deal with the armed struggle which has erupted between the state and the 'left-wing extremists' known as the 'Naxals' as a consequence of sense of social and economic injustice among the poor and oppressed sections of the society. Thus, it outlines three major concerns of the government schemes, related to: (1) security and policing, (2) the need for democratic development and (3) the politics of human rights. Across these concerns, governance initiatives are underpinned by participation logic, according to which the intensity of popular participation in governance initiative execution promises to provide mechanisms for addressing the agrarian social conflict over fair distribution of resources, rights and the social space.

Creating Imaginary Enemies: The Rejection of Rohingya Refugees in Aceh, Indonesia

Ms Zahlul Pasha Karim, Ms Rahmah Zakia, Universitas Gadjah Mada

The rejection of the Rohingya refugees in Aceh at the end of 2023 was an attempt to create an imaginary enemy. Acehnese residents are concerned about their own and their families' safety from refugees. This fantasy stirs emotions and motivates Aceh to evict and mistreat Rohingya refugees. This article examines Aceh's rejection of Rohingya migrants born from fictional opponents. Answer these two questions: (1) How does Aceh build a fictional enemy to reject Rohingya refugees? (2) What are the causes and effects of doing so? This descriptive research uses literature and mass media. The research shows that creating a fictional enemy over Rohingya refugees involves developing a negative image of them on social media, justifying them as criminals, and amplifying their bad behavior. The causes of this are disinformation on various social media platforms, the fears and discomfort of the Rohingya refugees as a threat to the identity of the Aceh community, and prejudice over the differences in belief systems, values, and habits between the refugee Rohingyas and the Aceh society. These things have affected the perception of the people who regard their Rohingya refugees as enemies and threats, thereby provoking discrimination and hostility towards refugees.

No Shortcuts Way, State Recognition Vs Legalisation Control

Ms Wina Khairina, Professor Semiarto Aji Purwanto, Professor Mia Siscawati, Universitas Indonesia

Professor Christian Lund, University of Copenhagen

Debates regarding the discourse on customary land rights have continued to emerge since the beginning of the 20th century in Indonesia. Now, after 30 years of community social movements, there are still limited academic studies regarding the implementation of customary forest management after recognition since 2016. This article aims to present field findings after 7 years of state recognition of customary forests in Indonesia. There have been 133 recognitions of customary forests in Indonesia. This research uses ethnographic methods in an indigenous people in Jambi, Indonesia. Field findings show that post-recognition of customary forests on 2016, its implementation is still not an embodiment of true agrarian reform. The State's involvement in regulating customary forest management through reforestation projects has become a means of State control over the community. This shows how the State continues to regulate State control and claims over forests. In 2021, state zoning of area farming will be carried out in the form of legalization of village forests. The tough struggle for power relations between the Central Government and Regional Governments only positions indigenous communities like settlers in the middle of the frontier area of the TNKS area.

Addressing Best Practice Online Gender-Based Violence Settlement in Yogyakarta

Ms Kharisma Wardhatul Khusniah, Ms Raudatul Jannah, Yogyakarta Legal Aid Institute (LBH Yogyakarta)

Ms Hanifah Febriani, Universitas Muhammadiyah Surakarta

Various initiatives undertaken by civil society in Yogyakarta demonstrate that restorative justice can serve as an alternative approach for addressing online gender-based violence (OGBV) from the perspective of the victims. This alternative arises due to the precarious position OGBV victims face, including the potential dissemination of personal content and the risk of criminalization under the ITE Law. This study aims to examine the most effective practices employed by civil society in addressing OGBV through a restorative justice framework in Yogyakarta. Employing empirical legal research methods with a descriptive approach, the study reveals that victims of sexual violence are often reluctant to engage with criminal justice procedures due to a lack of understanding and responsiveness from law enforcement officials, as well as the slow and intricate nature of case processing. Women's organizations and activists in Yogyakarta take a pivotal role in resolving these cases, as victims lack confidence in the legal system and its mechanisms. Therefore, restorative justice mechanisms, particularly mediation between victims and perpetrators, are embraced by these organizations and activists as means of resolving cases.

Hak Atas Kesehatan Bagi Pasien Dalam Kondisi Darurat Untuk Mendapatkan Tranfusi Darah

Mr Johanes Fabou Putera Koraag, Universitas Gadjah Mada

Tranfusi darah diperlukan untuk meningkatkan jumlah komponen darah seperti sel darah merah, trombosit, dan plasma dalam tubuh pasien. Laporan Tahunan PMI UDD PMI Pusat Tahun 2022 menunjukkan kebutuhan darah adalah 5.515.476 kantong. Sedangkan darah yang berhasil terkumpul sebanyak 3.796.698 kantong. Sehingga pada 2022 Indonesia mengalami defisit 1.718.778 kantong, menyebabkan banyak pasien yang tidak tertolong nyawanya. Angka kematian ibu melahirkan di Indonesia pada tahun 2022 adalah sebesar 305 per 100.000 kelahiran, sebagian besar akibat pendarahan. Tujuan Pembangunan Berkelanjutan ke-3 dari Agenda Pembangunan Berkelanjutan tahun (SDG's) 2030 adalah "menjamin kehidupan yang sehat dan meningkatkan kesejahteraan bagi semua orang di segala usia". Target terkait bertujuan untuk mengurangi rasio kematian ibu secara global. Pemerintah melalui Kementerian Kesehatan berwajib dan bertanggung-jawab untuk memastikan tercukupinya persediaan darah demi memenuhi hak asasi masyarakat atas kesehatan. Paper ini bertujuan untuk menunjukkan bahwa ada masalah dalam pemenuhan hak atas kesehatan bagi masyarakat Indonesia. Kesehatan adalah hak asasi fundamental yang sangat diperlukan bagi pelaksanaan hak-hak asasi lainnya, setiap manusia berhak menikmati standar kesehatan yang tinggi.

The Two Faces of Technology: The Benign and the Divisive

Dr Jesper Kulvmann, Universitas Jember

Historically, we have witnessed a tension between the advancement of technology and the unequal distribution of its benefits. At times new technology is depicted as an efficient means to overcome the deadlock of economic and social development of poor countries while the technology simultaneously is a significant accomplice in the increased wealth gap between high and lower income countries. This paper takes off describing the interconnection between technological and economic development from the dawn of industrialization to present times and how the assessment of technological innovations have changed from an uncritical appraisal of their novelty to a discerning analysis of their ethical implications on socio-economic development and the environment. The study aims at demonstrating that despite an uptake of new technology in low and middle income countries and a growing concern by international organizations about the ethical implications of new technology, the technological development and its inherent economic gains are still foremost appropriate for the rich countries, which eludes the countries from ethical responsibilities to curtail the multiple inequalities between rich and poor countries.

Exploring the Pervasive Hatred Towards Muslim Communities in Western Democracies

Dr Sumant Kumar, Alliance University

Within the sphere of global human rights, the issue of freedom of religion or belief continues to be a point of contention due to ongoing challenges and breaches. Islamophobia, which is marked by fear, bias, and hostility towards Muslims, takes shape in various acts of intimidation and discrimination in both digital and real-world platforms. Stemming from entrenched institutional, ideological, and political animosities, Islamophobia often targets Muslim identity markers, indicative of deep-rooted structural and cultural bigotries. This study delves into the pervasive religious hostility encountered by Muslim communities in Western democracies and republics such as the United States, Germany, France, Israel, and India. It scrutinizes how Islamophobia merges with narratives of terrorism to forge hostile spaces for Muslims, even within societies that are nominally democratic. The study aims to disclose the root causes of this antipathy and its effects on society. Utilizing qualitative assessments of scholarly work and case studies, it uncovers the manner in which political entities leverage religious discord to win the favour of the majority electorate, thus leading to encroachments on human rights. By illuminating these factors, the study contributes to a more nuanced comprehension of how political views are interwoven with religious bigotry in today's societal landscape.

Climate Change and Violation of Human Rights of Children: Law and Legal Perspective

Dr Nitu Kumari, Maharashtra National Law University

Children are one of the most vulnerable groups in our society because they are unable to raise their voices against any human rights violations. At the same time nowadays, climate change is a global problem which needs a global solution. This change has impacts on all human beings children are most affected from climate change while their contribution is less in climate change scenarios. Climate change violates numerous basic human rights of children such as the right to health, the right to food, and so on. Numerous international human rights laws and states with legal initiatives are actively engaged to mitigate or address these issues. The paper aims to explore the numerous human rights issues and challenges faced by children due to climate change. The findings investigate the existing global climate change agreements under the UNFCCC and the roles of the Human Rights Commission, international human rights law and CRC for their usefulness in protecting children from the short- and long-term effects of climate change. It examines the human rights laws and Legal policies for children's protection from climate change issue and critically examines the international laws and human rights laws to address these issues.

A Critical Reflection on the Idea of Adat Penal Law Within Indonesia's New Criminal Code

Dr Joeni Arianto Kurniawan, Ms Diana Septaviana, Universitas Airlangga

Article 2 of Indonesia's New Criminal Code (Law 1/2023) stipulates that penal punishment can be handed down to someone who violates "the living law of the society". According to the elucidation, this so-called "living law" refers to the "adat penal law" existing in the society where the violation happens. Such a stipulation is praised by many as a form of "decolonization" and "recognition" for the adat law to be integrated into Indonesia's official legal order. Nevertheless, the stipulation is vividly controversial. Aside from the fact that it violates the legality principle, such a stipulation also defies some core principles within the adat law itself. Most importantly, in the context of human rights, the New Code enactment with such a stipulation will seize the authority of many indigenous communities in Indonesia as the institutions where the adat laws are set to live and defended. Therefore, this New Code will be a form of cooptation over the authority of the indigenous communities instead of a form of recognition or decolonization. This article will explain why this is so.

Adaptation Strategies of Coastal Women in Facing Climate Change on Santen Island

Mr Irwan Kurniawan, Universitas 17 Agustus 1945 Banyuwangi

The climate crisis has become a real threat faced by global citizens since the industrial era and has become an unavoidable threat. Climate problems are often centered only on the technical paradigm, when in fact the climate crisis is more than just a matter of temperature, melting poles, and rainfall. The negative impacts of the climate crisis are felt politically in the social fabric of society, especially for people categorized as vulnerable groups and are considered weak in their adaptability due to limited access to resources needed to fulfill their needs. One of these vulnerable groups is the group of women who live in the coastal area of Santen Island, which is located directly opposite the Bali Strait, which is an area that is vulnerable to climate change, especially at this time when the number of fishermen is excessive and there is exploitative use of natural resources. Climate change is causing several physical changes on Santen Island, including seawater intrusion into land, tidal waves, flooding, low-lying inundation, and erosion, which in turn affect natural ecosystems, settlements, and the economy and income of fishermen.

Employing National Jurisdiction to Provide Remedies for Transboundary Environmental Damage

Dr Erna Dyah Kusumawati, Universitas Sebelas Maret

In recent decades, the international community has observed a significant degradation of the international environment. The traditional approach in international law mandates that a state is solely responsible for the damage caused by its unlawful activities. However, this approach is not always tenable, particularly when it is challenging to identify the polluting state. As such, the state responsibility doctrine has shifted towards an international cooperation approach, which asserts that all states must collaborate and tackle environmental issues. In the Stockholm Declaration of 1972, the environment was recognised as being fundamental to the enjoyment of basic human rights, including the right to life. Although the existence of a specific legal right to a clean and healthy environment is still subject to debate, state practices suggest otherwise. This article aims to investigate the extent to which such rights exist under international human rights law and whether states are obligated, under their domestic law, to provide remedies and reparation for environmental degradation caused by other countries' activities. To address this issue, this article will examine current international norms and standards in both international environmental law and international human rights law.

Refugees Resilience in Post-Pandemic Era: A Strive to Face Health and Climate Change Challenge

Dr Ayub Torry Satriyo Kusumo, Ms Kusmadewi Eka Damayanti, Universitas Sebelas Maret

Refugees are one of the vulnerable groups who need global concerns and rights protection. Health and healthy living are some of their rights which are often neglected, not only because of their temporary uncertain status but also their living environment themselves. The threat of disease and climate change also become potential problems in addition to the existing problems about status determination and safe third countries. This study aims to explore the existing condition and tries to elaborate on the potential efforts to reach resilience, especially in the post-pandemic era facing the potential problems of climate change in refugee settings. The lack of studies on the intersection of refugees, public health, and climate change initiates this study to start a preliminary discussion. This article will study the reviews and literature, including regulations, conventions, and agreements relevant to the research questions. Collected information was classified into several sub-themes and analyzed qualitatively to construct a comprehensive discussion based on the aims of this study. Based on this study, it is burdensome for developing countries to work alone toward refugee resilience in post-pandemic situations. Collaboration is needed, at least for several countries that lives in a certain neighbourhood.

Integrasi Kecerdasan Buatan Dalam Pengelolaan Sumber Daya Manusia

Associate Professor Anjar Kususiyanah, IAIN Ponorogo

Artikel ini melakukan analisis mendalam terhadap dampak integrasi kecerdasan buatan (AI) dalam praktik pengelolaan sumber daya manusia (SDM) pada hak buruh di Indonesia, khususnya dalam era penerapan Omnibus Law. Artikel ini menyoroti pentingnya topik ini di tengah meningkatnya penggunaan AI dalam berbagai aspek manajemen SDM, seperti dalam proses perekrutan, penilaian kinerja, penggajian, dan pengambilan keputusan SDM. Metode penelitian ini mengandalkan analisis kualitatif terhadap data sekunder dari studi kasus di berbagai perusahaan Indonesia yang telah mengintegrasikan AI dalam operasional pengelolaan SDM mereka. Temuan menunjukkan bahwa, meskipun AI memberikan efisiensi operasional, terdapat risiko yang signifikan terhadap hak-hak buruh, termasuk isu privasi, bias dalam pengambilan keputusan, dan ketidakamanan pekerjaan. Diskusi dalam artikel ini menekankan pada kebutuhan regulasi yang lebih kuat dan efektif di bawah Omnibus Law untuk melindungi hak-hak pekerja dalam menghadapi tantangan ini. Kesimpulan artikel menawarkan rekomendasi kepada perusahaan dan pembuat kebijakan untuk mengembangkan pendekatan yang berimbang, mempertimbangkan efisiensi AI sambil memastikan perlindungan hak-hak buruh.

Fight the Poverty: Designing Kampung Slums into Creative Tourism Areas

Professor Imam Kuswahyono, Ms Dyah Pawestri, Ms Nahdya Malika, Universitas Brawijaya

This research is motivated by the problem of slum settlements in urban areas that results in negative impacts such as the risk of fire, floods and disease due to dirty environments. Specifically, case approach in Kampung Malang Heritage, Malang and Kampung Dago, Bandung. This research is a socio-legal research with a -sociology of law approach method. The research locations were Malang heritage, Malang, and Kampung Dago, Bandung. The types and sources of primary data for this research were obtained from observations and supported by literature or other information (secondary data) in order to formulate a conclusion on the related problem. The data collection techniques used in this research were interviews, observation, and Focus Group Discussion (FGD).

Policy Responses to Fake News and Disinformation in Thailand and Singapore

Mr Alex Wen Jie Lew, Chulalongkorn University

In the era of post-truth societies, characterized by the prevalence of fake news and disinformation, the policy responses of nations play a pivotal role in shaping public discourse and safeguarding the integrity of information. This academic paper explores the dynamics of disinformation in Thailand and Singapore, focusing on their cultural, political, and regulatory landscapes. Drawing on historical contexts, it examines the evolution of censorship practices and their impact on artistic expression in both countries. The paper critically analyzes the turning points in regulations and policies, emphasizing the role of censorship in shaping public narratives and political ideologies. The research delves into the Singaporean perspective, highlighting the government's use of cultural control and censorship as a means to maintain a pragmatic ideology. Through interviews and critical analysis, the paper explores the multifaceted nature of censorship in Singapore, emphasizing the dichotomy between official and unofficial cultural levels. Additionally, it investigates the turning points in regulations and policies related to censorship in Singapore, shedding light on the administrative intricacies and societal attitudes toward censorship.

A Quantitative Study of Human Rights Claims in Regionalism from a Collectivist Perspective in China

Mr Yang Li, Associate Professor Ying Hooi Khoo, Universiti Malaya

Based on realism theory in international relations, Western countries, by having modernized first and colonization, are at the center of "the world system." China is locked in a marginal position as a non-Western rising power. This has indirectly caused identity anxiety among Chinese citizens. This has also caused regionalism or nationalism to increase in recent decades among the Chinese. Meanwhile, unlike Western culture, which emphasizes universal human rights for individuals, Chinese Confucianism places human rights under the collective need for national development and security. This is why, in the last decade, Chinese citizens have become more enthusiastic about "national success" and more sensitive to "foreign threats". Therefore, this study seeks to explore, through a quantitative study, whether the collective need for national development (domestic institutions) and security (foreign threats) influence the regionalist or nationalist attitudes of Chinese citizens, especially the youth (n=615). This study will contribute to our understanding of human rights from a perspective of Confucianism and collectivism, which is complementary to Western individualism.

Climate Justice and Environmental Human Rights Protection Under the Global South Constitutionalism

Ms Prisca Listiningrum, Universitas Brawijaya

In its original form, constitutionalism is a body of theory which delves into the limitation of governmental powers. This research seeks to determine whether climate policies, such as mitigation, adaptation, or resilience, can be normatively justified under constitutional law discourse. Using contextual analysis, this research reveals that in the current situation, the Global South countries are putting their ties to the policymakers by establishing and/or utilising climate-related clauses within the constitution to address climate justice. Not only specific on the grammatical aspect through climate clauses, they also try to expand the use of constitutional rights to hold significant polluters and/or emitters liable under strategic climate litigation. The question is, then, to what extent does the development of climate constitutionalism at the global level intersect and have implications for the convergence of effective climate governance and protecting environmental human rights? To answer this, first, it will define what climate constitutionalism is in the eyes of the Global South countries. Second, it will be identified what types of climate clauses are being proposed. Then, it will explore what rights are being deployed to enable a fruitful environment for the protection of the right to the environment.

Prospek Ekosida Sebagai Pelanggaran Berat Hak Asasi Manusia di Indonesia

Ms Shannon Lorelei, Dr. Niken Savitri, S.H., MCL., Universitas Katolik Parahyangan

Ekosida adalah kejahatan besar lingkungan yang terkoordinir oleh kontrol kekuasaan, berdampak pada kehidupan manusia. Ketika melihat kasus mengenai lingkungan hidup di Indonesia, terdapat beberapa kasus yang berdampak langsung dan luas terhadap kehidupan manusia, di antaranya pencemaran sungai oleh industri kelapa sawit, Lumpur Panas Lapindo, dan eksploitasi penambangan emas di Intan Jaya, Papua. Penelitian ini akan mempermasalahkan apakah kasus lingkungan di Indonesia dapat dikategorikan sebagai ekosida dan apakah ekosida dapat dikategorikan sebagai pelanggaran berat Hak Asasi Manusia (HAM) ataukah kejahatan yang berdiri sendiri. Penelitian ini dilakukan dengan pendekatan yuridis normatif empiris. Kesimpulan yang didapat dalam penelitian adalah kejahatan lingkungan di Indonesia termasuk sebagai ekosida sehingga dapat dikategorikan sebagai pelanggaran berat HAM. Maka, terdapat 2 (dua) opsi terkait prospek pengaturan ekosida di Indonesia yaitu urgensi meratifikasi Statuta Roma jika Statuta Roma memasukkan ekosida sebagai pelanggaran berat HAM dalam yuridiksinya dan memasukkan ekosida ke dalam UU Pengadilan HAM sebagai pelanggaran berat HAM di Indonesia dengan segala pertimbangan kelebihan dan kekurangannya.

Diskriminasi Reformasi Kebijakan: Perjuangan Petani Untuk Mendapatkan Akses Pupuk Subsidi

Ms Nabila Luthvita Rahma, Mr Moh Abdul Latif, IAIN Kudus

Akses pupuk subsidi telah menjadi masalah serius bagi petani. Perjuangan untuk mendapatkan keadilan pupuk subsidi faktanya terbatas hanya bagi petani yang memiliki lahan. Hal ini justru menimbulkan diskriminasi dalam pemenuhan hak asasi manusia yang adil dan merata khususnya bagi petani penggarap. Tujuan dari penelitian ini adalah untuk menunjukkan ketidakadilan akses pupuk subsidi bagi petani telah menunjukkan bentuk diskriminasi kebijakan di Kementerian pertanian. Penelitian ini menggunakan metode sosio-legal. Dengan mempertajam analisis doktrinal dan mempertimbangkan prinsip-prinsip persamaan dalam melindungi petani dalam memperoleh akses pupuk subsidi di Indonesia. Hasil penelitian menunjukkan bahwa akses pupuk subsidi bagi petani dapat menyebabkan munculnya ancaman dalam pemenuhan hak asasi manusia dalam bentuk: Pertama, distribusi pupuk yang tidak tepat sasaran dan diimbangi dengan kurang pengawasan menyebabkan aliran pupuk bersubsidi menjadi berbelit dan tidak sesuai dengan peruntukannya. Kedua, dampak dari akses pupuk bersubsidi yang berbelit menyebabkan terjadinya diskriminasi dalam proses distribusi tersebut hingga mengancam pada pemenuhan hak asasi manusia yang adil dan merata. Ketiga, Peraturan yang diterbitkan oleh kementerian pertanian dalam pendistribusian pupuk bersubsidi menunjukkan adanya celah ketimpangan hukum hingga berdampak pada sikap diskriminatif terhadap petani. Studi ini menyimpulkan bahwa ketimpangan akses pupuk subsidi telah memperkeruh kebijakan Ke

Jalan Terjal Pemenuhan Hak Petani Hutan Pasca Khdpk di Kabupaten Jember

Mr M. Kava Zulfikr, Tn Muhammad Rizal Saiful Nur, Tn Yulia Nata Lia Lubisma, LSDP SD INPERS

Kebijakan Kawasan Hutan dengan Pengelolaan Khusus (KHDPK) pada program Perhutanan Sosial (PS) menjadi tantangan baru bagi petani hutan di Pulau Jawa. Transisi sebagian hutan Jawa dari Perhutani kepada Kelompok Perhutanan Sosial (KPS) merupakan angin segar yang dipercaya mampu mengatasi deforestasi dan pengentasan kemiskinan struktural di sekitar hutan. Namun dalam praktiknya, kelompok tani hutan masih belum mendapatkan fasilitasi yang memadai sebagaimana ketentuan KHDPK, seperti belum mendapatkan informasi yang valid dan terkesan di tutup-tutupi dan pendampingan pemerintah yang terkesan formalitas. Kondisi ini diperparah dengan keterlibatan penegak hukum yang oportunistik dan tidak memihak petani hutan. Tulisan ini melihat lebih dekat praktik PS di Desa Pakis, Desa Sidodadi, dan Desa Sabrang, mengingat hanya tiga wilayah tersebut yang telah mendapatkan akses transformasi KHDPK di Jember dari 20 KPS. Akan tetapi juga mencoba memeriksa keganjalan yang di alami 20 KPS tersebut dengan perspektif yang lebih luas. Pada saat yang sama, pengaruh Perhutani di wilayah tersebut masih kentara kuat. Penelitian ini menggunakan pendekatan interdisipliner dalam memeriksa dan memetakan aktor yang mendukung ataupun menolak pemenuhan hak-hak petani pada KHDPK di Jember.

Gender Equality in Divorce Cases in Madura

Dr Safi' Madura, Mr Muwaffiq Jufri, Universitas Trunojoyo Madura

The divorce rate in Madura over the past three years has increased to thousands. Interestingly, 60% of the cause is due to the divorce lawsuit from the wife. This shows that the principles of equality in domestic life are beginning to be realized by women in Madura. Consequently, the husband must be truly responsible for his family. This research uses an empirical legal research method with the socio-legal approach in four districts in Madura. The results show that women's awareness level towards their rights as wives in four districts in Madura is growing significantly. This factor also causes wives to file for divorce because their husbands' obligations have never been fully fulfilled. This lawsuit is interesting because it can be understood comprehensively and contextually based on religious arguments against divorce.

Reforming Age-Based Admission Criteria: Toward Inclusive Higher Education in Indonesia

Mr Muhammad Magistra, Mr Bagus Rio Biantoro, Universitas Brawijaya

The 1945 Constitution of the Republic of Indonesia, particularly Article 28C (1), unequivocally enshrines every citizen's right to a quality education. This constitutional provision embodies inclusivity, encompassing diverse age groups to safeguard their educational entitlements. However, a significant challenge emerges in the form of age-based registration limitations, hindering access to State Universities via the Computer-Based Written Test (UTBK) pathway for individuals aged 22 and below. This restriction contradicts the core principle of egalitarianism, which advocates equal standing for all candidates, irrespective of their demographic distinctions. This article embarks on a comprehensive exploration aimed at transforming the Indonesian Higher Education admission system to foster inclusivity and eliminate age-related discrimination. The research emphasizes the imperative reinforcement of the non-discrimination principle in addressing existing challenges. The study meticulously examines prevailing policies, seeking practical solutions aligned with constitutional values. Consequently, it becomes increasingly evident that dismantling age-related barriers in university admissions is an urgent necessity. This imperative step ensures equitable opportunities for all individuals to pursue higher education, thereby upholding the constitutional commitment to justice and equal opportunity.

A Tale of 'Orang-Orang Angkat Pasir' in the Bird's Head Peninsula: Informality in Sorong's Edge

Mr Gilang Mahadika, Universitas Brawijaya

Mining is a sensitive word when dealing with the sand miners on the margins of the city of Sorong, West Papua. They prefer to be considered as sand lifters or 'orang-orang angkat pasir.' They lift the sand up out of the rivers scattered in the region. Meanwhile, giant excavators owned by the rich usually collect the sand from the hill by cutting trees to open up land for sand mining. Hence, the deforestation due to massive sand mining activities is one of the ecological issues incurred in the area. Compared to sand miners, the sand lifters are not only able to earn incomes, but also help the water flow smoothly without any hindrance by lifting up the sand out of run-off water. By looking at the lives of sand lifters, this paper expects to answer research questions on how they make a living out of sand mining and change the landscape on the margins. They feel that being sand lifters is their last resort to keep alive and stay engaged in the activities of urban development. I argue that informality of lifting up the sand has become an important aspect in the making of formal urban infrastructure in the region.

Efforts in Prevention and Handling of Cross-Border Human Trafficking in Indonesia

Mr Jamaruli Manihuruk, Ms Ulya Fajri Amrieny, Ms Ade Ruhanda, Ministry of Law and Human Rights

Human trafficking is a serious crime that occurs not only within countries but also across borders. According to data from the International Labor Organization (ILO), out of the 21 million victims of forced labor worldwide, 11 million are from the Asia Pacific region. The modus operandi used by perpetrators of human trafficking crimes continues to evolve. As of November 2023, the number of human trafficking victims found in Indonesia has reached 2,840 people. Currently, Indonesian law regulates human trafficking through Law Number 21 of 2007 concerning the Eradication of Human Trafficking Crimes. Despite its imperfections, the government is actively making efforts to prevent and eradicate human trafficking, including rehabilitating victims through collaboration with civil society organizations and international bodies. The research method used in this paper employs a qualitative approach. Its objective is to describe the issues and propose solutions that the government can employ to combat human trafficking, particularly by strengthening the role of Legal Aid Organizations (OBH) and paralegals in offering outreach and advocacy for prospective and current overseas workers. Additionally, a system mandating Indonesians intending to work abroad to register online through the Representative of the Republic of Indonesia in the destination country is deemed necessary.

Integration of LPSK in the Criminal Justice System

Dr Muh Sutri Mansyah, Mr Kaswandi, Mr Rasmaladewi Dewi, Mr Sulayman, Universitas Muhammadiyah Buton

Victims of sexual violence often face difficulties accessing justice within the criminal justice system. This is underscored by law enforcement officials who lack a victimological perspective. In this study, a normative juridical approach is utilized, encompassing legal. Primary legal sources include Law No. 31 of 2014 on the Protection of Witnesses and Victims, Law No. 31 of 1999 on human rights. Research findings indicate that law enforcement officials still fall short in upholding the fundamental rights of sexual violence victims, despite the enactment of Law No. 12 of 2022 on sexual violence offenses. One example is seen in decision No. 72/Pid.Sus.Anak/2023/PN.Bb, where the rights of victims are still neglected by law enforcement. To address the rights of victims, the parents of victims must request LPSK to ensure procedural and medical rights. Failure to make such a request to LPSK results in the non-fulfillment of these rights. One of the challenges is that LPSK has not yet been integrated into the criminal justice system. Therefore, based on these field conditions, it is crucial for LPSK to be integrated into the criminal justice system to safeguard the fundamental rights of victims of sexual violence.

Optimizing Legal Mechanisms for Compensation and Rehabilitation

Ms Ade Angelia Yusniar Marbun, National Research and Innovation Agency (BRIN)

This research explores the dynamics of legal mechanisms related to claims for compensation and rehabilitation of the right to a healthy environment affected by climate change. Adopting a qualitative approach, the study involves in-depth interviews with individuals or groups impacted, highlighting their experiences and perceptions regarding access to and effectiveness of existing legal mechanisms. Thematic analysis is employed to identify common patterns, challenges, and successes in dealing with legal mechanisms. By understanding perspectives from the viewpoint of those affected, the research provides deeper insights into the extent to which these mechanisms meet the needs of the community and where improvements can be implemented. The research findings are expected to offer a more contextual understanding of the dynamics of legal mechanisms in responding to claims for compensation and rehabilitation of the right to a healthy environment related to climate change. The resulting recommendations will drive improvements and adjustments to ensure justice and sustainability in the protection of environmental rights in the future.

From Solidarity to Resistance: Rohingya Representation in Serambinews.com in 2015 and 2023

Ms Melly Masni, UIN Ar-Raniry

This research analyses news patterns related to the Rohingya published by Serambinews.com, the most popular and longest-standing print media in Aceh, in 2015 and 2023. The study reveals a shift from massive acceptance and solidarity in 2015 to resistance in 2023 within Acehnese society. In 2015, media coverage predominantly focused on humanitarian support and empathy towards Rohingya refugees, fostering solidarity. By 2023, the narrative shifted to resistance, with increased emphasis on rejection, expulsion, and demonstrations. This change reflects broader societal shifts influenced by economic challenges and social tensions. Utilizing a mixed-method approach, including framing theory and the bandwagon effect, the study explores how media narratives shape public opinion and societal attitudes. The findings highlight the powerful role of media in influencing public perception and underscore the importance of balanced coverage in addressing refugee crises. This research provides valuable insights for policymakers, media practitioners, and scholars in understanding and managing humanitarian and multicultural issues effectively.

Pelanggaran Hak Atas Pembangunan Dalam Proyek Strategis Nasional

Mr Yusuf Maulana, Mr Rahmat Saleh, National Research and Innovation Agency (BRIN)

Selama masa pemerintahan Jokowi, permasalahan Hak Asasi Manusia (HAM) tampak semakin meningkat. Salah satu isu yang mengemuka adalah Hak Atas Pembangunan terkait dengan proyek Kawasan Strategis Pariwisata Nasional di Labuan Bajo, Kabupaten Manggarai Barat. Asumsi riset ini melihat proyek pembangunan tersebut sebagai praktik bisnis ugul-ugalan, misalnya soal perampasan tanah rakyat yang dilakukan sewenang-wenang oleh negara dan semakin sempitnya kesempatan warga lokal untuk terlibat dalam proses pembangunan. Tulisan ini bertujuan untuk menganalisis pelanggaran Hak Atas Pembangunan dalam proyek pembangunan tersebut. Analisis akan berfokus mengeksplorasi aktor-aktor yang terlibat di dalamnya baik pemerintah maupun investor serta sejauh mana proses negosiasi yang dibangun berbasis penghormatan terhadap HAM. Pada konteks demokrasi, setiap warga negara berhak berpartisipasi dalam berbagai tahapan pembangunan, tidak hanya sebagai stakeholder tetapi juga shareholder. Riset ini menggunakan pendekatan kualitatif. Data sekunder dikumpulkan melalui literature review merujuk pada sumber yang kredibel. Pengumpulan data primer dilakukan melalui focus group discussion dan wawancara mendalam dengan teknik purposive dan snowball. Kabaruan dari riset ini adalah pentingnya pelibatan masyarakat lokal dalam proses pembangunan supaya tercipta sinergi yang saling menguntungkan (mutual benefit).

Restorative Justice in Indonesia: A Failure to Fulfill Access to Justice for Sexual Crime Victims

Mr Luthfi Mazara, Ms Zakiyyatu Fadzilla, Universitas Brawijaya

The police institution has the authority to perform inquiries and investigations, also has a function to implement Restorative Justice. However, the aim of Restorative Justice that should be aimed at recovering victims' losses is actually reduced because of the incompetence of police as a mediator. This is detrimental to the rights of the victims of sexual offenses, particularly access to justice: including the right to protection such as providing complaint services; the right to treatment such as providing secure assistance to witnesses and/or victim; and the right to remedy such as restoring victim's physical and mental in accordance with UU No. 12 Tahun 2022. For instance, it can be seen from the rape case in 2019 by an employee of the Kemenkop UKM which ended in marriage between the parties. However victim reopened the case in 2022 finally. The mediator as the reconciler to the dispute should be provided with a number of standards, such as certain certifications. Based on this, this article uses doctrinal legal research methods to analyze whether the police as mediators in cases of sexual violence in Indonesia have failed, as well as providing recommendations for implementing fair penal mediation.

Land and Education Rights of the Donggo Tribe in Eastern Indonesia

Mr Honest Dody Molasy, Universitas Jember

The Donggo tribe lives in Nusa Tenggara Barat, Indonesia, faces a complex human rights environment that is inseparably linked to their rich cultural legacy. Despite their traditional sovereignty, modern human rights norms make it difficult to maintain their identity. The Donggo tribe faces significant issues, including land rights, gender equality, and educational access. Contemporary development projects threaten the tribe's bond with their ancestral lands, resulting in arguments over resource allocation and land ownership. Traditional gender norms may collide with greater human rights goals, particularly those centred on women's empowerment and disadvantaged communities. Education is a significant concern, as limited access prevents the Donggo tribe from participating in greater socioeconomic and political spheres. The tribe's efforts to overcome these issues and promote a more inclusive approach to human rights are investigated, emphasizing the importance of nuanced and culturally sensitive approaches to preserving human rights in Nusa Tenggara Barat.

Menyusui Dan Memiliki Anak Bawaan di Lembaga Pemasarakatan Perempuan Kelas IIB Jambi

Mr Ali Muhammad, Ms Ika Amelia, Politeknik Ilmu Pemasarakatan

Indonesia merupakan negara yang menyetujui "United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders" (Bangkok Rules). Bangkok rules diciptakan sebagai standar dan aturan penanganan narapidana/tahanan perempuan sebagai panduan perlakuan terhadap tahanan perempuan. Keberadaan narapidana perempuan di dalam lembaga pemasarakatan tentunya akan menjadi perhatian khusus yang perlu mendapatkan perhatian terutama narapidana perempuan dengan kondisi hamil, menyusui dan memiliki anak bawaan. Implementasi Bangkok rules terhadap pemenuhan hak narapidana perempuan yang hamil, menyusui dan memiliki anak bawaan bertujuan untuk mengoptimalkan penerimaan hak-hak narapidana guna kelancaran proses pembinaan yang dilakukan di dalam Lapas Lapas Perempuan Kelas IIB Jambi. Penelitian ini bertujuan untuk mengetahui bagaimana implementasi kebijakan, faktor penghambat dari implementasi Bangkok rules di Lapas Perempuan Kelas IIB Jambi. Metode penelitian yang digunakan adalah metode kualitatif dengan pendekatan deskriptif. Teknik pengumpulan data dilakukan melalui observasi, wawancara dan studi dokumentasi. Hasil penelitian menunjukkan bahwa belum optimalnya proses implementasian Bangkok Rules terhadap pemenuhan hak narapidana perempuan hamil, menyusui dan memiliki anak bawaan di Lapas Perempuan Jambi dikarenakan beberapa kendala pada aspek komunikasi kebijakan, aspek sumber daya manusia, aspek sarana dan prasarana serta aspek struktur birokrasi.

Measuring the Stability of Hegemony Human Rights Settlement in Rohingya, Myanmar

Mr Muhammad Adib Alfarisi, UIN Sunan Kalijaga

The Southeast Asian region has witnessed violent human rights violations in recent years with the 2012 Rohingya ethnic conflict in Myanmar. This has led to tensions between countries in the ASEAN region, which has an important influence on hegemonic stability in attempting conflict resolution or peace. This study expresses the power of conflict resolution in the Southeast Asian region over human rights violations in Rohingya, which is a qualitative study using the theory of conflict described by Galtung regarding peace. Theoretically, this research has the hegemonic power needed to create international system stability and security in the ASEAN region. The Rohingya conflict caused many refugees to transmigrate to neighboring countries. This condition is a security concern in the Southeast Asian region to be unstable. Therefore, hegemonic power is needed to create stability in the ASEAN region. On this basis, ASEAN addresses several problems among its member countries and strengthens cooperation and the rule of law in the international world regarding human rights. So that Southeast Asian countries through conflict management, from military, economic, political, ideological, and institutional as one of the hegemonic forces between ASEAN regions that realize peace.

Countering Money Laundering and Safeguarding Human Rights in Pakistan's Criminal Justice System

Mr Ghulam Mujtaba, University of Szegeed

Analyzing Pakistan's legal system regarding criminal law and further explores the intersection of anti-money laundering legal measure and human rights standards. This study examines legal frameworks, including domestic and global recommendations, notable case studies, academic literature and papers, and published reports from global organizations to understand the complications of balancing these two priorities. The aim and objective of this study is to reveal the challenges and highlight the issues involved in implementing effective anti-money laundering measures while ensuring the protection of human rights. This article examines Pakistan's legislative and judicial mechanisms and how they compare to international standards. It analyzes similarities and differences, providing insight into Pakistan's place in the global context. The study emphasizes the challenges faced by Pakistan's criminal justice system in meeting international anti-money laundering guidelines while safeguarding individual rights, especially given the changing nature of financial crimes and international oversight. The findings and contribution from the ongoing discussions and processes of legal reform and policymaking, suggesting some concrete ways that Pakistan must improve its legal system to combat money laundering while protecting human rights.

Reproductive Rights and Assisted Reproduction in India: A Human Right Approach

Associate Professor Ranjeeta Mukherjee, St. Xavier's University

Purpose – Survival and reproduction are fundamental instincts of all species, and basic human rights encompass the freedom to reproduce and raise a family. The aim and objective of this study is to explore the ethical, legal, and social challenges of assisted reproductive technology (ART) in modern Indian society, concentrating on equity in society, conflicting perspectives on advantages and disadvantages, and individual autonomy. The paper adopts a human rights perspective to address these intricacies, despite assisted reproductive technology (ART) providing hope to millions of infertile couples. **Methodology** – The study uses doctrinal research to examine the use of assisted reproductive technology in India, focusing on laws related to this technology, utilizing statutes, judicial pronouncements, and scholarly writings. **Findings** – The use of assisted reproductive technology (ART) has profoundly transformed the perspectives of medical practitioners and individuals about infertility, ethics, and rights to reproduction. A consequence of this is a reassessment of assertions regarding genetic progeny, social justice, and equality. To address ART's challenges, legal systems must adjust to its complexities, and society must ensure that technological advances are implemented in a socially acceptable manner.

Defending the Right to the Environment Based on the Concept of Anti-Eco-Slapp in Indonesia

Dr Muktiono, Universitas Brawijaya

The good practice of applying the anti-eco-SLAPP norm in Indonesia in several court decisions gives hope and leaves the issue of the effectiveness of protection for environmental defenders. This is because the application and benefit of the anti-eco-SLAPP norm can only be obtained after a final court decision on a case unrelated to environmental issues filed by the party opposing public participation. The legal obligation to continue litigating in court continues to create a deterrent effect for environmental defenders who are sued or reported through the judicial system. This systematic problem undermines the meaning of the anti-eco-SLAPP norm and requires further investigation into the root causes of the regulatory aspects including the judicial system. In addition, it is also necessary to review the possibility that the anti-eco-SLAPP norm can be adopted for out-of-court mechanisms, including the informal justice system, which is still a favorite for Indonesians to access justice.

Equal Rights of Women in Islamic Criminal Law from the Maqasid Al-Shari'ah Perspective

Professor Nur Lailatul Musyafaah, Mr Marli Candra, UIN Sunan Ampel

Many people accuse Islamic teachings of gender bias, both in private and public law. However, it is rare to examine gender justice in Islamic criminal law. Many verses of the Qur'an or hadith narrate gender justice in implementing Islamic criminal law. This article discusses women's equal rights in Islamic criminal law, which will be analysed with the concept of maqasid al-shari'ah. This research is normative. Data are taken from the Qur'an, hadith, books and journal articles. The data is analysed deductively. The study concluded that implementing Islamic criminal law is based on gender justice. There is no difference between men and women in the punishment for committing a crime. Likewise, when a woman is a victim, she has the same protection rights as a male victim. From the perspective of maqasid al-sharia, gender justice in implementing Islamic criminal law is part of the purpose of sharia, which is to apply kindness and reject damage. This fulfils the five benefits: maintaining religion, guarding the soul, maintaining reason, guarding offspring, and guarding property

Sustainable Cities, Common Home: Integrating Laudato Si's Ethical Vision into the Right to the City

Dr Victor Imanuel W. Nalle, Universitas Katolik Darma Cendika

This article undertakes an analysis of the alignment between the right to the city and Laudato Si, an encyclical issued by Pope Francis in 2015 to critique the global damages resulting from unchecked growth. The Laudato Si perspective offers a means to integrate ethical considerations into human rights law, providing a normative framework for sustainable development. By adopting the Laudato Si viewpoint, this article asserts that the concept of the right to the city should coincide with an awareness that cities represent a common home for multiple species, thereby necessitating a shift away from anthropocentrism. Consequently, the interests of humans and ecology within the right to the city must be balanced. To achieve this equilibrium, the development of the right to the city concept should provide a normative framework to: (1) curb the rapidification trend in urban development conflicting with the naturally slow pace of biological evolution, (2) eliminate the privatization of spaces restricting citizens' access to basic needs, and (3) reinforce community participation, especially among the poor and vulnerable, in urban planning. Undoubtedly, the realization of such a normative framework faces challenges within a developmentalist state oriented towards high economic growth.

Buddhist Time Management for a Harmonious and Sustainable World: Insights from the Buddhist Philosophy

Mr Bulugahapitiye Nandabodhi, Buddhist and Pali University of Sri Lanka

Effective time management is the judicious utilization of time resources to achieve goals. In the inexorable flow of time, the past cannot be reclaimed; hence, the emphasis lies in managing time efficiently. Research endeavors to achieve three main objectives: to identify prevalent time-wasting and managing behaviors; second, to delve into Buddhist time management concepts; and third, to evaluate the applicability and significance of these concepts for fostering a harmonized and sustainable world. Methodology utilized in this paper was to read and analyze (content analysis) the primary Buddhist teachings relating to the subject area and other selected secondary texts monographs and articles. Meanwhile, findings of the study were compared with theoretical measurement to see the external validity and the reliability of the findings. Buddhist teachings encapsulate a wealth of effective time management concepts, addressing fundamental questions about the nature of time, its importance, and strategies for its efficient utilization. Gautama Buddha's guidance on time management proves adaptable to contemporary challenges, offering valuable insights for individuals, organizations, governments, and rulers. The practical solutions proposed by Buddhism extend beyond the realm of time management, contributing to the alleviation of global mental and physical challenges and, ultimately, fostering a harmonious and sustainable world.

Legal Protection of the Collective Rights of Indigenous Women

Dr Fitria Dewi Navisa, Universitas Islam Malang

Indigenous women are a group of women who live in a traditional land area where certain customs are upheld. The collective rights of Indigenous Women are a set of rights that are closely related to the area managed by Indigenous Women which is within their customary territory. The author of this article is a normative juridical researcher using Statute Approach and Conceptual Approach. This research aims to collect data, facts, information, nature, and extent of collective rights of indigenous women. Provide sufficient information for policymakers regarding the importance of protecting the collective rights of indigenous women. Indigenous women have collective rights that must be protected and fulfilled, but there is still a lot of discrimination against indigenous women. The understanding of indigenous women as well as their collective rights has not been formally defined by the state so the Indigenous Peoples Bill is expected to provide an explicit definition of indigenous women as well as their collective rights to protect the collective rights of indigenous women.

Protection for the Muslim Community of Aceh and Rohingya Asylum Seekers

Ms Inna Fauziatal Ngazizah, Professor Any Ismayawati, IAIN Kudus

In Aceh Province, where the majority of the population is Muslim, the protection of human rights, especially for Muslim communities and Rohingya asylum seekers, is a relevant issue. This study aims to analyze the perspective of Islamic law on human rights protection for Acehnese Muslims and Rohingya asylum seekers. In the context of the Acehnese Muslim community, the Islamic law applied in this region provides a foundation for the protection of human rights in accordance with religious teachings. Meanwhile, Rohingya asylum seekers in Aceh are vulnerable and require special protection. An Islamic law perspective is also applied to evaluate the availability of human rights protection for these asylum seekers. Factors such as social responsibility, fair treatment, and the right to seek protection guaranteed within the framework of Islamic law, are the focus of analysis in this article. The results of this study are expected to contribute to an improved understanding of the importance of human rights protection for Acehnese Muslims and Rohingya asylum seekers from the perspective of Islamic law. The implications of this research may stimulate deeper dialog and policy changes to ensure effective and inclusive human rights protection in Aceh.

Peran Majelis Taklim Sabilu Taubah Dalam Pemenuhan Hak-Hak Kelompok Rentan Melalui Pengajian Umum

Dr Zulfatun Ni'mah, Dr Nur Fadhilah, UIN Sayyid Ali Rahmatullah

Tulisan ini bertujuan untuk mengidentifikasi peran Majelis Taklim Sabilu Taubah Blitar dalam memberikan edukasi, fasilitasi dan advokasi hak-hak kelompok rentan melalui pengajian umum. Advokasi, fasilitasi dan edukasi hak asasi manusia banyak dilakukan oleh lembaga yang secara eksplisit mempromosikan isu hak asasi manusia, namun Sabilu Taubah yang merupakan majelis taklim penyelenggara pengajian umum sering diapresiasi sebagai majelis yang memberikan pengayoman kepada kelompok rentan. Artikel ini berargumen bahwa Sabilu Taubah sebagai majelis taklim tidak hanya mengajarkan materi Keislaman saja, melainkan juga memiliki peran dalam pemenuhan hak asasi kelompok-kelompok rentan. Data dikumpulkan dari konten-konten pengajian umum Sabilu Taubah di media sosial Tiktok dan Youtube dengan cara observasi online partisipatoris dan studi dokumen. Temuan penelitian menunjukkan bahwa majelis taklim Sabilu Taubah Blitar telah melakukan peran-peran pemenuhan hak asasi manusia bagi kelompok-kelompok rentan melalui pengajian umum dengan cara mengedukasi jamaah untuk mengakui, menerima dan menghormati umat beragama minoritas, menggalang dana untuk memfasilitasi perbaikan rumah fakir miskin dan penyandang disabilitas, menyediakan mobil kesehatan gratis bagi fakir miskin, memberikan modal usaha bagi janda dengan anak yatim, memberikan bantuan pangan kepada korban bencana alam, menyediakan ruang kreasi bagi penyandang disabilitas serta mengadvokasi komunitas orang jalanan dan orang-orang yang memiliki riwayat sebagai pelaku kejahatan dan kemaksiatan.

Destabilization of the Manipur State and the Role of Myanmar Refugees

Mr Chingbam Ningthilsana, Dr Arvind Shanker Shukla, Sharda University

The destabilization of Manipur is because of breaking the Suspension of Operation ground rules by Kuki's militants that was signed between the central, state, and Kuki's groups in 2008. The sudden increase in Kuki's Population happens after this agreement by bringing huge illegal immigrants from Myanmar to Manipur, India. Building a huge population, using them for poppy cultivation, engaging in drugs and arms trafficking, making huge demographic changes in the Manipur state, and posing a threat to the indigenous people. Manipur is very close to the Golden Triangle and it has an ancient gateway to the Southeast Asian nations through Moreh town. The state government is afraid that some hill parts of the state may fall under this region. Districts like Churchandpur, Tengnoupal, Kamjong, and Ukhrul have practiced the highest poppy cultivation followed by other hill districts. The central government decided to start border fencing to stop illegal infiltration and terminate the Free Movement Regime (FMR) which allows both citizens to enter up to 16 km without any proper document but was opposed by other north-eastern states due to its own interest. Temporary refugee camps are set up in the hill districts of Manipur.

Legal Certainty of Gender Reassignment Administration in Population Data in Indonesia

Mr Nabil Nizam, Ms Fitri Maulina Alviani, UIN Sunan Kalijaga

Indonesian society's resistance to mainstreaming the rights of LGBT people today appears to be overblown. Indonesian society seems to focus less on various matters concerning changes in gender status, including in the aspect of population registration. The purpose of this paper is to analyze the application for a change of sex at the Sleman District Court, Yogyakarta in the perspective of Indonesian legislation and identify its relevance to Werner Menski's triangular concept of legal pluralism in the context of guaranteeing human rights in the field of population administration. Based on a mixed type of research with a qualitative approach, legal, statutory, philosophical, and conceptual case studies, this study argues that the ratio decidendi of the Sleman District Court's decision regarding sex change has not been established *similia similibus*. Then between the provisions of sex change in Indonesian legislation when faced with the concept of Werner Menski's triangle of legal pluralism does not have a strong relevance in realizing the protection of human rights and recognition of the legal status of transsexual population. Future recommendations for legal reconstruction can be implemented.

The Concept of Indonesian Migrant Workers Protection Shelter

Ms Dian Noeswantari, Dr Setiasih Setiasih, Dr NK Endah Triwijati, Dr Afinnisa Rasyida, Dr Inge Christanti, Universitas Surabaya

There are 3 stages of PMI placement: recruitment and training for prospective PMI (CPMI), placement for active PMI, and repatriation for retired PMI. At each of these stages, there are still many problematic migrant workers, who need a 'shelter'. Shelters are needed by migrant workers, especially for those with problems. They expect shelters to accommodate their needs for information and other services. This paper is qualitative research. Sociolegal research method uses for regulations review. In-depth interviews and observations are used for reviewing the implementation. Then, results are analyzed with human rights-based approach (HRBA) with gender perspectives. The paper discusses to which extent the regulations/policies can fulfil the concept of 'shelter' as needed. Regulations that will be examined are East Java Provincial Regulation Number 2 of 2022 concerning the Implementation of Protection of PMI and Number 12 of 2016 concerning the Implementation of Protection of Women and Children Victims of Violence. Because of narrow perspectives on shelter will impact on the written concept on its regulations. Moreover, HRBA with gender perspectives rarely use during legal drafting. As a result, shelter's concept is not having holistic integrative services.

Menggagas Konsep Paralegal Dengan Pendekatan 3-Tingkat Dalam Mengembangkan Kapasitas Masyarakat Adat

Mr Rico Septian Noor, Mr Kiki Kristanto, Palangka Raya University

Masyarakat adat di Indonesia sampai saat ini masih menjadi kelompok masyarakat yang termarginalkan, terdiskriminasi dan mengalami berbagai ketidakadilan. Berbagai kasus kekerasan dan diskriminasi yang terjadi terhadap Masyarakat Adat di Indonesia memperlihatkan gambaran bahwa berbagai regulasi dan kebijakan Pemerintah selama ini ternyata tidak berbanding lurus dengan perlindungan terhadap Hak-Hak Masyarakat Adat. Oleh karena itu, perlu konsep dan gerakan dalam memberdayakan masyarakat adat di Indonesia agar dapat memperjuangkan hak dan keadilannya. Penelitian ini menggunakan penelitian yuridis normative dengan analisis menggunakan pendekatan konseptual, pendekatan kasus dan pendekatan perbandingan hukum sehingga mendapatkan kesimpulan penelitian. Penelitian ini bertujuan untuk mengkaji mengenai konsep Paralegal dengan pendekatan tiga tingkat berdasarkan pengalaman yang dilakukan oleh Regional Resource Team (RRRT) di Pacific. Hasil dari penelitian ini diharapkan dapat menggagas konsep paralegal bertingkat di Indonesia yang dilakukan dengan pendekatan pada tingkatan bawah (mikro), pada tingkatan menengah (meso) dan tingkatan atas (makro) sehingga diharapkan konsep Paralegal ini dapat mengembangkan kapasitas Masyarakat Adat di Indonesia.

Illusions of Consent: Unveiling the Reality of Consumer Autonomy on Digital Platforms

Ms Adis Nur Hayati, National Research and Innovation Agency (BRIN)

Consent is often considered a concrete representation of an individual's will to freely choose for oneself. It is associated with the concept of individual autonomy, which is underpinned by the right to make one's own choices and freedom from coercion. However, in reality, the utilization of consent in boilerplate contracts on digital platforms often does not truly represent the complete and true assent or will of the consumer. The granting of consent by consumers on digital platforms is frequently based on a lack of understanding, choice, and power of the consumer due to manipulation or influence from the practice of dark patterns used by business actors. Consent, as a manifestation of the autonomy rights of consumers on digital platforms, is merely an illusion. This article argues that Indonesia's contract law's current concept of consent is no longer adequate to be applied in digital platform environments. Providing consent on digital platforms in the form of an "I agree" checkbox and other similar forms should not be considered complete and true consent from the consumer.

From Bytes to Rights: A Comprehensive Study on Gender, Digital Inclusion, and Human Rights in Indonesia

Ms Laela Hikmah Nurbatra, Universitas Muhammadiyah Malang

Women in Indonesia face digital gender gaps which exacerbates gender inequality and affects human rights like education, freedom of expression, and access for information. Digital inclusion and gender equality in Indonesia are examined to see how digital technologies can empower women and improve their socio-economic engagement. This research examines the convergence of gender, digital inclusion, and human rights in Indonesia, with a specific emphasis on the disparity in digital access between genders. Employing literature review, the study critically examines digital inclusion issues include online gender-based violence, privacy problems, and algorithmic prejudices. When it comes to human rights, the study shows how digital inclusion affects the promotion and defense of human rights in Indonesia. Digital technologies magnify underrepresented voices, advocate for social justice, and hold duty-bearers responsible. This research concludes that gender, digital inclusion, and human rights in Indonesia are interconnected and that solving the digital gender gap is essential to gender equality and human rights in the digital age. In order to promote a digital ecosystem in Indonesia that is inclusive and respects individual rights, it is necessary to implement policy interventions and encourage cooperation among several stakeholders.

Examining the Impact of Energy Transition from the Perspective of Human Rights and Political Ecology

Mr Rusman Nurjaman, National Research and Innovation Agency (BRIN)

Ms Kania Guzaimi, Friedrich-Alexander Universität Erlangen-Nürnberg

Energy transition is one of the main agendas in Indonesia's National Long-Term Development Plan (RPJPN) 2025-2045. There are four stages of the energy transition, one of which starts with increasing the use of electric vehicles. For this reason, Indonesia is boosting nickel mining to support the electric vehicle industry, as one of the strategies. However, the ongoing nickel extraction process has an impact on environmental damage and the livelihoods of local communities, exacerbating the social-ecological crisis. This article examines the paradoxical phenomenon of energy transition in Indonesia, which raises issues of social-ecological injustice. Based on qualitative-descriptive analysis, the study utilizes secondary data, in the form of various reports reported by state actors, the private sector, and civil society organizations related to the ongoing energy transition in Indonesia. In addition, the article will examine the social-ecological impacts it has caused by using the lens of human rights and political ecology as its theoretical framework. This article is expected to provide new insights into the process and dynamics of the energy transition in Indonesia and its impacts from the perspective of business and human rights, especially related to corporate responsibility for human rights.

Questioning Gender Equality Over Ulayat Land Management in Minangkabau Society

Mr Surya Oktaviandra, Universitas Andalas

Gender equality in land management and ownership is vital to support the desired SDGs. However, traditional values and norms in particular areas may not align with this concept. This article discusses things overlooked, such as gender inequality, which occurs and continues to be embedded as customs in the management of customary land in Minangkabau society. As part of high inheritance, customary land is a valuable hereditary property for people in Minangkabau society. Even though the use of the land is allocated to women in the clan, the custom has determined that the person who can manage the customary land is the man referred to as Mamak Kapalo Waris. By conducting observation and relevant legal document analysis on gender and sustainable development issues, this paper argues that such conditions do not align with the SDGs principle, where women have equal rights in determining land management, which can affect their lives and futures. While the modification of customary law itself is challenging to exercise, an incorporation of gender equality should be available through local regulation to align with international commitment regarding sustainable development goals and current development in society.

Does Representation of Women in Parliament Matter in Indonesia?

Dr Yessi Olivia, Universitas Riau | Mx Nuraeni, Universitas Padjadjaran

A commitment to fulfilling women's representation in the parliament to promote gender equality and implement a fair democratic system is an established international norm. Studies have also shown that women's representation in parliament matters because they increase the attention to women's issues due to their direct participation in decision-making. However, achieving gender equality should not rest solely on fulfilling women's quota in parliament. This article shows a case where women's representation in parliament does not correlate in pushing for a better protection for women. Indonesia passed the Law on Sexual Violence Crimes (Undang-Undang Tindak Pidana Kekerasan Seksual--UU TPKS) in April 2022. UU TPKS, which was initiated by the parliament, was rejected by the Prosperous Justice Party's (Partai Keadilan Sejahtera), the only political party in Indonesia that met the minimum quota of 30% of electoral districts. PKS, along with other political parties, has even pushed more laws that contradict gender mainstreaming regulations. The latest bill on Family Resilience (Rancangan Undang-Undang Ketahanan Keluarga) is one of the examples. The unsettling trend on gender equality discourse among members of the parliament will be discussed further in the article.

Intersectionality of Human Rights and Biosecurity: A Holistic Approach

Dr Noor Dzuhaidah Osman, Associate Professor Syahirah Abdul Shukor, Universiti Sains Islam Malaysia

One of the basic human right is the right to health is stated in Article 12 of the International Covenant on Economic, Social and Cultural Rights that includes availability, accessibility, acceptability, and quality, which requires adequate health facilities and services for all. The COVID-19 pandemic broadens the right to health beyond public health by including biosecurity, which includes human, animal, and plant health. This article calls for combining biosecurity and public health principles under a more comprehensive framework. It advocates for comprehensive and internationally accessible biosecurity measures that meet the right to health standards. The goals include protecting human health and conserving the biodiversity from various threats from human, animals, plants, virus, biological and many more. Biosecurity, which includes biosafety and the prohibition of biological weapons, is controlled by international laws and organisations. This is a doctrinal type research that examines the relevant international agreements and organisations thus aligning it with human right to health. It is found that as part of the implementation of international law sovereignty is important because it allows governments to make decisions based on acceptability, whether at the national or regional levels. The main goal is to promote human rights, peace, and innovation throughout Asia and the Pacific.

Legal Policy in Achieving Indonesia's Net Zero Emission Target in 2060

Mr Merdiansa Papatungan, Professor Setyo Widagdo, Professor Muchammad Ali Safaa'at, Professor Adi Kusumaningrum, Universitas Brawijaya

In 2022, Indonesia revised its 2030 emissions reduction target to 31.89% (unconditional) up to 43.2% (conditional). The targets are set on the foundation of balancing the goal of achieving economic growth of an average of 5% each year and the fulfillment of the right to a good and healthy environment. When formulated in legal policy, these two foundations often become conflicting goals. In such conditions, it is not uncommon for legal policies to be formulated to prioritize the goal of economic growth and ignore aspects of fulfilling human rights. This research aims to analyze and reveal the extent to which human rights have a place in policies to achieve emission reduction targets, especially in the power, transportation and forestry sub-sectors. The research focuses on analyzing various regulations, using normative legal research or doctrinal legal research.

Integrating the Human Rights Protection in the Indonesian Antitrust Law Enforcement

Dr Dian Parluhutan, Professor Udin Silalahi, Professor Thomas Pureklolon, Universitas Pelita Harapan

Article 36 in conjunction with Article 35 of the Indonesian Competition Law Number 5-year of 1999 (Law Number 5/1999), the Commission for the Supervision of Business Competition (KPPU) has been authorised to undertake the Competition (antitrust) law enforcement, such as interrogations, dawn-raids, confiscation and imposing pecuniary fines against persons or business actors allegedly violating the Antitrust law. Furthermore, KPPU has extensive powers to issue a Decision about the guiltiness of alleged persons and business actors and can directly impose confiscation, seizure and other forced actions against the persons or business actors. However, based on preliminary empirical research, the exertion of these powers could jeopardise or encroach on the fundamental rights of the persons or business actors, such as undue interrogations and dawn raids. This phenomenon creates the antitrust enforcement paradox. On the one hand, the Government has ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights through Laws Number 11 and Number 12 in 2005. Conversely, in Germany and European Union, the Federal Cartel Office (Bundeskartellamt) and the European Commission have been authorised to perform Competition law enforcement according to the Regulation No 1/2003 on the Antitrust Enforcement.

Sentencing in Indonesian Murder Cases

**Associate Professor Daniel Pascoe, City University of Hong Kong
Associate Professor Milda Istiqomah, Universitas Brawijaya**

The Indonesian system of criminal sentencing provides an unusually complete opportunity to examine the exercise of judicial discretion. In Indonesia, judges are almost completely unrestricted by mandatory sentencing laws and sentencing guidelines when imposing punishment in criminal cases. Furthermore, judicial discretion stands to have its greatest impact on the severity of punishment for the most serious offences. Accordingly, this paper undertakes a quantitative study of sentencing in intentional murder cases in the Indonesian District Courts, looking at the factors that judges consider in sentencing defendants to either a term of years (up to 20 years), life imprisonment, or the death penalty, in first instance trial courts across the entire country. As Indonesian jurist Assegaf has acerbically noted of the national context, 'People find it hard to grasp why in some cases a murderer may receive a life sentence but in others receive only a few years prison time' (Assegaf, 2020). While this paper does not aim to justify such a wide disparity, particularly given the human rights principle that like cases should be treated alike within the criminal courts (ICCPR, Article 26), at the very least the paper attempts to explain the reasons for such inconsistent sentencing practices.

Data Protection and Privacy Laws: The India Story

Ms Dristirupa Patgiri, Assam University | Dr Partha Pratim Medhi, Advocate Gauhati High Court

The right to privacy in India is recognized as a fundamental right under the Constitution of India encompassing autonomy over personal decisions, bodily integrity and the protection of personal information as per the judgement in the case of Justice K.S. Puttaswamy (Retd.) & Another vs. Union of India & Others (2017). The issue of data protection falls within the ambit of this right to privacy. Although certain safeguards are provided under the Information Technology Act, 2000, a more robust and adaptive data protection regime is required to address the rapid growth in the use and abuse of technology in the country. After several failed attempts, the Digital Personal Data Protection Act, 2023 was proposed and enacted with a fresh perspective. A study of established data protection and privacy laws in countries like the United States of America, United Kingdom and Australia provide a deeper understanding of the feasibility of such laws. This paper is an attempt to analyze the provisions of the legislation of 2023 and the possibility of finding inspiration in the provisions of data protection laws of other countries which may be applied to the Indian context.

Delving into the Rights of Minority Ethnic Groups in Singapore

Ms Germaine Jacolyn Peter, The University of Sydney

In present day, modern Singapore, research demonstrates that the foundation for racial discrimination is anchored in the fundamentals of ethnic identity and the way in which it scaffolds the designing of various policies related to education, employment, housing, immigration and politics (Huat, 2005). These policies have been devised, developed and implemented by the governing body of Singapore that has been ruling for the past 50 years, the People's Action Party (PAP). This paper will explore these policies and discuss its efficacy.

Human Rights and Sorcery Accusation Related Violence in the Highlands of Papua New Guinea

Mr Paul Petrus, Independant

The traditional sorcery belief and practice has increased dramatically over the last decade in the highlands of Papua New Guinea. This has a increased the level of sorcery accusation related violence. Human rights abuse and barbaric torture of innocent marginalised especially women have reached significant heights at the national and international level. In this research paper, it critically highlights the significant influence of modern technology like mobile phones, horror movies and social media that exacerbates the sorcery belief and the associated violence. However, the government, churches and non state actors are not doing much to address the impact of modern technology on sorcery and sorcery accusation related violence. The research aims to influence policy makers, academics and advocacy groups to seek strategic alternatives to address this critical influence behind the scenes.

Human Rights Perspective on the Studies of Indonesian Migrant Workers' Children

Ms Rizka Fiani Prabaningtyas, Professor Tri Nuke Pudjiastuti, Dr Athiqah Nur Alami, Ms Faudzan Farhana, Ms Irin Oktafiani, National Research and Innovation Agency (BRIN) | Dr Arfan, UIN Sultan Thaha Saifuddin Jambi

Studies on the involvement of Indonesian migrant workers' (IMW) children in international migration have been growing. However, they mostly focus on specific cases or contexts. A thorough examination is required to understand the complexity and multidimensionality of the topic. This paper aims to investigate the trend of academic publications on IMW children. Using the Systematic Literature Review (SLR) method, this research poses two questions: What are the main topics discussed in the publications, and how do they engage the human rights approach that highlights inclusive practices and policies on the fulfillment of children's rights? It compiles English and Indonesian peer-reviewed journal articles published between 2013-2023 using the Scopus and Google Scholar databases. This research finds that studies on IMW children predominantly focus on left-behind children and the impact of parental migration on their lives. Fewer studies discuss IMW children born and/or raised overseas in the host countries. The examined studies employ human rights approaches in various ways depending on their academic discipline. Consequently, these variations create no single understanding of inclusiveness within practices and policies to fulfill the IMW children's rights. These findings contribute to an enriching multidisciplinary approach as an innovation in discussing the realization of human rights.

Civil Registration Issues and Human Rights for Indigenous People After Seven Decades of Independence

Ms Lengga Pradipta, Universiti Brunei Darussalam

The civil registration service is a huge phenomenon because it is inaccessible to poor and vulnerable communities, such as people with disabilities, indigenous groups, and refugees. Furthermore, for a country that has gained independence for more than seven decades, such as Indonesia, the issue of civil registry remains unresolved. Following its independence in 1945, Indonesia still needed to manage all governance systems as well as civil issues. Despite the government's numerous efforts to establish an accessible registration process and provide these services to all levels of the community, several issues have arisen, such as a lack of apparatus capacity, infrastructure, and supporting facilities that could not reach the isolated areas. This paper looks at the civil registration issue in rural and isolated islands in Indonesia, where indigenous people reside, to have accurate information about the country's population. Because registration is a continuous process, this research will delve deeper into data about indigenous people in Indonesia and the government's challenges, so that the nation's agenda, such as elections or providing social security services to the community, can be carried out well in the future. Knowing the true population data is the foundation of having an established nation and upholding human rights.

Sad Kerthi: Understanding Traditional Knowledge as the Basis of Indigenous Peoples' Autonomy

Mr Dewa Krisna Prasada, Professor I Nnyoman Nurjaya, Professor Rachmi Sulistyarini, Professor Muktiono, Universitas Brawijaya

The acknowledgement and reverence for indigenous populations has emerged as a significant subject, particularly in 1989, with the enactment of the Indigenous and Tribal Peoples Convention by the International Labor Organization (ILO). In 2007, the United Nations strengthened the recognition and respect for indigenous communities through the Declaration on the Rights of Indigenous Peoples. The aforementioned legal instrument serves as a means of granting indigenous communities the right to exercise autonomy in their social lives in the current period of globalization. This research uses socio-legal research methods with the statute approach and legal facts. This research indicates that indigenous communities have maintained their social lives and autonomy based on traditional knowledge, as demonstrated by the indigenous community in Bali, who firmly adhere to their local wisdom known as Sad Kerthi in their daily lives. This research concludes that indigenous communities lacking national legal frameworks can adapt to the era of globalization by preserving their traditional knowledge rooted in the dynamic practices of indigenous peoples. Nevertheless, it is crucial to acknowledge and uphold the self-governance of indigenous communities to establish legal assurance and safeguard against infringements on the rights of indigenous peoples.

Assessment of Human Rights Compliance for State Institutions: A Path to Zero Violations

Associate Professor Cekli Setya Pratiwi, Universitas Muhammadiyah Malang

As democratic regression unfolds, state institutions have promulgated various regulations and policies that threaten the right to freedom of expression. A research gap exists, with global human rights compliance studies mainly focusing on business compliance under government regulations. This study uses comparative legal research, drawing on the theories of rights and obligations, human rights compliance, and its permissible limitations. It uses participatory approaches like expert forum discussions and public consultations. Regulations that expand slander against online media, criminalize the distribution or accessibility of information or documents, defamation, religious expression, and artistic expression continue to threaten the right to freedom of expression, as underscored by the findings. Periodic assessments with the right methodology can identify and rectify non-compliance regulations, eradicating future violations. The first step involves selecting universally applicable indicators for compliance measurement, followed by the development of an effective assessment tool. Training sessions ensure stakeholder understanding of compliance and assessment methodology. An independent team conducts regular, unbiased assessments and produces assessment reports with improvement recommendations for necessary actions. Implementation of these steps aims to foster a conducive environment for human rights protection in Indonesia.

Pelaksanaan Protokol Perawatan Jenazah Covid-19 Dan Upaya Pencegahan Penyakit Menular

Ms Eriko Prawestiningtyas, Universitas Brawijaya | Mr Muhammad Fahrul, Rumah Sakit Umum Daerah dr. Saiful Anwar

Pada tahun 2020, sebanyak 216 negara dan wilayah/teritorial di dunia termasuk Indonesia tengah menghadapi pandemic global akibat penyakit Covid-19. Meskipun dari data statistic menunjukkan bahwa lebih banyak kasus sembuh dibandingkan kasus meninggal, namun tetap menjadi kewajiban bagi semua pihak untuk turut berpartisipasi aktif menurunkan penyebaran Covid-19 itu sendiri. Terdapat fakta bahwa terdapat permasalahan terkait perawatan dan pemakaman jenazah dengan Covid-19. Berdasarkan hasil laporan terdapat penolakan pemakaman tersebut, terjadi tren jenazah yang terdiagnose klinis confirm COVID-19, keluarga mengajukan penolakan perawatan dan pemakaman sesuai protocol dan berakhir dengan setuju dan bahkan kontra dengan pelaksanaan protocol tersebut. Dengan dicabutnya Pandemi Covid-19 pada awal 2023 dan dengan disahkannya Undang-undang Kesehatan yang baru, UU nomor 17 tahun 2023, tentunya semakin memantapkan bahwa regulasi tentang upaya penanggulangan penyakit menular senantiasa dan tetap akan dibutuhkan oleh semua pihak termasuk masyarakat pada umumnya, terlebih dengan kemajuan perkembangan munculnya penyakit menular yang baru maka dibutuhkan kesiapan dan kecepatan penetapan regulasi yang senantiasa dinamis. Tujuan: Memahami prosedur pelaksanaan perawatan jenazah terkonfirmasi Covid-19 berdasar protocol ditinjau dengan pemberlakuan UU Nomor 17 tahun 2023 tentang Kesehatan.

ASEAN Effort on Placement and Protection of Migrant Fishers

Mr Pandu Prayoga, National Research and Innovation Agency (BRIN)

This article provides a concise overview of the collective efforts undertaken by the Association of Southeast Asian Nations (ASEAN) in addressing the placement and protection concerns of migrant fishers. The paper explores key initiatives, policies, and collaborations among the ASEAN Member States aimed at improving the working conditions, ensuring fair employment practices, and safeguarding the rights of migrant fishers. Also it highlights the multifaceted approaches such as victim-centred, criminal-centred, and rights-based approach taken by ASEAN member states to create a more secure and supportive environment for migrant fishers, emphasizing the significance of regional cooperation in promoting the well-being of this vulnerable workforce. This research use data from documents, books, reports, and related sources. To ensure the regional effort meets the goal, the paper argues that ASEAN has two steps namely proposed declaration and guidelines (including regional/national action plan), also the way for implementation.

Indonesian Prison Law Gap (Gender and Maternity Appropriations): Challenges and Opportunities

Mr Gilang Puji Andyansyah, Universitas Gadjah Mada

Since Indonesia's Law about prisoners changed after almost 30 years, several things about how to "humanize" prisoners might be unheard of, especially maternity and gender appropriation. Studies about maternity in prison are somewhat rare and standalone, covered by fulfillment of the basic right of prisoners as if to conduct how these females arrested into the criminal justice system itself, yet LGBTQIA+ studies in Indonesia mostly draw by the context of criminalization of subjects, not about evidence that causes crimes that make someone sentenced by the criminal justice system. The phenomenon of LL and MC, which proclaims Indonesian transgender celebrities that have been arrested into diverse gender classified of jail, reflects the rigidity of Indonesia's legal system. This paper criticizes the impact of Indonesia Law Nu. 22 of 2022 curated using evaluative legal research from Waaldjik (2009) to find a wedge among existing regulations and the closest approach in the future in Indonesia's penitentiary law reform.

Re-Imaging Health for Refugees and Asylum Seekers in Indonesia from a Human Right Based Approach

Ms Silvi Purba, Ms Salma Majidah, Mr Ris Heskial Sitinjak, Ms Natasya Azis, Alfian Nurfaizi, Youth Health Hub Indonesia

Since 2023, Indonesia was torn with heated arguments about the influx of refugees, mainly the Rohingya People. Certainly, Rohingya Refugees are not the first group of refugees in Indonesia. As a matter of fact, Indonesia has been a transit country since the 1970s; cementing national commitment to human rights and peace. However, ultra-nationalists and religious extremist groups debated whether or not these refugees would steal their share of welfare. In reality, the living state of refugees and asylum seekers in Indonesia is not as glamorous as what some claimed to be. UNHCR recommends health insurance schemes for refugees and asylum seekers, yet the scheme is not implemented yet in Indonesia. Refugees highly rely on the healthcare network by UNHCR and IOM Indonesia. On the contrary, under the Universal Health Coverage (UHC) paradigm, Indonesia should have provided equal access and quality of health for everyone; regardless of their state of citizenship. We perform literature review to explore the possibility of a health insurance scheme for refugees and asylum seekers in Indonesia, Guide by the Human Right Based Approach (HRBA). We will also analyze the existing scheme in other countries, and hypothesize a scheme that will fit Indonesian interest the most.

The Meaning of the Best Interests of Children in the Juvenile Criminal Justice System

**Ms Shinta Ayu Purnamawati, Professor Sidik Sunaryo, Professor Cekli Setya Pratiwi, Universitas Muhammadiyah Malang
Professor Endah Lestari, Universitas Narotama**

There are four General Principles underpinning the UNCRC: The right to life, survival and development; Non-discrimination; The right to be heard; and The best interests of the child. The application of the principle of the best interests of children in the juvenile criminal justice system is still questionable. The imposition of criminal charges against children is proof that this principle is still not implemented optimally. The application of criminal sanctions is a form of legal politics applied by the state to resolve every criminal act committed by a child. Even though criminal sanctions become ultimum remedium, this does not mean that these sanctions are eliminated. Apart from the state still being oriented towards punishing every crime committed by children, society also still has a culture of deterrence. The state has not correctly interpreted the principle of the best interests of the child. By imposing a crime, it has clearly violated the best interests of the child. The imposition of criminal sanctions is aimed at the interests of the state, namely the success of enforcing the rules. However, in the punishment process many children's rights are violated, and cannot be replaced or restored by the state.

The Legal Framework of the Rights of People with Disabilities on Making Contract

Ms Cyndiarnis Cahyaning Putri, Ms Rumi Suwardiyati, Universitas Brawijaya

The development of contract law has grown rapidly over time, with the development of technological advances, the paradigm of contract law has also developed rapidly. One of the problems of agreement law is related to how people with disabilities's rights of making a contract. The legal framework of agreement law is based on the Indonesia Civil Code. To determine the validity of contract, there are four requirements to be fulfilled by the parties as stated in the Article 1320 Indonesia Civil Code, namely consent of the individuals who are bound there by, legal capacity to conduct a contract, a specific subject or matter, and admissible cause. In term of the capacity to conduct a contract, it is stated that the individuals under guardianship is declared incompetent by law. Given that the dynamics of people with disabilities are increasingly diverse, not only limited to physical disabilities, but also to mental disabilities. Related to the people with disabilities, it is needed to determine the right of people with disabilities on making contract by reconstructing the legal framework of Indonesia Civil Code.

The Impact of Moral Offenses Under the Indonesian Penal Code 2023 for Religious Minorities

Dr Nella Sumika Putri, Universitas Padjadjaran

Indonesia is a multiethnic and multireligious country. This pluralism affects how society views behaviors, especially immoral ones. The 2023 Penal Code uses the "moral policing" argument to expand the scope of adultery and criminalize cohabitation as a moral offense. These two criminal provisions were incorporated into problematic articles during the drafting and formulation stages. Proponents claim that the existence of these moral offenses is consistent with the moral and religious values of Indonesian society; in contrast, opponents argue that this arrangement demonstrates the state's overreach in interfering with citizens' liberties, particularly those of religious minorities. Adultery and cohabitation are two acts that are closely associated with marriage. Marriage remains a contentious issue in Indonesia, as it is not only an administrative issue but also one of religion or belief. Uncertain interpretation of the term "marriage" will result in minority religious groups that are not or have not been administratively registered, including marriage patterns that are deemed to be contrary to the majority's moral, religious, or belief concepts, potentially being prosecuted under the provisions on adultery and cohabitation. The extent to which the implementation of these two criminal acts could impact religious minority groups will be discussed in this article.

Advancing Education Rights: A Comparative Analysis of Asia's Educational Landscape

Ms Natasya Aulia Putri Syahrin, Ms Sarmilah M, Ms Wisnu Rahmat Saputra, Universitas Jember

Education is one of the basic right for all human beings. However, educational disparities remains a significant human right issue, especially in less develop countries. This Research Investigates education landscape ASIA, particularly Indonesia, India and Pakistan, with a particular lens on human right issue. It evaluating the accessibility of education, governmental effort to narrow socioeconomic gap, and measure aimed at enhancing educational quality and curriculum standards. Additionally it also addresses gender imbalances and strategies to promote gender equality. Furthermore, it also explore initiative aimed to fostering an inclusive educational atmosphere accommodating diverse cultural, ethnic, and religious context. It identifies human right barriers in education and highlighting government strategies to protect education rights. Ultimately, the research aims to provide a comprehensive picture of education system in these countries, finding appropriate legal reform for the adveamcemet of education quality.

Community Based Forestry Management Dalam Prespektif Hak Asasi Manusia

Associate Professor Indah Dwi Qurbani, Universitas Brawijaya

Peningkatan partisipasi masyarakat dalam melestarikan ekosistem hutan menjadi penting. Penyusunan pengaturan skema Community Based Forestry Management (CBFM) adalah kajian pemenuhan hak-hak konstitusional warga negara dalam pengelolaan Sumber Daya Alam. Kajian ini akan menghasilkan pemenuhan hak warga negara dalam pengelolaan sumber daya alam dengan Community Based Forestry Management. Keadilan dalam bidang pengelolaan sumber daya alam menjadi isu hukum dalam kajian ini dengan prespektif green constitution.

Securitization, Hoaxes, and Right-Wing Populism: The Rohingya Refugee Crisis in Indonesia

Mr Wahyu Arif Raharjo, Universitas Wahid Hasyim

Despite previously accepting them, the waves of Rohingya refugees coming to Aceh has recently experienced a massive rejection by the locals as these stateless ethnic groups were denied entry, even further dubbed as smugglers and traffickers. In responses, Jokowi has recently released a statement condemning the spread of human trafficking through refugees and it has caused a considerable impact on the treatment of Rohingya Refugees. This paper aims at delving into the process in which national discourse against Rohingya refugees was on the rise from November 2023 – January 2023, thus securitizing the existence of Rohingya in Indonesia. It argues that (1) securitization practice is employed by right-wing content creators as securitizing actors that utilises hoaxes and misinformation to spread hatred, dehumanize, and thus securitized the issue. (2) The discourse has transformed into differing narrative, from initially Rohingya's alleged misbehavior and awful attitude, to the risk of human trafficking and people smuggling that demonstrates the lack of Indonesia's maritime security and defense system.

Ekosob Dan Perlindungan Pembela Hak Asasi Manusia Dalam Sistem Hukum Indonesia

Ms Ardila Rahayu, Sammi Institut

Langkah rentan yang dipijaki Pembela HAM untuk menegakkan keadilan, mendampingi dan berjuang demi korban HAM tentu tidak mudah. Pembela HAM adalah individu atau kelompok yang berada di garda terdepan untuk membela dan memperjuangkan hak-hak korban yang tidak mendapatkan keadilan HAM. Rasa juang dan kepeduliannya terhadap sesama manusia seringkali melupakan hak-hak pribadinya yang bahkan belum bisa terpenuhi. Pembela HAM juga memikul resiko yang tinggi terhadap dirinya sendiri yang rentan akan kekerasan dan ketidakadilan, namun mereka tetap berjuang dan membela korban HAM. Hak pembela HAM yang harus terpenuhi bukan hanya mendapatkan perlindungan namun juga hak ekosob (ekonomi, sosial, dan budaya). Pemenuhan hak tersebut, tentu butuh peran serta dari pemerintah yang dapat menciptakan payung hukum serta dapat mengimplementasikannya bagi pembela HAM seperti yang telah dijelaskan dalam pasal 2 Deklarasi Pembela HAM: "Setiap negara mempunyai tanggung jawab dan tugas utama untuk melindungi, memajukan dan melaksanakan semua hak asasi manusia dan kebebasan dasar...". Ironisnya pemerintah sampai saat ini belum bisa mengimplementasikan dan memenuhi hak tersebut. Sehingga perlu adanya gerakan yang asertif untuk mengubah sistem hukum di Indonesia agar pemenuhan hak bagi pembela HAM dapat diakui dan diberikan secara maksimal.

Strategi Demokratis Pemerintah Daerah Jawa Barat Dalam Hak Asasi Manusia

Ms Dini Rahmiati, National Research and Innovation Agency (BRIN)

Makalah ini akan membahas secara rinci peran krusial pemerintah daerah dalam pemenuhan kebutuhan pangan sebagai hak asasi manusia, dengan penekanan khusus pada prinsip-prinsip demokrasi. Fokus utama akan diberikan pada implementasi dan efektivitas langkah yang diambil oleh pemerintah daerah khususnya di Jawa Barat, agar dapat dipastikan hak asasi manusia terkait pangan terwujud secara menyeluruh di tingkat lokal, sejalan dengan prinsip-prinsip demokrasi yang mendasar. Melalui analisis mendalam terhadap kebijakan dan praktik pelaksanaan di Pemerintahan Provinsi Jawa Barat, Indonesia. Hasil Penelitian akan mengidentifikasi peran pemerintah daerah dalam aspek ketersediaan, khususnya untuk komoditi beras yang mencakup kebijakan peningkatan produksi lokal, distribusi yang adil, dan perlindungan terhadap kelompok rentan, termasuk fungsi pemantauan dan penanganan ketidaksetaraan akses pangan. Namun, dinamika ini juga dipengaruhi oleh faktor-faktor seperti kapasitas sumber daya manusia, keterlibatan masyarakat lokal, dan dukungan dari tingkat pemerintah pusat. Konflik kebijakan, perubahan iklim, dan fluktuasi ekonomi juga menjadi tantangan yang perlu diatasi. Dengan merinci implementasi praktis hak asasi manusia dalam konteks kebutuhan pangan dan demokrasi, hasil penelitian ini akan memberikan wawasan mendalam tentang peran dinamis pemerintah daerah dalam upaya memenuhi hak asasi manusia dalam konteks pemenuhan kebutuhan pangan sesuai prinsip demokrasi.

IVF Technology in India Under the Assisted Reproductive Technology (Regulation) Act, 2021

Mr Manojkumar Raj, Kavayitri Bahinabai Chaudhari North Maharashtra University

India's 2021 Assisted Reproductive Technology (ART) Regulation Act sparks a critical debate – while legalizing surrogacy and IVF technologies, it excludes the LGBTQ+ community from accessing these potentially life-altering tools for family building. This paper analyzes this discriminatory provision under the lens of human rights, particularly the right to equality and family life enshrined in the Indian Constitution and international declarations. We draw upon legal arguments, critiques from activists and academics, and narratives from LGBTQ+ individuals seeking reproductive autonomy. We explore the ethical implications of the ART Act's exclusion, highlighting concerns around surrogacy access for same-sex couples, sperm and egg donation restrictions for transgender individuals, and the erasure of diverse family structures. Beyond legal interpretations, the paper delves into the lived experiences of LGBTQ+ individuals navigating complex societal pressures, family expectations, and economic limitations while navigating their path to parenthood.

Adapting Information Technology for Good Law-Making

Mr Fahmi Ramadhan Firdaus, Universitas Jember

To be said to be good, a law not only fulfils the material aspects but also requires formal compliance, which is related to how its formation follows statutory and democratic regulations. One effort to fulfil these formal aspects is utilizing information technology, which has become necessary in the digital era. Information technology has now influenced various fields and aspects of national and state life, including the process of law-making. Through normative juridical research with conceptual, statutory, and comparative approaches, this research aims to explain how problems in the formation of laws in formal aspects cause laws to be not so good to procedural defects and how information technology can be used to support formal aspects to realizing the formation of good laws. The research results show that formally, the law-making has adopted information technology but still has problems in terms of transparency and participation, which are still not optimal, and online public consultations are still not supported by adequate guidelines. This research explains that information technology will accelerate transparency and participation in law-making, including ease of access to information, online public consultation, data processing, document management systems, legislative process monitoring, and data or information security.

The Risk of Artificial Intelligence Development on Indonesia's Cyber Security and Global Perspective

Ms Evyta Rosiyanti Ramadhani, Ms Ayudya Rizqi Rachmawati, Universitas Jember

The application of artificial intelligence technology besides bringing many benefits, also reveals many loopholes in the legal field that create opportunities for criminals to commit crimes. The author finds that the application of artificial intelligence technology that is currently being used by many people in many parts of the world, creates a risk of cybersecurity violations, especially in terms of data privacy. In some countries, there have been many cases of cybersecurity violations committed using artificial intelligence technology, but this has not been remedied by adequate legislation to prevent, punish and deter criminals. This study uses normative research methods on legal protection against crime using artificial intelligence technology. In addition, the author also uses the comparative method by comparing regulations on cybersecurity, especially regulations on the use of Artificial Intelligence technology in some countries. The conclusion that the author made after reviewing legal regulations in Indonesia is that there are still no regulations governing cybersecurity systems using artificial intelligence in a specific and detailed way. Therefore, it is necessary to update Indonesian regulations specifically and in detail related to cybersecurity systems using artificial intelligence.

Indigenous Agroforestry and Fire Management in Southeast Asia, Australia, and the Americas

Mx Joaquin Rafael Ramoso, San Diego State University

Ms Jennifer Stannard, Australian National University & Thammasat University

Indigenous peoples around the world share cultures of sustainable environmental stewardship. Many groups practice agroforestry for subsistence, often using fire to manage these landscapes. Cultural burning traditions restore natural soil fertility, regenerate fallow, promote biodiversity, and proliferate plants cultivated for nutritional, medicinal, ceremonial, weaving, and timber purposes. Setting firebreaks and small-scale controlled burns prevents the spread of large destructive wildfires. However, governments generally misunderstand or ignore the ecological significance of these practices in fire-adapted environments. Consequently, Indigenous peoples are slandered as deforesters, arsonists, and slash-and-burn savages. Fire suppression laws criminalize cultural burning traditions while the arbitrary demarcation of "protected areas" forcibly evict Indigenous peoples from their homelands. Paradoxically, governments' attempts to "preserve wilderness" through this exclusionary conservation paradigm end up undermining the traditional custodians of these ecosystems, thereby contributing to the extremely combustible conditions the world struggles with today. Despite these challenges, Indigenous peoples resiliently continue asserting their right to self-determination. Embracing traditional ecological knowledge and defending Indigenous sovereignty is vital to effectively protect ecosystems and human rights. Here we highlight a case study of Indigenous Karen environmental management in Thailand framed within the context of the wider Pacific region, drawing connections across Southeast Asia, Australia, and the Americas.

Online Activism: Unmasking Human Rights Violations Through Social Media in Pakistani Politics

Ms Afsheen Rathore, Ms Saadia Ayub, Superior University

In the last two decades, social media has become a prevalent tool for political and human rights activists, enabling them to report on injustices, and coordinate both individual and collective campaigns and actions. Pakistani political landscape is characterized with inconsistent democracy. In 2022 when a political government was toppled down through a conspiracy, the opponents used their all and old means to restrict public expression. Unfortunately, this time due to the social media they could not play the old game of thrones. Human rights violations were reported consistently through social media only since the mainstream media was controlled. Twitter is a powerful and prominent platform for political debate in Pakistan. The study employed social network theory as lenses to understand how citizens and civil society groups engaged on Twitter to report their stories, discuss human rights violations committed during the regime change operation 2022 in Pakistan and challenge authorities to address their concerns. Through a qualitative research approach, virtual ethnography on selected Twitter accounts of the victim political party was used to gather engagements on Political human rights violations in Pakistan.

Dampak Penyelesaian Non Yudisial oleh Tim PPHAM pada Korban Pelanggaran HAM Berat di Rumoh Geudong

Ms Raudhah, Universitas Gajah Mada

Berdasarkan laporan Komnas HAM, sekitar 3000 warga sipil diduga menjadi korban penyiksaan, pembunuhan, dan penghilangan paksa setelah dibawa ke Rumoh Geudong dan Pos Sattis di Aceh selama periode 1989-1998. Secara hukum, korban belum menerima penjelasan resmi mengenai dugaan pelanggaran HAM yang mereka alami dan siapa yang seharusnya bertanggung jawab. Oleh karena itu, pada 26 Agustus 2022, Presiden Joko Widodo menandatangani Keppres Nomor 17 Tahun 2022 tentang pembentukan tim PPHAM yang memiliki kewajiban untuk mengungkap dan menyelesaikan kasus pelanggaran HAM berat masa lalu melalui mekanisme non-yudisial. Penelitian ini bertujuan untuk menganalisis peran tim PPHAM pada proses penyelesaian non-yudisial dan dampaknya terhadap korban pelanggaran HAM berat di Rumoh Geudong. Metode penelitian ini menggunakan pendekatan analisis kualitatif melalui wawancara mendalam dengan korban, perwakilan PPHAM, dan aktivis HAM. Pengumpulan data dilakukan dengan melibatkan berbagai pemangku kepentingan terkait serta analisis berita yang terdokumentasikan di media. Hasil penelitian diharapkan memberikan wawasan mendalam tentang peran PPHAM dan dampak yang diperoleh korban pasca penyelesaian non-yudisial tersebut. Implikasi temuan penelitian ini dapat memperkaya pemahaman praktisi, lembaga HAM, dan pengambil kebijakan terkait penanganan kasus pelanggaran HAM berat dan pemeliharaan memori sejarah di wilayah pasca-konflik.

Challenges Bondowoso Local Government in Addressing the High Prevalence of Stunting

Dr Erwin Nur Rifah, Universitas Jember

Bondowoso, a district in Indonesia, is currently facing a significant public health issue: a high prevalence of stunting among its people. This abstract examines the complex relationship between stunting and restricted availability of healthcare facilities in Bondowoso. Stunting, which is a visible result of long-term malnutrition, obstructs the physical and cognitive growth of children, leading to significant consequences for the general welfare of the community. A considerable portion of the population in Bondowoso encounters obstacles in obtaining sufficient healthcare, which worsens the frequency of stunting. The abstract examines the socio-economic determinants that contribute to this problem, including poverty, insufficient infrastructure, and a dearth of knowledge regarding appropriate diet and healthcare practices. Lack of adequate maternal and child healthcare services exacerbates the problem, affecting the prompt identification and intervention for stunted growth. The article also explores the current governmental and non-governmental efforts to enhance access to health facilities and tackle the underlying factors contributing to stunting in Bondowoso. A comprehensive approach that includes community education, infrastructural development, and healthcare system strengthening is necessary to effectively address stunting and improve overall health outcomes in this region.

10 Year Football in the Law for Protection and Empowerment of Fishermen in Indonesia

Mr Mohamad Rifan, Mr Muhammad Akbar Nursasmita, Mr Muhammad Najih Vargholy, Universitas Brawijaya

Fisheries management is very dependent on fish resources, the use of which is carried out by fishermen and fish farmers, due to the fact that the majority of fishermen and fish farmers in Indonesia are poor, have minimal infrastructure, facilities, access to funding and limited financing. This condition is unequal by placing the proportion of the maritime and fisheries sector as one of the sectors that can encourage food security and economic growth. Using normative juridical research methods, the author conducted an "in-dept review" of Fisherman Protection and Empowerment policies in Indonesia for 10 (ten) years after Law Number 23 of 2014 concerning Regional Government. The conclusion of this article is that despite the ever-changing policy designs in each government regime, the focus of 10 years of policy on Food-Sustainability-Fisheries is focused on resolving several problems. First, Indonesia's population growth tends to continue to increase significantly from year to year which affects food security quotas. Second, land-based food sources have a tendency to decline due to the conversion of agricultural land and the threat of climate change. Third, the nature of problematic heterogeneity in the fisheries sector means that the policy "recipe" formulated cannot be generalized.

Recognition of Other Identities and Cultures in Managing Diversity and Religion in West Sumatra

Mr Deri Rizal, UIN Mahmud Yunus

This research describes the tradition of the Minangkabau people, namely duduak basamo, namely carrying out deliberations to accommodate differences of opinion and thought in determining policies in society. This research portrays West Sumatra as a province that has religious, cultural, tribal and ethnic diversity. This research approach is descriptive qualitative by conducting in-depth discussions and interviews to obtain comprehensive research data. Data is collected and processed in three ways, first: content analysis, understanding the text, context and situation. Second: reflective logic, understanding data inductively and deductively. And, third: comparative analysis by comparing data, situations and philosophical conceptions so that conclusions can be drawn. Furthermore, this research answers two questions, first: what is the form of recognition of identity and other cultures in the duduak basamo tradition in managing diversity and diversity?, second: what is the impact and institutionalization of recognition of other cultures and cultures in managing diversity and religiosity? The initial conclusion of the research is that the tradition of sitting basamo is an alternative offer for managing diversity (mediating cross culture theory). Thus giving rise to a figure as a mediator across diversity and diversity with three competencies, namely: intercultural communication competency, mediating community competency and cross-cultural competency.

Dynamics of Human Rights Violations in Human Trafficking Against Rohingya Refugees

Ms Elva Imeldatur Rohmah, Ms Zainatul Ilmiyah, Ms Mukhammad Nur Hadi, Ms Daman Huri, UIN Sunan Ampel

Rohingya refugees are a Muslim ethnic minority originating from Myanmar who have experienced discrimination, violence and expulsion by the Myanmar government and military. As a result, many Rohingya refugees have sought refuge in neighbouring countries, such as Bangladesh, Malaysia, Indonesia and Thailand. However, on their journey, they often become victims of human trafficking by criminal syndicates, who exploit them for sexual purposes, labour, or organs. This research uses a case study method by collecting secondary data from various sources, such as reports, articles, books and official documents. This research uses a theoretical framework for human rights, which includes civil and political rights, economic, social and cultural rights, and collective rights. This research also uses a human rights-based approach, emphasizing participation, accountability, non-discrimination, empowerment, and law in handling human rights issues. The results of this research show that human rights violations in human trafficking against Rohingya refugees occur in various forms and levels, involving multiple actors, both state and non-state. This research also found that efforts to protect and prevent human trafficking against Rohingya refugees are still inadequate, both in terms of law, policy and practice.

Parenting of Migrant Workers' Families During Child's Puberty in Jember Regency

Associate Professor Dewi Rokhmah, Ms Ardhia Maghfiro, Ms Mury Ririanty, Universitas Jember

Children will experience a period of transition to adolescence and adulthood. At this time the child is going through puberty. During puberty, children experience physical changes, psychological changes, menstruation and wet dreams. Changes make children vulnerable to enter into negative relationships. Parenting role is needed at the time of child puberty. Children from migrant worker families don't receive full care from their parents. Migrating parents to work abroad changes the parenting model. Jember became a supplier district for migrant workers. The purpose of the study was to determine the parenting pattern of migrant workers' families during the puberty of children in Jember Regency. This research is a type of qualitative research with a phenomenological approach. Informants were taken purposive on 11 parents from migrant worker families. Data were collected through in-depth interviews. The results showed that most of the informants did not provide reproductive health information to children. Providing reproductive health information is still considered something to be ashamed of, taboo, and parents don't have time for their children. When children get the wrong information can have a negative impact on the future.

A Critical Review on the Current Status of the Unregulated Minority Rights

Mr Parimal Kumar Roy, Bangladesh Public Administration Training Centre

This is distressing that most countries did not ratify UNDRIP and ILO-169 as member countries of the UN and ILO to ensure Indigenous Human Rights. This study explores what are the gaps and challenges to establishing Minority rights under the regime of SDGs and how to overcome these to ensure the SDGs of these communities. Methodologically, this study took an ethnographic design and followed the qualitative approach. It also followed purposive sampling along with interview techniques from distinct categories. Consecutively, the indigenous identity is a minority, and their identity is 'illusion identity'. These hurdles, by all means, push them to lag behind most people in society. However, they have been deprived of advantages and possibilities in terms of human rights; as a result, the community is competing with most Bengalis to access the Common Resources or Property Pools to ensure their social justice. This study proposed a sustainable community development framework after a long study with Indigenous people aligned with some legal ratification to become a conduit to make sustainable community development for enduring the Indigenous's rights and equitable development to reach the Agenda 2030.

Is There a Need to Expand the Refugee Definition to Protect Climate Refugee?

Mr Ahmad Sabirin, Universitas Islam Internasional Indonesia

This paper to examine whether climate change-induced displacement is legal under international law, and whether Rohingya displacement can be categorized as climate change-induced, and what the solution to the problem might be, using a human rights approach or a national legislative and international law approach. This paper uses a literature review and legal normative approach by reviewing international legal regulations and international human rights law in relation to each other. The provisional finding of this paper is that many Rohingya continue to flee to safer countries, often taking enormous risks, including crossing dangerous seas. According to the United Nations High Commissioner for Refugees (UNHCR), more than 3,500 Rohingya attempted deadly sea crossings in 2022, a 360 per cent increase compared to 2021. At least 348 Rohingya died during sea crossings in 2022. The impacts of climate change could be characterized as 'persecution', the Refugee Convention requires such persecution to be on account of an individual's race, religion, nationality, political opinion, or membership of a particular social group. Persecution alone is not enough.

The Human Rights of Rohingya Refugees: Between Humanitarian Principles and International Law

Dr Muhamad Sadi Is, UIN Raden Fatah

Indonesia as a sovereign country certainly has international relations in order to provide protection for global human rights, as the mandate in the preamble to the Constitution of the Republic of Indonesia Number 1945 emphasizes that the Indonesian government participates in implementing world order. In recent years, Indonesia has faced challenges in fulfilling the human rights of Rohingya refugees who fled their home countries and then entered Indonesia by sea. Protection of Rohingya human rights raises pros and cons in Indonesia. So the focus of this research is the Protection of Human Rights of Rohingya Refugees: Between Humanitarian Principles and International Law. The method used in this research is normative legal research, namely research carried out by examining various national and international regulations regarding the protection of the human rights of Rohingya refugees. Indonesia as a legal state requires its state to provide protection for human rights both at the national and international level, even though the Indonesian government has not ratified international conventions (1951 convention and 1967 protocol) regarding refugees, Indonesia has an obligation to provide protection for human rights.

Demokrasi Substantif Indonesia: Kontrol Kebijakan Dalam Pemerintahan Tanpa Oposisi

Mr Christo Sumurung Tua Sagala, Universitas Jember

Oposisi dalam bingkai demokrasi memiliki peran penting, yaitu untuk mengontrol dan memastikan bahwa pemerintahan yang berjalan tetap berada dalam koridor kepentingan rakyat. Namun demikian, Indonesia sebagai negara demokrasi selalu menggaungkan penguatan sistem pemerintahan presidensial melalui prinsip penyederhanaan partai politik dan sejumlah syarat keikutsertaan partai politik dalam kontestasi pemilu. Padahal salah satu tujuan reformasi Indonesia adalah menghapuskan kekuasaan absolut, dengan dilakukannya pembatasan kekuasaan penyelenggara negara melalui konsep trias politica yang terbagi atas kedudukan eksekutif, legislatif, dan yudikatif sebagai lembaga tinggi yang setara. Berdasarkan hal itu, artikel ini akan membahas tentang peran kontrol dan keterkaitan dalam konsep trias politica, serta pentingnya oposisi demi mewujudkan demokrasi substantif di Indonesia. Kegiatan dilakukan dengan menelaah fenomena yang terjadi dalam pemerintahan di Indonesia saat ini, ketika sejumlah universitas, mahasiswa dan masyarakat harus turun mengambil peran oposisi untuk menegur elemen penyelenggara negara terkait sejumlah isu yang berpotensi mencederai nilai-nilai demokrasi, seperti tercorengnya marwah Mahkamah Konstitusi atas kepentingan pencalonan presiden dan wakil presiden dalam pemilu 2024, politisasi kebijakan pemerintah menyambut pemilu 2024, intimidasi terhadap kebebasan berekspresi, serta netralitas penyelenggara pemilu.

Defining Digital Rights: Civil Society's Approach and Its Impact on Human Rights Advocacy

Mr Unggul Sarena, Mr M. Hafizh Nabiyyin, Southeast Asia Freedom of Expression Network (SAFEnet)

The term "digital rights" is an evolving and popular buzzword used in advocacy efforts concerning human rights in the digital domain. Civil society organisations (CSOs) frequently employ this word to advocate for the safeguarding and promotion of human rights related to cyberspace. This term signifies a change in meaning and theoretical concept, transitioning from its use predominantly within the scientific community, exact sciences and information technology in particular, to social science concepts. As a consequence, there is yet no universally accepted standard definition of digital rights. This article aims to contribute to academic research on digital rights, particularly from a social science perspective, in light of the limited existing literature on the subject. This article examines the development and alteration of digital rights concept by utilising literature studies, surveys and interviews. Article also analyses how these changes are perceived as novel viewpoints on the fundamental principles that guide human rights advocacy practices in emerging fields, especially given the Indonesia context as an empirical case.

The Gap Between Talking and Doing Sustainable Tourism: A Socio-Legal Study on Hotel's Water Use

Dr Yesaya Sandang, Satya Wacana Christian University

This article presents a socio-legal analysis of hotels' responsibilities in respecting the human right to water, particularly focusing on the Yogyakarta region in Indonesia. The study delves into hotels' obligations, extending beyond mere adherence to legal provisions. In addition to examining relevant laws and regulations, this research draws on primary data obtained through interviews and focus groups involving hotel managers, engineers, government agencies, and community representatives. The findings of the study bring to light a significant disparity between statutory law and its practical implementation, underscoring its tangible impact on society. The research uncovers a notable gap between the discourse surrounding sustainable tourism and the actual implementation of sustainable practices. It sheds light on the inherent constraints and difficulties within the existing legal framework governing sustainable tourism. Importantly, this analysis positions the issues discussed as mainstream concerns rather than niche topics, aligning with the government's priority on tourism. The article concludes with critical considerations for lawmakers, emphasising the need for policy adjustments, and suggests potential avenues for further research in the critical area of hotels' water governance, thus contributing to the broader discourse on mainstreaming sustainable practices in the tourism sector.

Indigenous Community and Their Right to Cope with the Covid-19 Pandemic

Mr Meidi Saputra, Universitas Negeri Malang

COVID-19 pandemic has affected many communities around the world. Since it was announced, COVID-19 has caused 700 million cases, and 10% of them died in Indonesia. The government tried to overcome this chaos with many methods, but among indigenous people, their method was indirectly passed to them. This study aimed to determine how indigenous communities deal with COVID-19 pandemic. We used the qualitative method to obtain all the information. We interviewed the respondents: traditional leaders, youth organizations, and Osing ordinary citizens. Our findings show that the Osing community has high compliance and trust in their traditional leader. COVID-19 protocol was well implemented in Kemiren Village. In adapting and surviving the COVID-19 pandemic, the Osing community did the following, namely obeying the rules from the village government and the central government, obeying the rules from the customary leaders, carrying out and maintaining local wisdom, maintaining livelihoods as farmers, community participation which is high to prevent covid-19 and the existence of pokdarwis (tourism awareness groups). Besides, the government also gives social assistance to the Osing community, although not shortly after the pandemic. Therefore, a collaboration between local wisdom and the government's role in maintaining health equity among indigenous people is important.

Examining Religion, Culture and the Law of Female Genital Mutilation/Cutting in Indonesia

Ms A.A.A Nanda Saraswati, Ms Fransiska Susanto, Universitas Brawijaya

The phenomenon of the practice of female genital mutilation/cutting (FGM/C) is nothing new. Although the UN special rapporteur on torture has recognized FGM/C as torture under the Convention Against Torture, many countries still maintain this practice for cultural or traditional, religious, and social reasons, including in Indonesia. This research intends to focus on the development of FGM as torture in international jurisprudence; the legal culture shaping FGM practices in Indonesia, and how to harmonize international standards and development with these traditional practices. This issue becomes urgent since FGM/C is a cultural (and sometimes religious) issue where the solution must also be from a cultural perspective. This is not intended to justify cultural relativism over universalism but rather to show the diversity of views and understandings the critical knowledge that will later be used to correct the negative practices of a tradition. The elimination of FGM/C should be developed and implemented in a way that is sensitive to the cultural and social background of the communities that practice it, in this case being Indonesia.

Interest Advocacy in State Interference with the Enforcement of Religion Freedom

Ms Destriana Saraswati, Universitas Brawijaya

This research aims to find violations of the principles of religious freedom supported by the state and examples of successful advocacy efforts to resolve them. The state in this context is a stakeholder or state apparatus that should support the enforcement of freedom of belief and religion but is an obstacle. Furthermore, this research found that resolution efforts had been successfully carried out using a case study approach to the chapel conflict in East Java. In this case, the freedom to worship was violated by state government stakeholders, because the chapel was prohibited from being used and the relocation process was complicated. However, there was advocacy work carried out by the Gusdurian group, a religious community based on social work, so that the new chapel was successfully opened. Using case study research methods, these dynamics will be explained in this article. The results of this research are (1) the presence of interference by stakeholders or the state which was proven to violate freedom of belief and religion, and (2) the success of non-litigation advocacy which succeeded in bringing a solution to the problems that occurred.

Women's School: Social Agency for Women in Grass Root Level of Kesambe Kulon Village of Gresik

Ms Rosnida Sari, Ms Hanifa Nurfadila, Ms Dodik Harnadi, Universitas Jember

Quite a lot of cases of the feminization of poverty were found in Kesamben Kulon Village before the Women's School existed, this area was a marginalized village area. Child marriage is a crucial case found in this village in quite large numbers and is the root cause of other cases of feminization of poverty. Another cause of the feminization of poverty experienced by village women is because of their status as women. The journey to establish the Women's School was inseparable from obstacles from parties who did not agree with the existence of the Women's School. Finally, over time the existence of the Women's School was able to bring about quite good changes for the grassroots women of Kesamben Kulon Village. This qualitative research aims to describe the Women's School in its social practices in trying to create social change for grassroots women in the village.

Tergiversating Tokhang: Justice Denied to War on Drugs Ejks in the Philippines

Mr Joel Francisco Sarmenta, Jose Rizal University

"The Philippines has a working justice system," is a point raised by those who are supportive of the bloody "War on Drugs" (WoD) waged by the administration of Pres. Rodrigo Duterte (2016–2022), and justifies their claim that investigative efforts by the ICC are an affront to the sovereignty of the Philippine state. Yet these pro-"Tokhang" often cite only 2 cases to buttress this point of "working justice system." This study presents in detail at least six EJK cases, with in-depth interviews of surviving family members, and demonstrate that the justice system of the Philippines has not served their quest for justice. Thus, opposition to any ICC effort on the grounds that it is an affront to national sovereignty since there exists a "working justice system" within the Philippines is specious. In fact there is a lawfare that human rights victims must overcome, as shown by these direct on-the-ground experiences of the WoD EJKs extensively narrated in the paper, to seek justice.

Peluang Serta Tantangan Penyelesaian Kasus Peristiwa 1965/66 di Era Pemerintahan Presiden Joko Widodo

Ms Nicken Sarwo Rini, National Research and Innovation Agency (BRIN)

Artikel ini mengkaji peluang serta tantangan pemerintah Indonesia dalam penyelesaian kasus pelanggaran HAM berat yaitu peristiwa 1965/66. Urgensi pembahasan didasarkan pada jumlah korban, durasi, dampak politik yang ditimbulkan sehingga peristiwa tersebut merupakan kekerasan yang paling penting dalam sejarah Indonesia. Pembahasan ini menjadi menarik dengan adanya regulasi yang dibentuk oleh Presiden Joko Widodo mengenai penyelesaian pelanggaran HAM berat secara Non-Yudisial dan pidatonya mengenai empat elemen utama terkait pelanggaran HAM berat di Indonesia yaitu: pengakuan dan penyesalan, reparasi, ketidakberulangan, komitmen untuk melawan impunitas terhadap pelanggaran HAM berat serta membentuk Tim Penyelesaian Non-Yudisial Pelanggaran HAM Yang Berat Masa Lalu (Tim PPHAM) dan pemantauan pelaksanaan rekomendasi. Penelitian ini didanai oleh Badan Riset dan Inovasi Nasional (BRIN) melalui kegiatan rumah program OR IPSH 2023 melalui kegiatan penelitian di Jakarta, Pekalongan, Yogyakarta. Dengan menggunakan pendekatan sosio-legal, maka analisis penelitian dilakukan dalam tiga tahapan: (i) lanskap yuridis; (ii) lanskap sosial. Hasil penelitian dilakukan secara berjenjang, tahap pertama diperoleh melalui analisis instrumen hukum yang tersedia, tahap kedua melalui wawancara kepada institusi negara, kelompok masyarakat, dan korban. Dua langkah tersebut menjadi bahan olahan untuk tahap ketiga yang menggambarkan peluang serta tantangan Pemerintah Indonesia atas peristiwa 1965/66.

Building an Early Warning System to Strengthen the Prevention Against Atrocity Crimes in Indonesia

Dr Sasmini, Associate Professor Erna Dyah Kusumawati, Universitas Sebelas Maret

This article analyzes two significant issues: why Indonesia should prevent atrocity crimes by building an early warning system and how effective mechanisms to build early warning for atrocity crimes prevention in Indonesia. In order to answer these problems, the authors used the 'Issue, Rule, Application, Conclusion' (IRAC) structure of legal analysis. This article concludes that there are three reasons why Indonesia should adopt an early warning system for atrocity crimes. Firstly, as a member of the international community, Indonesia has a responsibility to prevent atrocity crimes as part of its commitment to the 'responsibility to protect' norms. Secondly, atrocity crimes, in the form of crimes against humanity, have occurred in Indonesia in the past. Lastly, there are various risks of atrocity crimes in Indonesia, including ethnic tensions and internal conflicts. Such risks need to be anticipated to mitigate their potential escalation in the future. The framework of early warning systems for atrocity crimes focuses on identifying the root causes, risks of conflicts, and both state and non-state institutions involved for prevention.

Implikasi Penerapan Kota Ramah Ham Terhadap Perubahan Sosial Dan Tata Kelola Pemerintahan Daerah

Mr Arief Setiawan, Ms Amalia Nur Andini, Ms Muhammad Iqbal Yunazwardi, Universitas Brawijaya

Artikel ini merupakan hasil penelitian dengan pertanyaan terkait perubahan sosial dan perilaku aparatur negara terkait implementasi Kota Ramah Hak Asasi Manusia (HAM) di Kabupaten Wonosobo, Jawa Tengah. Tujuannya untuk menganalisis perubahan sosial dan perilaku aparatur negara dalam kerangka implementasi Kabupaten Wonosobo Ramah (HAM) yang sudah dilembagakan sejak 2016. Pelembagaan tersebut dilakukan melalui diundangkannya Peraturan Daerah Nomor 5 Tahun 2016 tentang Kabupaten Wonosobo Ramah Hak Asasi Manusia. Metode penelitian menggunakan pendekatan kualitatif yang mana data diperoleh dari wawancara dengan informan-informan kunci dan studi kepustakaan dengan kurun waktu 2016-2021. Aspek tersebut menjadi penting karena aparatur negara memegang kendali atas implementasi Kabupaten Wonosobo Ramah HAM. Selain itu, juga perlu untuk menganalisis perubahan sosial yang terjadi di Wonosobo pasca 2016. Namun, temuan penelitian menunjukkan hal yang kurang diharapkan. Perubahan dari aparatur negara masih sangat minim dan sifatnya seremonial saja. Termasuk eksistensi Komisi Daerah HAM Kabupaten Wonosobo yang ternyata kurang memberikan dampak bagi masyarakat. Kota Ramah HAM masih diidentikan dengan eksistensi Kelompok Kerja yang dibentuk Pemerintah Kabupaten Wonosobo sebelum hadirnya Perda. Hal ini berdampak pada tidak optimalnya dukungan Pemerintah Daerah dan kinerja Komda HAM Kabupaten Wonosobo. Perubahan sosial yang diharapkan pun tak bisa optimal akibat kurangnya dukungan dari negara.

Constitutional Rights of Workers in the Digital Era

Dr Sidi Alkahfi Setiawan, Jember Islamic University

In this digital era, companies face big challenges in terms of workforce issues. As digitalization and automation systems become a necessity for all companies to adapt to current developments, companies are experiencing a dilemma, whether they have to maintain their workforce or have to lay off workers. If you have to terminate your employment, what method must be taken so that the elements of justice are met? Companies that are members of the Organization for Economic Co-operation and Development (OECD), companies that develop businesses in the pharmaceutical, computer, automobile, electronics, metal, steel and apparel, shoe, textile and garment industries, which source their production components including cheap labor, which is developing in Asian countries, including Indonesia, which is generally carried out using a subcontract system, involving millions of workers, is experiencing serious problems with this situation. In general, these companies have responded by laying off thousands of workers as part of their adaptation to current developments. On the other hand, massive layoffs that occur for any reason, including efficiency reasons as have been the basis of company policy, are contrary to the 1945 Constitution, Article 27 paragraph (2); every citizen has the right to work and a living worthy of humanity.

The Right to an Honest, Fair and Impartial Trial for People with Disabilities in Indonesia

Mr Budi Setyawan, Universitas Jenderal Soedirman

The right to an honest, fair and impartial trial for people with disabilities is one form and manifestation of human rights protection. This right cannot be ignored because every individual has the same right to fair and equal legal treatment. In the judicial process, it is important to ensure that people with disabilities do not face unnecessary discrimination or barriers that may impede their access to justice. This right exists at all stages from investigation, trial and execution of final court decisions. Fair trial for individuals with disabilities involves the implementation of measures that ensure physical and information accessibility, as well as the provision of support or assistance where necessary. It aims to ensure that they can participate fully in the judicial process, providing an equal opportunity to present arguments and understand the legal process. These principles reflect a commitment to human rights and create a fair basis for individuals with disabilities to seek justice within the justice system.

Cyber Safe Love: Protecting Women's Rights and Security in Marriage in the Digital World

Ms Shafra, UIN Sjech M. Djamil Djambek

This article explores the concept of cyber safe love with the primary goal of safeguarding the rights and protection of women in the context of marriage amidst the dynamics of the digital world. In this digital era, marriages are increasingly exposed to new challenges arising from technological advancements. Crimes that were once confined by physical and temporal boundaries are now limitless. Therefore, the risk of cybercrimes is sometimes unavoidable, such as cyberbullying, online harassment and privacy threats. Crimes in digital realm, including violations of human rights. This type of study is a literature review using a qualitative descriptive method. Data were collected from news circulated on social media platforms such as You Tube and websites. Subsequently, they were analyzed deductively. The study concludes that the state has provided protection for women and their marriages, but in practice, existing regulations have not been able to fully address violations and crimes based on digital platforms. This is because the forms of digital crimes are increasingly transforming.

Navigating Legal Realities for Indonesian Migrant Workers Deported from Tawau, Sabah

Ms Liza Shahnaz, Dr Nadhratul Wardah Salman, Universiti Malaya

The number of Indonesian migrant workers seeking employment in Malaysia has risen significantly over the years, drawn by the promise of economic opportunities. However, many of these workers face the unexpected obstacle of deportation. Currently, there are still enormous obstacles to reducing the number of Indonesian migrant workers being deported from Tawau, Sabah. This article highlights Nunukan, a pivotal entry point for deported Indonesian migrant workers, as it is situated on Indonesia's border with Malaysia, which provides a key transit point for the safe return of these deported workers. This article focuses on the unique legal challenges arising from the entry of these deported workers into Nunukan, necessitating thorough consideration from both central government and local officials. The study also highlights the potential risks and costs of neglecting these workers' legal requirements to enter Malaysia. Hence, it is hoped to identify areas where improvements can be made to address the multifaceted challenges that these deported workers face upon their arrival, including healthcare access, working conditions, and legal status. The article aims to support informed decision-making by providing a comprehensive legal analysis of the situation to the relevant authorities and stakeholders.

The Complexity of Differential Treatment Faced by Religious Minorities in Pakistan

Ms Javeria Shams, Deakin University

The debate surrounding religious conflicts and violence directed at specific minority groups is approached through the lens of identity politics and considers the role of religion, politics, and social class. It suggests that the differential treatment of religious minorities is due to the complex interplay of different factors not solely based on their religious identity, but influenced by factors such as social class, historical factors, and political representation. This research investigates the differential treatment of religious minority groups in Pakistan by focusing on two religious minority communities in Pakistan, Hindus, and Sikhs. When we compare the treatment of these two religious minorities, Hindus are more vulnerable and experience more oppression, prejudice, and discrimination compared to Sikhs, who are better accepted in Pakistani society. Despite sharing commonalities in terms of culture and historical roots in India and a different religion from the Muslim majority, the distinctions between class and religion are apparent in their differential treatment. The research will draw from a constructionist intersectionality theoretical framework along with a structured focused comparison of cases to understand how religion, history, and class interact to shape the experiences of religious minorities in Pakistan. The findings will have important policy implications and will help stakeholders to develop strategies to promote greater equality for religious diversity in Pakistan.

Urgency of Fulfilling Sexual Rights for Prisoners Perspective of the Non-Discrimination Principle

Associate Professor Eka N.A.M Sihombing, Ms Cynthia Hadita, Universitas Muhammadiyah Sumatera Utara

The unfulfilled sexual rights for prisoners cause problems related to potential such as psychological shocks, sexual violence between fellow prisoners, high divorce rates for married prisoners, besides that the absence of sexual rights for prisoners in laws and regulations in Indonesia violates the principle of non-discrimination for prisoners so it needs to be studied in the perspective of human rights, especially sexual rights for prisoners. The method used is normative juridical with a doctrinal approach. The results showed that the urgency of regulations related to sexual rights for prisoners so that there is fulfillment of sexual rights that do not injure the principle of non-discrimination for prisoners so that legal certainty related to sexual rights for prisoners can minimize psychological shocks, sexual violence between fellow prisoners, high divorce rates for married prisoners.

Catholic and Indigenous Religion Responses to Ecological Crises in Indonesia

Mr Subandri Simbolon, Radboud University

This proposal aims to examine how Dayak Iban in Sungai Utik community lived Catholicism which is at the same time lived indigenous religions, whose engagement in ecological issues are everyday concerns. This research will contribute to religious study's discourse in relation to the environment by emphasizing the relationship between the Abrahamic Religion and several Indigenous Religion communities in Indonesian context. Applying ethnographic methods, I will participate in conducting life story interview, and organize group discussion in this community. By using lived religion theory, I will analyze several objectives, to explore how Dayak Iban practice their religiosity on their daily basis; to investigate how they negotiate their religions in response to other religions; and to examine how they perceive nature (ecological crisis) based on their religiosity.

Mengatur Penggunaan Kirpan Bagi Umat Sikh Sesuai Hukum Nasional Dan Hak Asasi Beragama

Mr Sukh Dilraj Singh, Universitas Brawijaya

Penelitian ini mengangkat permasalahan terkait perlindungan hak kebebasan bernegara bagi warga negara Indonesia menurut hukum nasional Indonesia. Secara khusus penelitian ini membahas tentang sejarah kedatangan umat Sikh dan pemanfaatan Kirpan di ruang publik sebagai salah satu ajaran Agama Sikh yang wajib diikuti umat Sikh dimanapun dan kapanpun. Pengaturan penggunaan Kirpan masih belum jelas dan ambigu sehingga belum ada kepastian hukum yang melindungi umat Sikh. Bagi umat Sikh yang ingin memiliki dan menggunakan Kirpan wajib memperoleh izin dari instansi yang berwenang sesuai dengan persyaratan administrasi yang telah ditentukan. Namun hal ini hanya berlaku bagi umat Sikh yang berusia di atas 17 tahun, sedangkan bagi umat Sikh yang belum berusia 17 tahun tidak dapat memperoleh izin tersebut. Hal ini mengakibatkan umat Sikh yang berusia di bawah 17 tahun tidak mendapat perlindungan hukum dalam menjalankan hak beragamanya. Dengan adanya kekosongan hukum tersebut, maka implementasi hak asasi manusia di Indonesia menjadi tidak sempurna dan tidak sesuai dengan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Penelitian ini dilakukan dengan menggunakan metode yuridis normatif melalui studi literatur dan mencari pendapat ahli. Penelitian ini menggunakan pendekatan historis dan pendekatan konseptual mengenai masuknya Agama Sikh dan ajarannya.

Pioneering Ecological Justice for the Slum Dwellers in Kolkata

Dr Rajrupa Sinha Roy, St. Xavier's University

As of the 2020 survey in India, more than 45% of the urban population were forced to live in slums across the nation. When it comes to slum dwellers, we tend to overlook the fact that they are equally entitled to appreciate basic human rights, instead, we question their entitlement. We do not hesitate to provide limited access to the elementary facilities and become relatively ignorant of our understanding of 'Human rights' when that is for someone who is from an economically weaker background. For the majority of the slum dwellers essential nutrition, sanitation, or living in a clean and healthy environment is a luxury, and year after year, we evaded the integration of these social inequalities and ecological justice into our advocacy and policy approaches. For a country trying to accomplish its SDGs, the fundamentals are being disregarded and we are oblivious to the fact that environmental degradation, health, and sanitation are interrelated and part of the higher discourse of human rights. The author will attempt to intertwine the idea of ecological justice and elucidate the position of the slum dwellers who are victims of ecological risks and threats with the help of the necessary legal framework.

No One Left Behind: Remembering the Rural and Underdeveloped Areas Surrounding AI in Healthcare

Mr Ris Heskial Sitinjak, Ms Silvi Purba, Ms Salma Majidah, Ms Natasya Azis, Ms Irene Martin, Youth Health Hub Indonesia

Artificial Intelligence (AI) is a breakthrough innovation, with huge potential to accelerate multisectoral progress including in health. AI in healthcare has been tested as a diagnostic aid, screening toolkit, and even a disease surveillance system. As highlighted in the COVID-19 pandemic, several AI models have been proven effective to predict disease transmission rate and mapping. This invention leads the hope as the novel epidemiologic surveillance system for tropical infectious diseases in archipelagic countries of the Asia Pacific. However, AI implementation have its own caveat: the accuracy of the model effectivity is highly dependent on the data quantity and representation. Data input that is biased can not be universally applicable, and even harmful if implemented in marginalized groups. Citizens in rural and underdeveloped areas are oftentimes marginalized, and neglecting them in the system development process might exacerbate the marginalization in the future. We perform a literature review and explore the strategies needed to develop a just, inclusive, and humane AI model to boost healthcare service. Addressing the physical and cultural gap should also be paid attention as a mean to reach Rural communities and ensuring their data are accountable on development process.

Capitalization of Indonesian Government Regulations Ignoring Environmental Rights

Mr Wahjoe Poernomo Soeprapto, Universitas Trunojoyo Madura

The business world's development cannot separate from global capitalism, which reaches almost all countries in various parts of the world. The high level of demand for a particular product or part of a product forces a company not only to depend on domestic suppliers but also to expand outside its country. The rare exploitation in the second country gives rise to various problems, one of which is the environment. An example mentioned here is Indonesia's nickel exports to China, which cause environmental problems. As a regulator, the Indonesian government should provide guidelines and instructions to save export revenues and the environment. This article focuses on the pattern of Indonesian government regulation of nickel exports to China with the suspicion that it has shown the character of regulatory capitalization. These regulations are solely revenue-oriented while ignoring environmental issues, using normative juridical and regulatory-legislative approaches, and reviewing various expert views regarding nickel exportation and export policy. The conclusion is that there has been a capitalization of regulations that neglect protecting environmental rights in Indonesia.

Paternity Leaving and Child Health: Looking into Implementation in Indonesia

Mr Ruben Sebastian Soetopo, Independent

Ms Sekar Putri Andriani, Universitas Gadjah Mada

Ms Nurani Zulfa Zakiya, Universitas Airlangga

Indonesia is the world's third most fatherless country, according to the Global Fatherhood Index Report 2021 which results in the absence of an emotional and psychological paternal figure. The current regulation in Indonesia defines that female workers have the right to take three months of maternity leave while male workers get only 40 days to accompany his wife during and after labour. This regulation shows an implementation of traditional gender views where it is believed that caregiving responsibilities are primarily to women. But research shows that in preventing stunting the role of father is important and co-parenting (both presence of father and mother) play a big role in children development. The key to reducing stunting cases is through prevention, specifically primary prevention. Father has the role to protect the family from risk and danger including health risk. Fathers also perform as caregiver, educator, supervisor, and role models. If fathers play a good role in those aspects, it can improve the stunting prevention behaviour in the family. A father that takes a longer period of paternity leave will engage more and result in a closer relationship with its children.

Facilitation of the Fulfillment of Citizens' Voting Rights in Prisons / Detention Centers

Mr Markus Marselinus Soge, Mr Umar Anwar, Politeknik Ilmu Pemasarakatan

The organization of general elections in 2024 that will determine the people's representatives in the legislature and the presidency requires the participation of citizens who meet the requirements. Prisoners who are serving sentences in prisons/detention centers and meet the requirements can exercise their voting rights as citizens. The research aims to discuss the facilitation of the fulfillment of citizens' voting rights in prisons/detention centers. The research method used is normative legal research with a statutory and conceptual approach, with secondary data sources derived from primary legal materials, namely laws and regulations related to elections, citizens' rights, and related to corrections, and secondary legal materials, namely journal articles, conference papers, and documentation obtained from official sources such as websites and social media of prisons/detention centers.

State and Objectification of Legal Protection of Indonesian Migrant Workers and Migrant Workers

Professor Nur Solikin Solikin, UIN Kiai Haji Achmad Siddiq | Mr M Khoirul Hadi, UIN Sunan Kalijaga

This paper is a related paper with gender and rights studies basic human, with title raised _ is draft Gender and Human Rights : The State and Objectification Legal Protection of Indonesian Migrant Workers and Migrant Workers, with use study qualitative descriptive analysis, then use study content analysis, there is two question important First is How the concept of state and objectification protection Indonesian migrant worker and migrant worker laws ? and second How implementation in Legal protection for migrant workers and Indonesian migrant workers ? with use approach content analysis For explain the concept of state and objectification protection Indonesian migrant worker and migrant worker law and also implementation in Legal Protection of Indonesian Migrant Workers and Migrant Workers, results study This is First explain the concept of state and objectification protection Indonesian migrant worker and migrant worker law and secondly implementation in Legal Protection of Indonesian Migrant Workers and Migrant Workers

Social Welfare Policy for Marriage Migrants and Their Families in the Republic of Korea

Mr Giwoong Son, Mahidol University

To ensure the safe settlement of marriage migrants and their families within the Republic of Korea's multicultural context, it is essential to adopt both a rights-based and universal approach to foster genuine inclusion. However, the current social welfare policy for marriage migrants and their families presents a social investment approach with the labelling method, revealing its difficulties and paradoxical impact toward their full inclusion. This study examines the social welfare policy for marriage migrants and their families, aiming for a paradigm shift from a label-centric welfare system to one characterised by inclusion. Through meticulous examination and analysis of the existing policy, recommendations were presented for adequate policy revision for the emerging migrant society. The emphasis of these recommendations is particularly on steering effective welfare service policy for marriage migrants and their families, with the ultimate goal of contributing to the creation of an inclusive society that genuinely respects the diversity of marriage migrants and their families.

Mengkaji Tindakan Investasi Proyek Strategis Nasional Kawasan Ekonomi Khusus Mandalika

Mr Alwafi Ridho Subarkah, Mr Ahmad Saifuddin Bukhari, Universitas Mataram

Penelitian ini bertujuan untuk mengkaji dampak investasi dalam Proyek Strategis Nasional (PSN) dalam pembangunan pariwisata sering kali menimbulkan dampak terhadap hak asasi manusia (HAM), termasuk hak-hak masyarakat lokal seperti yang terjadi di Kawasan Ekonomi Khusus (KEK) Mandalika, Nusa Tenggara Barat. Penelitian ini menggunakan pendekatan kualitatif untuk menggambarkan proyek strategis nasional memiliki keterkaitan dengan hak asasi manusia dengan studi kasus KEK Mandalika, menggunakan konsep pariwisata berkelanjutan dan inklusif, serta teori hak asasi manusia. Teknik pengumpulan data dengan studi pustaka yang menganalisis dokumen seperti buku, laporan, artikel ilmiah, berita, dan sumber lainnya yang relevan dengan penelitian ini. Tahapan penelitian ini melalui pengumpulan data, reduksi data, penyajian data, penarikan kesimpulan dan rekomendasi. Hasil penelitian ini menunjukkan bahwa atas nama PSN justru menimbulkan pelanggaran HAM termasuk ada indikasi pelanggaran HAM dalam pembangunan pariwisata KEK Mandalika, pelanggaran ini seperti perampasan hak-hak atas tanah dan penghidupan masyarakat sekitar kawasan tersebut dan ada intimidasi pengambilan lahan oleh aparat keamanan. Maka dari direkomendasikan untuk membuka ruang dialog yang adil untuk menyelesaikan persoalan lahan, perlu ada klarifikasi data terkait kepemilikan lahan, pembayaran ganti rugi yang adil, dan pemulihan psikososial masyarakat yang menjadi korban.

Plea Bargaining Vs. Restorative Justice

Ms Ni Putu Tya Suindrayani, S.H., M.H., Universitas Gadjah Mada

Anxiety regarding to Plea Bargaining, which generally provides more benefits for the defendant by providing a "discount" sentence. It doesn't rule out the possibility that PB becomes a tool of arbitrariness by the Prosecutor, which could be a violation of the defendant's human rights. In Indonesia, the defendant's guilty plea only seen as a mitigating factor, not part of the procedure/stage in the criminal procedure. On the other hand, issue of Restorative Justice, which seen as "peaceful" and used to stop criminal cases, shows a narrow understanding and implementation of RJ. The aim of this legal research is to examine dynamics between the PB and RJ in the Indonesian criminal justice system which is sensitive to human rights. The research methodology used is qualitative method with sociolegal approach. The hypothesis put forward is that there is a dynamic with a human rights dimension between the PB and RJ conceptions in the Indonesian criminal justice system. The essence of RJ needs to be placed as a legal goal that must be achieved in resolving criminal cases, and this can be pursued through PB, as an alternative method/tool with sensitivity to human rights.

Genosida Sebagai Praktik Sosial: Pembunuhan Massal Dan Perampasan Lahan di Perkebunan Padang Halaban

Mr Pandu Sujiwo, Padjadjaran University

Dr Dianto Bachriadi, Research Institute for Humanity and Nature

Genosida 1965-1966 menjadi salah satu arus balik dalam sejarah Indonesia dimana ratusan ribu hingga jutaan orang yang diidentifikasi sebagai komunis dibunuh dan sebagian besar lainnya mengalami penyiksaan, penculikan, penahanan diluar ketentuan hukum, serta pelbagai bentuk persekusi lainnya. Meskipun begitu, sebagian besar literatur mengenai genosida 1965-1966 masih berfokus pada derajat kekerasan dan dinamika pembunuhan massal yang terjadi di masing-masing wilayah serta peranan instrumen negara, masyarakat sipil, dan pemerintah asing dalam peristiwa tersebut. Melalui kasus Perkebunan Padang Halaban penelitian ini berusaha melihat keterhubungan antara peristiwa genosida dengan logika ekspansif kapitalisme yang ditandai dengan kembali beroperasinya perkebunan-perkebunan besar yang sebelumnya sudah dikuasai dan diusahakan oleh masyarakat melalui praktik landreform by leverage. Dengan menggunakan kerangka berpikir yang dikembangkan oleh Feierstein (2007) penelitian ini hendak melihat genosida sebagai sebuah praktik sosial yang hendak menjungkirbalikan tatanan sosial-kemasyarakatan baru yang terbentuk sebagai hasil dari landreform by leverage yang relatif egaliter dan otonom kembali kepada tatanan sosial-kemasyarakat sebelumnya, yakni yang berbasis pada operasi perkebunan besar yang dikuasai oleh kelas kapitalis. Penelitian ini juga hendak mendudukan perampasan lahan, seturut dengan pemusnahan kehidupan dan penghidupan warga Padang Halaban sebagai bagian integral dari genosida

The Drawbacks in the Implementation of the Indonesian Law No 23, 2004

Dr Sukendar, UIN Walisongo

Despite considered a breakthrough in the efforts of protecting the rights of Indonesian women, the Indonesian Law No 23, 2004, on the Elimination of Domestic Violence (the DV Law) has some drawbacks that hinders the law from achieving its goals. This research elaborates problems in the implementation of the DV Law. The research found that there are some shortcomings in the law; the DV Law is not disseminated adequately among Indonesian citizens, some law enforcers have different perceptions toward several provisions of the law, some victims of domestic violence (who are mostly women) faced difficulties in obtaining visum et repertum, and the provision on court-mandated counselling for the perpetrators of domestic violence is not easy to implement. Those problems barred the victims from obtaining justice. This research can give insights to the parliament members, law enforcers, and people working with domestic violence on how to improve the implementation of the DV Law, which will benefit Indonesian citizens to achieve gender equality.

Reflexivity and Inward Movement of Matrilineal Muslim Lesbians in West Sumatra, Indonesia

Ms Mardian Sulistyati, UIN Sjech M. Djamil Djambek

This paper will discuss how Muslim lesbians who live in a matrilineal and homophobic space express their sexuality and faith in an (in)visible way. The strengthening of Islamic populism in the last decade has constructed the discourse of gender and sexuality as a transnational idea that threatens indigenous communities. The most visible impact is the death of the lesbian-supported communities that previously existed for a long time. This work uses a local lesbian lens to understand how their sexualities are transnationalized and how they hybridized their identities to overcome it. Through the in-depth interviews with Muslim lesbians in West Sumatra, Indonesia, I explore the identity politics that allow them to "resist in silence" and rearticulate it to assert their identity and agency. I found that there is a change in the trend of the lesbian movement, which was initially centred on the contestation of communal identity through LBT (lesbian, bisexual, and transgender) groups (moving outward), now centred on personal faith, identity awareness, politicizing daily life, and negotiating relations (moving inward). Interestingly, they translate injustice into everyday life with struggle and politicize their sexual identities to become visible and invisible at the same time.

Protection People at Sea Under International Law: How Far Unclos Protect Asylum Seeker at Sea?

Ms Fransiska Susanto, Dr Dhiana Puspitawati, Universitas Brawijaya

Asylum seekers who travel by boat to reach their destination country face greater danger compared to those who use an aeroplane. It is because the ocean is dangerous, and boats are not designed for long sea crossings. Additionally, the protection offered under the Law of the Sea has many gaps. Those has led to many people facing pushback and being lost or dying at sea, especially since Sanctuary did not participate in the 1951 Geneva Convention. This research aims to discuss the extent of protection afforded to persons at sea and those under UNCLOS 1982. It argues that protection for people at sea should cover all dangerous situations faced by all people, including asylum seekers. Hence, they must be protected first from the dangers of the sea, brought ashore, and only then can the territorial state exercise judgment on them.

Analysis of Constitutional Court Decision Number 87/PUU-XX/2022

Dr Riana Susmayanti, Ms Fitri Hidayat, Universitas Brawijaya

Along with the trend of many People's Representative Council (DPR) members being caught in corruption, Law No. 7/2017 on General Elections apparently allows former corruption convicts to run for re-election as DPR members. DPR is an institution that has the legislative power to form laws (including the Anti-Corruption Law). Allowing ex-corruptors to run for DPR means that the seriousness of the country's fight against corruption is questionable. After a judicial review was filed, the Constitutional Court Decision No. 87/PUU-XX/2022 declared Law No. 7/2017 constitutional. Moving on from that thought, this normative juridical research is intended to answer the legal issue : Whose human rights should be protected in Constitutional Court Decision No. 87/PUU-XX/2022? Using the case, conceptual and statutory approach, the author aims to show that it is not only the human rights of former corruptors that must be protected, but also the human rights of the people to get members of DPR who are clean from corruption according to the principle of The Consent of the Governed by George Sabine.

Kebijakan Pendidikan Agama Berbasis Hak Asasi Manusia di Gorontalo, Indonesia

Mr Djunawir Syafar, IAIN Sultan Amai Gorontalo

Kebijakan pendidikan agama berbasis hak asasi manusia adalah salah satu cara mewujudkan keadilan sosial dan pemahaman inklusif pada warga sekolah. Sebagaimana yang kita ketahui bersama bahwa di Indonesia masih ada peserta didik yang belum memperoleh pendidikan agama yang sesuai dengan agama mereka masing-masing. Oleh karena itu, penelitian ini menjelaskan bagaimana implementasi kebijakan pendidikan agama berbasis hak asasi manusia di salah satu sekolah dasar negeri di Kota Gorontalo, Indonesia. Sekolah tersebut mengimplementasikan kebijakan sekolah yang berbasis hak asasi manusia. Sumber-sumber data dalam penelitian ini yakni observasi, dokumentasi, wawancara, dan studi literatur. Hasil penelitian ini menunjukkan bahwa: Pertama, kebijakan internal sekolah menjadi solusi pemenuhan pendidikan agama untuk semua agama di sekolah. Kedua, kebijakan sekolah berbasis hak asasi manusia memberikan dampak positif pada hak-hak pendidikan agama peserta didik, ruang aktualisasi keagamaan di sekolah, dan membangun pemahaman inklusif warga sekolah. Ketiga, faktor internal dan eksternal adalah faktor pendukung kebijakan sekolah berbasis hak asasi manusia. Sedangkan kebijakan lokal dan lingkungan kerja yang tidak inklusif adalah faktor penghambat terimplementasinya pendidikan agama berbasis hak asasi manusia.

Aceh Sharia Economic Development and Jakarta FDI Policy

Dr Zarman Syah, London School of Public Relations

The Indonesian government has signed an agreement with China National Chemical Engineering Corp. and an Indonesian partner company to conduct a feasibility study for a \$560 million coal-to-methanol plant near a coal mine in Meulaboh, Aceh. The project is expected to process 1.1 million tonnes of coal to produce 600,000 tonnes of methanol annually. The plant is expected to accommodate 600 to 700 workers and construction is expected to begin in mid-2022. The government is pushing for downstream development to extract value from the country's rich coal reserves, which are sufficient to support the country's needs until 2091 with an annual consumption of 600 million tons. However, several environmental activists have raised concerns about the environmental impact of the plant. They argue that it will not provide socio-economic benefits for the local community. To address these concerns, the Jakarta government should take into account the basic socio-cultural and economic conditions of the Acehnese people when implementing foreign direct investment. They should adhere to the Special Autonomy law and the Qanun agreed upon by Jakarta.

Mencari Negara di Era Kapitalisme Kanibal: Studi Atas Gerakan Pekerja Rumah Tangga

Ms Syahwal, Universitas Negeri Semarang

Kapitalisme dewasa ini tidak lagi sekadar tatanan ekonomi, melampaui itu, kapitalisme menjelma sebagai suatu tatanan sosial yang 'melahap-cannibalizing' nilai-nilai non-ekonomis dalam suatu masyarakat. Fenomena ini oleh Nancy Fraser disebut sebagai kapitalisme kanibal yang mengalami pergeseran epistemik dari produksi komoditas ke reproduksi sosial. Kapitalisme tidak lagi mengakumulasi kapital sekadar dari produksi komoditas namun hingga ke ranah reproduksi sosial. Hal ini menyebabkan kerja-kerja reproduksi tidak dipandang sebagai 'kerja' meski dalam kenyataannya menyokong produksi komoditas. Pijakan teoretis ini menjadi basis hipotesis dari mandeknya proses legislasi Rancangan Undang-Undang Perlindungan Pekerja Rumah Tangga (RUU PPRT) yang telah mencari legitimasi sejak tahun 2004. Mandeknya RUU PPRT membangkitkan gerakan pekerja rumah tangga yang berupaya mendesak negara agar melegitimasi RUU PPRT menjadi undang-undang. Penelitian ini tercetus atas refleksi gerakan sosial tersebut, dengan merumuskan permasalahan mungkinkah gerakan pekerja rumah tangga menagih kewajiban negara terhadap pemenuhan hak asasi manusia bagi pekerja di era kapitalisme kanibal? Terhadap permasalahan tersebut, penelitian ini digalang secara sosio-legal dengan ditopang kerangka pemikiran Nancy Fraser dan data primer yang bersumber dari Gerakan Pekerja Rumah Tangga.

Bissu Dan Strategi Alternatif Perjuangan Hak Asasi Manusia Indigenous Queer di Bugis

Dr Syamsurijal, National Research and Innovation Agency (BRIN)

Berbagai gerakan advokasi hukum dan kebijakan yang dilakukan oleh kelompok LGBTQ untuk mendapatkan pengakuan hak-hak dasarnya, sejauh ini belum berhasil. Yang terjadi malah sebaliknya, gerakan anti LGBTQ semakin marak. Di tengah situasi semacam itu, komunitas Bissu, indigenous queer dan dianggap pula sebagai gender kelima di masyarakat Bugis, mengembangkan strategi berbeda dalam memperjuangkan hak-hak gender non-mainstream. Bissu memperjuangkan hak asasinya sebagai manusia dengan terlebih dahulu menempatkan dirinya sebagai bagian dari komunitas. Bissu menjadi penjaga tradisi dan nilai-nilai komunal yang dianut dalam masyarakat Bugis. Berbeda dengan pendekatan queer, yang menantang norma-norma seksual yang diterima secara umum di masyarakat, bissu tidak mengarahkan gerakan mereka ke arah orientasi seksual yang berbeda, sebagai hak identitas gender non-mainstream. Sebaliknya, mereka fokus pada posisi gender kelima yang dibutuhkan dalam ritual budaya Bugis. Dengan cara itulah bissu bisa diterima dan hak-haknya diakui di masyarakat. Tulisan ini bertujuan untuk mengeksplorasi strategi perjuangan hak asasi manusia bissu yang dimulai dengan kesadaran bahwa mereka terikat dan memiliki kewajiban terhadap komunitas di mana mereka hidup. Tulisan ini diharapkan dapat menjadi terobosan dan kritik terhadap perjuangan hak-hak asasi kaum LGBTQ yang berbasis liberalisme dan strateginya kurang berhasil sejauh ini.

Integrating Women's Rights and Climate Migrant Protection: Bridging Gaps in Vietnam

Ms Khanh-Linh Ta, University of Bristol | Ms Pham Khanh Linh, Ewha Womans University

Southeast Asia is regarded as a 'hotspot' for extreme weather outbreaks and ongoing environmental degradation. Between now and 2050, the lower Mekong subregion in Southeast Asia will experience between 3.3 million and 6.3 million new climate-induced displacements, accounting for 1.4% to 2.7% of the region's population. Cross-border migration would become an issue as the effects of climate change worsen. Additionally, climate migration is a gendered process. Migrant women face heightened vulnerability to various risks, including gender-based violence and trafficking in persons, as well as encounter difficulties in accessing essential services related to sanitation, sexual, reproductive, and mental health. This paper aims to comprehensively address climate migration, covering the definition of the phenomenon and its primary causes, along with a discussion of its global scale and projected trend in Vietnam. It will specifically highlight the vulnerability of women to the impacts of climate change and explore the unique challenges they face during climate migration. Additionally, a comparative analysis will be conducted to assess the legal protections for female climate migrants in other regions, highlighting best practices. The paper will conclude by identifying the legal gaps for female climate migrants' protection in Vietnam and advocating for meaningful actions to address these shortcomings.

Interfaith Youth Cyberactivism and Religious Freedom in West Sumatra: Opportunities and Challenges

Dr Zulfan Taufik, UIN Sjech M. Djamil Djambek

Technological advancements and the proliferation of online platforms have facilitated a dynamic space for discourse, advocacy, and activism in recent years. This research article delves into cyberactivism among interfaith youth in West Sumatra, seeking to unravel the multifaceted dynamics that shape their endeavors and examining the consequential impact on promoting religious freedom in the region. Against the challenging backdrop of Islamism in West Sumatra, the study employs a qualitative approach, including interviews and content analysis, to unravel the motivations, dynamics, and outcomes of interfaith youth (Pelita Padang) engagement in online platforms. The findings shed light on the multifaceted role of new media such as Facebook, Instagram, YouTube, and TikTok in shaping narratives around religious freedom, providing insights into the unique challenges and opportunities interfaith youth face in West Sumatra. The research contributes to the broader discourse on cyber activism, interfaith dialogue, and religious freedom in the context of regional diversity, offering valuable perspectives for policymakers, community leaders, and scholars alike.

Menggagas Keseimbangan Pengaturan Kolektivisme Dan Individualisme

Associate Professor Leli Tibaka, Ms Adiesty Syamsuddin, Ms Muja'hidah, Universitas Tadulako

Pemilihan Presiden dan Wakil Presiden (Pilpres) merupakan sarana perwujudan kedaulatan rakyat untuk memilih Presiden dan wakil Presiden yang akan menjalankan visi-misi dan program strategisnya untuk lima tahun. Pasal 6A ayat (2) UUD NRI Tahun 1945 menegaskan "Pasangan Calon Presiden dan Wakil Presiden diusulkan oleh Partai Politik atau gabungan Partai Politik Peserta Pemilu sebelum pelaksanaan Pemilihan umum". Ketentuan ini menegaskan bahwa Parpol atau gabungan Parpol adalah satu-satunya jalur pengusulan pasangan calon Presiden dan Wapres. Dalam perspektif HAM, seorang Manusia harus dilihat secara utuh dalam kedudukannya sebagai individu ataupun kolektif. Negara berkewajiban untuk membuka akses dalam kedua kapasitas tersebut sehingga manusia (individu) juga dapat mengajukan dirinya sebagai pasangan calon Presiden dan Wapres. Penelitian ini bertujuan untuk menggagas keseimbangan pengaturan HAM dalam mengusulkan dirinya secara individu maupun kolektif (Parpol) sebagai Pasangan Calon Presiden. Metode penelitian yang digunakan yuridis normatif dengan pendekatan konseptual, filosofi, perundang-undangan dan kasus. Hasil penelitian ini diharapkan dapat menemukan solusi rumusan norma yang tepat untuk menyeimbangkan perlindungan hak individu dan hak kolektif dalam pengusulan Pasangan Capres dalam Pilpres menurut UUD NRI Tahun 1945.

Limitations on Religious Expression in the Prohibition of the Khilafah

Dr Faiq Tobroni, UIN Sunan Kalijaga

The government has banned the existence of Hizbut Tahrir Indonesia (HTI). The prohibition was motivated by HTI's struggle for the Khilafah, which threatened Pancasila. HTI believes that the Khilafah struggle is a form of religious expression guaranteed as human rights in the 1945 Constitution of the Republic of Indonesia. This research asks what form of religious expression and the implications of national delegitimization HTI's Khilafah expression carry? Also, asking why the ban on the HTI Khilafah can be considered to fulfill the requirements for limiting human rights? This research is socio-legal research with a bibliographic type. The research uses the counter-Khilafah theory and the theory of human rights limitations. The research results found the following. First, the HTI Khilafah is a religious expression of bid'ah sayyi'ah. The destructive side of this expression is deeper than heretical religious expressions because this Khilafah expression threatens state problems in the Indonesian context. HTI's expression of the Khilafah has brought the provocation of national delegitimization with evidence; among them is open opposition to Pancasila. Second, the prohibition of the HTI Khilafah fulfills the requirements for limiting human rights, which can be explained argumentatively through juridical, sociological and philosophical reviews.

Cross-Border Safeguards: A Study of Legal Protections for Overseas Vietnamese Laborers

Dr Hang Tran Thuy, Dr Ngoc Lan Bui Thi, Hanoi Law University

This paper critically examines the complexities and challenges in legally protecting Vietnamese laborers in foreign countries. With increasing globalization, the need for effective legal safeguards for these expatriates has become more pressing. This study examines both the international and Vietnamese legal frameworks that govern these workers' rights and protections. Special attention is given to bilateral agreements and the role of Vietnamese legislation in safeguarding these expatriates. Employing a qualitative methodology, the study analyzes the Vietnamese legal structure alongside international laws and agreements. This includes an in-depth examination of selected case studies that exemplify the applications of these laws. The findings reveal significant disparities and loopholes in the legal protections available to Vietnamese workers abroad. The paper sheds light on the limitations of bilateral international labor agreements and the enforcement of Vietnamese labor laws in foreign countries. Concluding that the existing measures are insufficient, the paper advocates for the enhancement of bilateral agreements and the rigorous enforcement of current laws. Such improvements are contributing not only to individual safety and rights but also to strengthening Vietnam's international labor relations.

Politik Hak Asasi Manusia Pasca Kolonial di Papua

Mr Basilius Triharyanto, Universitas Paramadina

Kebangkitan identitas Melanesia-Papua mempengaruhi politik hak asasi manusia di negara-negara Pasifik Selatan, terutama kelompok subregional Melanesian Sphearhead Group. Pasca kolonial, right to selfdetermination, tetap menjadi dasar bagi negara-negara di Pasifik Selatan memperjuangkan hak asasi manusia di Papua - daerah konflik di wilayah Indonesia. Bagaimana advokasi hak asasi manusia Papua mempengaruhi diplomasi anggota MSG dengan Indonesia? Advokasi hak asasi manusia aktor non-negara; United Leberation Movement for West Papua dan kelompok masyarakat sipil menjadi faktor penting dalam menyuarkan hak asasi manusia di Papua. Studi ini akan menganalisis masalah hak asasi manusia Papua yang mempengaruhi diplomasi regional negara-negara di Pasifik Selatan, terutama negara-negara MSG. Metode riset dalam paper ini kualitatif, berbasis sumber data primer; arsip, laporan, dokumen diplomatik, dan sekunder; media cetak, internet, dan sumber lainnya.

City Planning and Climate Change Adaptation in Japan to Conserve Cultural Heritage

Professor Yuichiro Tsuji, Meiji University

In response to climate change, I am reviewing existing land use regulations in Japan. In order to prevent damage caused by unexpected disasters, local governments are compiling and publishing maps that visualize disaster risks and regulate land use in areas with high disaster risks. Several national-level research projects have conducted climate change impact assessments, but there is a lack of impact assessment information that reflects regional characteristics. Adaptation to climate change must reflect local conditions. I would like to discuss the Japanese example of cultural heritage being damaged by climate change. This paper uses a legal approach, and reviews statutes that protect cultural heritage from damage caused by natural disasters due to climate change. This paper reveals that natural disasters are occurring with far greater probability and extent than previously expected, and that several laws have been amended to prevent natural disaster losses. Furthermore, this will examine whether the example of Kyoto, which has protected cultural heritage sites such as World Heritage sites from various disasters, can be used by other local governments.

ral solutions to complete the legal framework for limiting human rights in the state of emergency in the coming time.

Communicating Disability Rights: A Disability and Parent Perspective

Mr Umar, The University of Sydney

Indonesians with disabilities experience stigma, discrimination, and marginalization (Tsaputra, 2016), which puts them at risk (Madyaningrum et al., 2022). Families are also affected since disabilities are seen as karma and a shame (Hersinta, 2020), especially for parents who must deal with social and financial difficulties (Ammari et al., 2014). Disparities in the implementation of the human rights of people with disabilities resulted from these problems (Nurhayati, 2020; Widinarsih, 2018). In response to such social exclusion, disability activism is done (Ellis & Kent, 2016) and nowadays is mediated by Instagram (Cocq & Ljuslinder, 2020). This study intends to shine a light on individual and organizational perspectives in communicating disability rights by involving diverse disability stakeholders in focus group discussions. Using digital autoethnographic methods, qualitative content analysis was also employed on their Instagram profiles and content. The results showed that both individual and organizational activism are critical in disseminating disability rights. These collective actions have increased the visibility of people with disability who are underrepresented. Instagram is believed to mediate these activists to communicate disability rights. However, they should rely on Instagram's visuality as the audience trend has shifted and the demand for visual communication.

On the Basis of Birth: Revisiting Aquino and the Successional Rights of Nonmarital Filipino Children

Mr Rejinel Valencia, Supreme Court of the Philippines

Filipino children generally enjoy three rights as a matter of birthright, namely, the right to support, the right to bear surname of their father, and the right to succeed. An exception to this rule are the nonmarital children. The Philippine civil law has stripped them of certain rights based solely on the circumstances that surround their conception or birth. A case in point is the Iron-Curtain Rule, which bars nonmarital children from inheriting from the marital children and relatives of their parents. More than a century later, the High Court had an opportunity to revisit the Rule under Article 992 in *Aquino v. Aquino*. Its response is mere reinterpretation of the Iron Curtain Rule, refusing to declare the law unconstitutional. This article details three specific reasons why the Court should have invalidated Article 992 in *Aquino*. First, the continued implementation of Article 992 results in egregious violation of the fundamental rights of the nonmarital children. Second, several developments have arisen that make the continued implementation of Article 992 not only unjust but also discriminatory. Third, Article 992 has no saving grace, i.e., the plain reading of its text leads to no other than the violation of the Constitution.

Green Crimes and Victims of Environmental Harms: A Twail Perspective on Environmental Justice

Mr Adithya Variath, Maharashtra National Law University

The domain of ecological law discourse is facing many challenges that question the legitimacy and authority of institutions that deal with environmental governance. The present structure of International environmental law stems from Western environmentalism. As a result of this, in third world countries, these challenges are a result of resistance by transnationally organised subaltern communities that seek to counter the norms supported by the 'developed world' through the powerful articulation of social justice in global environmental governance. In this context, the study of environmental crime creates peculiar challenges for criminology and also influences the ideas and approaches to justice and victim's justice. The third-world perspective exposes how the global south has been a victim of the compounding injustice caused predominantly by the mischaracterization of the global north. This paper draws on how colonial origins of international law can be traced to see the North-South divide in the context of environmental harms. The paper adopts a socio-legal perspective and multi-disciplinary engagement and approach to green criminology to study regulatory and administrative violations that cause environmental harm. The paper also studies how TWAIL considers anthropocentric notions of criminal justice to deal with environmental harms.

Democratic Consolidation as an Explanatory Factor of State Repression

Ms Patricia Camille Villa, Polytechnic University of the Philippines

The Philippines and Indonesia exhibit multiple commonalities not just in terms of geographical and cultural proximity, but as well as shared experiences with their respective histories, particularly on matters of authoritarianism and post-authoritarian democratic consolidation. Contemporarily, the presidencies of Rodrigo Duterte (2016-2022) and Joko Widodo (2014-present) seem to continue with having similar experiences, as both countries have undergone and exercised forms of state repression at almost the same period. This brings forth the question of whether democratic consolidation—weak or strong—can inform a regime's manner of repression. Using the case of Indonesia and the Philippines, this paper argues that the level of a regime's exercise of state repression may be rooted on how consolidated its democracy is. In this regard, the weaker the consolidation (as in the case of post-EDSA Philippines), the higher the level of repression. The stronger the consolidation (as in the case of post-Suharto Indonesia), the lower the level of repression.

Examining the Production of Impunity Through the Granting of Amnesties

Mr Paulo Benedicto Villar, Polytechnic University of the Philippines

The rule of Ferdinand Marcos (1965–1986) was characterized by his use of the military as martial law implementors. When segments of the military launched a failed coup d'état, this opened the possibility of the dictator's ouster. The presidency of Corazon Aquino (1986–1992) was marked by a succession of coup attempts culminating in a large, bloody, and well backed attempt in December 1989 with those who were the main human rights (HR) violators of the dictatorship leading the charge. Aquino and her successor Fidel Ramos, a key implementer of the HR abuses during the dictatorship, granted amnesties to stifle further coup attempts. The granting of these amnesties inadvertently produced impunity for the HR violations victims as these amnesties cleared the coup plotters' culpability in the HR violations under the dictatorship. James Scott's "hidden transcripts" makes possible the reading of state and other documentary sources against the grain to identify indications of complicity and participation in violence and the evasion of accountability by the state itself. This paper aims to contribute to the discourse of impunity in the Philippines, examine the legal mechanisms these HR violators escaped accountability, and how the amnesties institutionalized impunity in post-dictatorship Philippines.

Vernacularizing International Women's Rights in the Philippines

Mr James Gregory Villasis, University of the Philippines

Vernacularization is the process of translating human rights concepts into forms that fit the local context of a particular place. Despite its relevance to the universalism-relativism debate that surrounds human rights discourse, vernacularization was only studied in a handful of jurisdictions. The paper thus seeks to contribute to the understanding of the phenomenon by documenting and analyzing how international women's rights standards and norms are contextually translated in the Philippines. Using a qualitative research design, a document research and focus group discussion involving various key stakeholders (government and civil society organizations) were conducted. Results show that said stakeholders have a conscious effort to vernacularize international women's rights ideas. In identifying specific vernacularization strategies, they usually employ the bottom-up approach. Meanwhile, internal factors within the organization and international rights language play a role in selecting appropriate programs. Funders including international organizations, however, have little to no influence in such selection. The usual approaches adopted are linguistic translation, community mobilization, and audio-visual arts. Cultural and religious factors have been reported to pose a challenge to the adoption of international rights ideas in some communities. The issues of resonance and advocacy dilemmas were likewise observed.

The Struggle of Kelompok Penghayat Malang City in Obtaining Equality of Public Services

Mr Johan Wahyudi, Universitas Brawijaya

Studies about kelompok penghayat in Indonesia have been conducted in recent years. One of the important findings of the previous studies was the existence of inconsistent and overlapping policy issues that caused the kelompok penghayat to neglect their constitutional rights. Freedom of religion and belief is guaranteed in the Indonesian Constitution. Consequently, the state should facilitate all citizens with various identities in terms of public services. However, equality of treatment has not been fully perceived by minority groups in Indonesia, one of which is a kelompok penghayat in Malang City. This article aims to explain how Kelompok Penghayat in Malang City dwellers struggle to obtain public services from the state. The important findings of this study show that kelompok penghayat Malang City have to struggle on their own in obtaining public services, ranging from administrative aspects to education. Thus, the state seems to half-heartedly serve as a minority group such as kelompok penghayat. In fact, the fulfillment of civil and political rights is the responsibility of the state.

Eksplorasi Intersepsi Antara Gender Disparity Dan Labor Right di Industri Sawit

Mr Raziki Waldan, IAIN Pontianak

Artikel ini membahas intersepsi antara gender disparity dan labor right di industri sawit di Indonesia dan Malaysia. Melalui analisis statistik deskriptif dan inferensial menggunakan data survei dan studi literatur, hasil menunjukkan bahwa ada gender disparity yang signifikan dalam industri sawit. Hal ini terlihat dari jumlah pekerja dan pembagian pekerjaan serta upah. Misalnya, jumlah pekerja lelaki lebih tinggi dibandingkan dengan pekerja wanita dan pekerja wanita cenderung bekerja pada posisi yang kurang menghasilkan. Selain itu, penelitian ini juga menemukan beberapa faktor yang berkontribusi terhadap gender disparity, seperti akses yang setara terhadap peluang kerja, peraturan dan kebijakan yang mendukung labor right wanita, serta perubahan struktural dalam pasar kerja. Penelitian ini juga menunjukkan bahwa gender disparity juga dipengaruhi oleh faktor-faktor eksternal seperti pola migrasi tenaga kerja dan perubahan ekonomi global. Hasil penelitian ini sangat penting karena menyediakan informasi mengenai bagaimana gender disparity dapat mempengaruhi labor right dan distribusi pendapatan di industri sawit. Selain itu, hasil penelitian ini juga dapat digunakan sebagai dasar merumuskan strategi dan rekomendasi kebijakan yang bertujuan untuk mengurangi gender disparity dan mempromosikan labor right yang adil dan inklusif di industri sawit.

The Apathy of United Nations in Tackling Contemporary Armed Conflicts in World

Dr Sumant Kumar, Dr Showkat Ahmad Wani, Alliance University

Ms Renuka Thakur, Himachal Pradesh National Law University

The Charter of the United Nations has postulated its faith in the international community. To ensure prompt and effective action the UN can discharge its duties towards maintaining or restoration of global peace and harmony through specific powers including humanitarian intervention. However, it has come under severe criticism why the United Nations has lost its value and practice with wide recognition afterwards. The principle objectives of the United Nations are under grave threat of non-acceptance before the powerful Nations. Therefore, the approach of the paper is predominantly the examination of these principles of sovereignty and humanism comparatively analyzing the contemporary worldwide situation. Later on, the legit support underpinning the essentials of basic human rights with the significance of global responsibility in the protection of these essentials. Further, the research paper will analyse how the United Nations credibility has raised questions about its future relevance due to its failures in Ukraine and Palestine. It is imperative to examine the structural and procedural flaws of International Law in emergencies, especially those caused by the veto power of powerful countries in support of their allies.

The Implementation of Mediation Function of the National Commission on Human Rights in Indonesia

Associate Professor Manunggal K. Wardaya, Mr Bintar Abhi Saputra, Jenderal Soedirman University

This study aims to examine the role, scope, challenges, and strategies in the matter of implementing the mediation function of Komnas HAM. This research is a socio-legal study where data is obtained using observation techniques, interviews, and documentation studies. This research shows that Komnas HAM is mandated by the Human Rights Law to carry out the function of mediating human rights disputes. Komnas HAM is expected to be a "key element" of a strong and effective national human rights protection system. In practice, technically, Komnas HAM's mediation function has challenges at every stage, namely the pre-mediation stage, the mediation stage, and the post-mediation stage. The mediation function has the potential to be an effective solution to human rights disputes in Indonesia. However, the function of mediation by Komnas HAM is not widely known by the public.

Dampak Privatisasi Pt Pertamina Geothermal Terhadap Aksesibilitas

Mr Villar Wibawa Wicaksana, Sekolah Tinggi Hukum Bandung

Privatisasi Badan Usaha Milik Negara (BUMN) menandai langkah penting dalam mengamankan kelangsungan ekonomi suatu negara. Melalui kebijakan ini, perubahan karakteristik organisasi terjadi, khususnya dalam konteks pengelolaan sumber daya alam vital, sesuai dengan mandat konstitusi yang diatur dalam Pasal 33 Undang-Undang Dasar 1945. Tujuan esensial dari privatisasi ini adalah untuk meningkatkan efisiensi dan daya saing BUMN, sehingga mereka dapat menghadapi tantangan global dengan profesionalisme yang ditingkatkan. Namun, ada implikasi negatif yang harus dipertimbangkan, terutama berkaitan dengan dampaknya terhadap aksesibilitas dan kualitas produk atau layanan yang disediakan kepada masyarakat, seperti yang terlihat dalam kasus PT Pertamina Geothermal yang mengelola energi panas bumi. Penelitian ini akan menggunakan metode penelitian yuridis normatif, didukung dengan pendekatan konseptual dan analisis kebijakan, untuk menjawab pertanyaan utama: Apakah privatisasi BUMN berdampak pada kualitas dan aksesibilitas masyarakat, terutama terkait dengan energi baru dan terbarukan? Hipotesisnya adalah bahwa privatisasi BUMN akan mengurangi aksesibilitas masyarakat terhadap energi baru dan terbarukan, khususnya panas bumi. Penelitian ini diharapkan memberikan kontribusi penting dalam pemahaman terkait transisi energi global dan relevan untuk pembuatan kebijakan publik serta manajemen BUMN dalam menghadapi dinamika pasar yang semakin kompleks.

Agama Dan Human Rights: Fenomena Wahidiyah Dan Tradisi Keagamaan Lokal Kota Kediri

Mr Syafriil Wicaksono, UIN Kiai Haji Achmad Siddiq | Mr M Khoirul Hadi Al-Asy'ari, UIN Sunan Kalijaga

Penelitian ini menjelaskan fenomena tradisi shalawat wahidiyah merupakan tradisi ponpes kedunglo al-munadhhdhoroh kediri dari KH. Abdoel Madjid Ma'roef. Dengan bacaan sholawat yang terdapat ayat al-qur'an sebagai rangkaian shalawat wahidiyah yaitu QS. Al-Fatihah;1-7, QS. az-Zariyat;50 dan QS. al-Isra';81. Pengamalan shalawat ini sebagai doa kepada nabi Muhammad saw dan mendekatkan diri kepada tuhannya, dan tujuan untuk ketenangan dan ketenteraman batin. Tradisi sholawat ini tidak dibatasi usia, jenis kelamin, dan bahkan agama lainnya, dalam ajaran ini memang banyak diminati masyarakat kediri bahkan agama lainnya. Sehingga menjadikan tradisi keagamaan lokal masyarakat kediri yang berdampikan dengan agama lainnya untuk menjaga moderasi beragama dan hak asasi manusia untuk mengikuti tradisi lokal keagamaan yang tidak menjadi penghalang. Adapun rumusan masalah Pertama, Bagaimana fenomena tradisi shalawat wahidiyah dan tradisi keagamaan lokal di kediri? Kedua, Bagaimana hubungan agama dan human right terhadap fenomena tradisi wahidiyah dan keagamaan lokal di kediri? Metode penelitian bersifat kualitatif dengan pendekatan fenomenologi, kajian kepustakaan dan konten analisis deskriptif menjelaskan tradisi wahidiyah dalam tradisi keagamaan. Hasil penelitian pertama menjelaskan dan mendeskripsikan tradisi wahidiyah dan tradisi keagamaan lokal yang ada di kediri. Kedua, menganalisa hubungan agama dan human right terhadap tradisi wahidiyah dan tradisi keagamaan lokal di kediri.

Implications of Regulation in Handling Covid-19 to Protection of Citizen Rights

Associate Professor Aan Eko Widiarto, Mr Muhammad Dahlan, Mr Ria Casmi Arrsa, Universitas Brawijaya

Mr Sholahuddin Al-Fatih, Universitas Muhammadiyah Malang

The Indonesian Ministry of Home Affairs issued many regulations for handling COVID-19 in Indonesia. Those regulations, namely instruction and circular. On the other hand, some countries, like Malaysia and South Korea, use regulation under the term of emergency law. The focus of this paper tries to find the legal impact of some regulations issued by the Government during the COVID-19 pandemic in Indonesia, Malaysia, and South Korea to authoritarianism practices and protection of citizen rights. These problems were then analyzed using the prescriptive method and comparative approach to find new concepts related to the regulations in handling the COVID-19 pandemic in democratic state. This study indicates that an emergency law of any type has more impactful than another term of regulations in handling the COVID-19 pandemic in Indonesia, Malaysia, and South Korea.

Balancing Work Duties and Family Responsibilities for Workers

Ms Nindry Sulistya Widiastiani, Universitas Atma Jaya Yogyakarta

Having family responsibilities could affect workers' employment relations. Those conditions potentially raise conflicts of interest between work duties and family responsibilities. Workers may experience discrimination, lower pay, delayed promotion, or any other negative consequences because their employers think the duties are placed in secondary priority. Those conditions could happen to all workers, especially women workers, who traditionally are expected to take the primary role as caregivers in the family. Nowadays, employment relations have a new trend about how workers technically perform their duties. The trend is Digital Workplace, basically getting the duties done on digital platforms like email, social media, or cloud systems. To get the duties done, workers are not required to attend the office traditionally anymore. This paper aims to analyse whether the digital workplace trend could become an answer for workers to balance work and family responsibilities. The digital workplace trend could become an answer because it allows workers to get duties done from anywhere and gives them time flexibility. However, the digital workplace must be applied carefully because it is still not clearly accommodated in employment law.

From Plans to Pain: Spatial Planning Violations by Tourism Projects and Their Impact on Human Rights

Associate Professor I Gusti Ngurah Parikesit Widiatedja, Mr I Made Budi Arsika, Universitas Udayana

Mr Eraj Haidari, City University of London

This paper delves into the critical examination of spatial planning violations within tourism sector and their profound implications for human rights. Despite existing Spatial Planning Laws, consistent breaches occur, notably evident in Bali's tourism projects. When tourism projects infringe upon these Laws, they encroach upon local communities, violating their rights to property, livelihoods, and a healthy living environment. Such transgressions contribute to haphazard urbanization, forced evictions, and the displacement of indigenous populations, directly challenging their rights to adequate housing and a decent standard of living. This study, employing a socio-legal approach through fieldwork and library research, identifies the adverse impact of spatial planning violations on human rights within the tourism sector. It advocates for a comprehensive approach that harmonizes spatial planning principles with a commitment to upholding fundamental rights. The findings contribute to the discourse on responsible tourism by emphasizing the necessity of integrating human rights considerations into spatial planning processes, ensuring sustainable and equitable development for all stakeholders involved.

Ham Dan Bisnis: Studi Kasus Pembangunan Rempang Eco-City

Dr Johanes Widijantoro, Universitas Atma Jaya Yogyakarta

Indonesia adalah negara hukum dan sudah meratifikasi ICESCR sebagai jaminan perlindungan hak-hak ekonomi, sosial dan budaya. Maka sudah seharusnya pembangunan mempertimbangkan peraturan yang berlaku dan prinsip-prinsip HAM. Namun hal tersebut tidak terjadi dalam kasus Pembangunan Rempang Eco-city di Propinsi Kepulauan Riau. Jauh dari prinsip partisipatif dan mempertimbangkan eksistensi dan hak-hak dasar warga terdampak, perencanaan dan persiapan pengembangan Rempang Eco-city justru menimbulkan konflik horizontal antara aparat dengan warga lokal. Penolakan warga yang tinggal di kampung-kampung tua (yang sudah turun temurun tinggal di wilayah tersebut) yang terdampak rencana pembangunan tersebut terjadi karena mereka merasa terancam kehidupan dan penghidupannya seiring dengan rencana relokasi tempat tinggal mereka. Sementara lahan yang menjadi objek proyek Pembangunan belum diterbitkan Hak Pengelolaan dan masih menghadapi hambatan dalam investasi. Kajian yuridis empiris dilakukan dalam studi kasus ini dengan pendekatan socio-legal dan prinsip-prinsip HAM. Percepatan pengembangan kawasan Rempang Eco-city terbukti tidak didukung dengan persiapan yang matang baik dari sisi regulasi, kebijakan, ketersediaan lahan yang clear and clean maupun kesiapan masyarakat di objek tersebut sehingga muncul penolakan dan konflik. Melalui studi ini diharapkan pemerintah dapat memperbaiki kebijakan yang telah diambil dan lebih memperhatikan kepentingan Masyarakat dan prinsip-prinsip HAM.

Intellectual Property of Traditional Knowledge and Traditional Cultural Expressions

Ms Yenny Eta Widyanti, Ms Ranitya Ganindha, Universitas Brawijaya

The protection of intellectual property of traditional knowledge and traditional cultural expressions (TKTCE) is important to be realised as part of the protection of indigenous peoples' human rights. The fact that Indonesia is a country rich in cultural and ethnic diversity is an extraordinary potential in the economic field to realise the welfare of the nation. However, this extraordinary potential cannot be realised without adequate legal arrangements. Based on this, it is important to analyse the philosophy of Pancasila as the basis for the protection of indigenous peoples' human rights to TKTCE intellectual property to realise the nation's welfare. This research aims to analyse the philosophical protection of indigenous peoples' human rights over TKTCE intellectual property to realise the nation's welfare by using legislative and conceptual approaches. It is found that philosophically, Pancasila is the basis of belief about the aspired society and the basis for the administration of the state which is crystallised from the values that have grown, developed and rooted in the lives of the ancestors or ancestors of the Indonesian nation.

Structural Violence, Human Rights and Development

Mr Pascal David Wungkana, Indonesian Legal Aid Foundation (YLBHI)

Although the United Nations has adopted the right to development since 1986, today's developments in most countries are still oriented on economic growth solely and habitually puts human rights out of the discussion. In Indonesia for instance, the ambitious national strategic project which was designed to accumulate national products, massively exploit resources and in most cases be followed by human rights abuses. However, the development itself is not instantly identified by the occurring rights' abuses as contrary to the right to development since such abuses are commonly seen as personal violence cases stemming from the development process. At this point, a structural violence approach is important to bring a broader view to evaluate the development itself, either its means or its ends, and therefore pave the way for a structural intervention to address the right to development. Based on these, this paper will illuminate how Indonesian development projects constitute structural violence against the impacted communities. The author will unfold the arising of structural violence through analyzing the national-driven tourism development in North Sulawesi, Indonesia. Following is the main finding that is the extent of structural intervention to confront structural violence at development location and to consequently ensure human-rights-based development.

"I Had No Choice": the Employment Experiences of Mothers of Children with Disabilities in China

Ms Xinyi Yu, The University of Sydney

Parenting children with disabilities is often associated with a reduction in mothers' labor force participation. However, little attention has been paid to the employment plight of these mothers around time commitment and financial resources in China. Thus, this study aims to illustrate how their employment experiences and barriers were shaped from a life course perspective, in the social context of the implementation of new disability policies. Nine in-depth, one-on-one online interviews were conducted. This study found that the diagnosis of a child's disability was a significant turning point in these mothers' career pathways. Their employment decisions and desires changed around children's disability recovery status. Meanwhile, the rehabilitation system for disabled children, attached to the household registration system, resulted in unavailable to receive rehabilitation subsidies that match the cost of residence for migrant families. Increasing the family income and extending the social network were major drivers of these mothers' choice to work. The challenges and unique opportunities that these mothers encountered in the labour market are also discussed. The findings have implications for making their voice heard and enhancing our understanding of how relevant policies should work in practice to ensure mothers' rights to work and participate fully in society.

Indonesian Women Migrant Workers in the Global Gig Economy Landscape: Challenges and Opportunities

Ms Fenny Tria Yunita, Mr Bhim Prakoso, Mr Fauzi Rohman, Universitas Jember

More than 64% of Indonesian migrant workers are women. However, the regulations regarding the protection of migrant workers still lack gender sensitivity. Women migrant workers are more vulnerable to exploitation as they often find themselves in precarious, low-paying, and informal sector jobs. With the emergence of the digital economy, many migrant workers have transitioned into gig employment, requiring specialized skills in technology and other modern fields. However, in this gig economy characterized by short-term and freelance jobs facilitated by digital platforms, women migrant workers face increased vulnerability. Through socio-legal research using qualitative analysis methods, this study aims to uncover the obstacles and challenges faced by women migrant workers in the current era of the global gig economy. This research reveals that in the gig economy, migrant workers are positioned as independent contractors, granting them control over their income. This system is seemingly profitable, but there are hidden shifts in the responsibilities to protect migrant workers from the employers to the workers themselves.

Reformulation of Risk-Based Approach Licensing System

Mr Mochammad Abizar Yusro, Independent

Ms Luna Dezeana Ticoalu, Ms Nibraska Aslam, Human Rights in the Global South

Nowadays, the operations of a business organization and its value chain impact individuals' human rights such as issues of forced and child labor, privacy, freedom of speech, equality, discrimination, occupational safety, health, and environment, among others. The industry and business model of each company determine which impacts pose salient risks. This research aims to implement Human Rights Due Diligence obligations to identify potential adverse human rights impacts through Human Rights Impact Assessment in the private sector. This normative-juridical research which is conducted with a statute approach and conceptual approach shows that the Risk-Based Approach licensing system has weaknesses in mitigating the risk of actual and potential impacts of human rights violations. Human Rights Impact Assessment needs to be the main guideline and requirement in efforts to assess potential risks of human rights violations in the private sector. To respect human rights, business organizations should undertake human rights due diligence through four key actions: to identify and assess, integrate the findings, track the effectiveness, and account for how they address their human rights impacts. Therefore, Human Rights Due Diligence as a mandatory Risk-Based Approach licensing provides mitigation of the risk and potential impact of human rights violations on private sector operations.

Yurisdiksi Universal Kejahatan Terorisme: Kajian Terorisme Sebagai Kejahatan Terhadap Kemanusiaan

Dr Levina Yustitiantingtyas, Universitas Muhammadiyah Surabaya

Mengkategorikan terorisme sebagai salah satu kejahatan internasional tidaklah salah, karena telah terpenuhinya elemen-elemen internasional atas kejahatan tersebut. Dimana kejahatan terorisme melibatkan lebih dari satu negara yang di dalamnya terdapat sistem hukum dan penerapan yurisdiksi. Tercatat beberapa aksi terorisme yang mengganggu stabilitas keamanan internasional, diantaranya jaringan Al-Qaeda, ISIS dan lain sebagainya. Selain kelompok teroris di dunia, terdapat juga kelompok teroris yang terkenal di kawasan Asia Tenggara yaitu Kelompok Abu Sayyaf. Penelitian hukum ini bertujuan untuk mengkaji yurisdiksi universal atas terorisme sebagai kejahatan internasional, karena kejahatan terorisme dapat dikatakan memenuhi unsur kejahatan terhadap kemanusiaan, yang perbuatan tersebut dilakukan dengan sengaja sebagai bagian dari serangan yang meluas, melibatkan banyak pihak dan targetnya seluruh warga negara. Pelanggaran atas kejahatan terhadap kemanusiaan dianggap formulasi yang paling cocok untuk mengadili kejahatan terorisme dibawah yurisdiksi ICC. Belum adanya definisi terorisme secara universal, menyebabkan hingga saat ini terorisme belum dapat dimasukkan dalam yurisdiksi kewenangan ICC.

Myanmar's Democracy and Aung San Suu Kyi: the Rohingya's Future

Dr Iqthyer Zahed, The University of Sydney

After more than half a century of military rule, Myanmar's democratic transition started in 2011. Military General Thein Sein established a civilian government from 2011-2016. Afterwards, Aung San Suu Kyi, the daughter of the father of the nation, came to power in 2016. Suu Kyi's government had to share power with the military, as the constitution provided them vital privileges. Subsequently following brutal actions against the Rohingya ethnoreligious group during Suu Kyi's tenure, the international community accused her government of doing nothing to stop ethnic cleansing and genocide. Everyone expected that democracy was the winner for a political transition in Myanmar, but it did not last long as in February 2021 General Aung Min Hlaing led another army coup d'état once again to topple the fragile democracy. Suu Kyi's policy tilt towards the military failed to protect Rohingyas from ethnic cleansing and failed to secure herself in power. The situation for the Rohingya becomes complicated as they now find themselves caught between the 'devil and the deep sea'.

Balancing the Scales: Religious Freedom, Right to Education, and the Pursuit of Knowledge

Ms Atiyeh Zeidabadinejad, Mazandaran University

This paper delves into the complex interplay between religious convictions and access to education, along with the freedom to pursue knowledge. It scrutinizes how religious doctrines and rituals can either endorse or hinder educational prospects. The paper accentuates the importance of fostering inclusive and secular learning environments that honor a variety of religious beliefs while upholding the principles of universal human rights. The paper suggests strategies such as the development of a curriculum that mirrors the diversity of the student population, encompassing various religions, cultures, and perspectives, interfaith dialogue that enhances the overall standard of educational programs, and campaigns for awareness and advocacy. These strategies aim to mitigate potential discord between religious convictions and educational goals. The paper underscores the necessity for consistent monitoring and evaluation to gauge the efficacy of these initiatives. By achieving an equilibrium between religious freedom and the right to education, this paper posits that societies can establish an environment where religious convictions augment, rather than obstruct, the quest for knowledge. The freedom to establish educational institutions in accordance with democratic principles and the right of parents to ensure their children's education and instruction in line with their religious, philosophical, and pedagogical beliefs shall be respected.

Harmonizing Human Rights and Innovation for Peaceful, Sustainable Societies in Asia-Pacific

Dr Mohamad Zreik, Sun Yat-sen University

This paper explores the intricate relationship between human rights, peace, and innovation in the context of Asia and the Pacific. It argues that a synergistic approach to these elements is crucial for fostering sustainable societies in the region. The study begins by examining the current state of human rights in various Asian-Pacific countries, highlighting both the challenges and progress made in this area. It then delves into the role of technological innovation as a tool for peace-building and human rights enhancement, discussing how innovative practices can contribute to conflict resolution and social harmony. The paper further analyzes the interplay between these elements and their impact on achieving sustainable development goals (SDGs). Case studies from countries like Japan, South Korea, and Australia are presented, illustrating successful integration of human rights policies and innovative practices in peace-building efforts. The study concludes by proposing a framework for regional cooperation in Asia-Pacific that leverages innovation in technology and governance to promote human rights and peace, ultimately contributing to the creation of more resilient and sustainable societies. This framework serves as a guideline for policymakers, civil society, and international organizations working towards the collective goal of a peaceful and prosperous Asia-Pacific.

