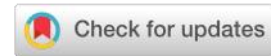




Research Article



Indonesia's Safeguarding of Human Rights to Achieve Sustainable Development Goals: Insights from Australia's Experience

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Abstract: Indonesia has undertaken numerous initiatives to protect human rights through ratified national and international legal frameworks. However, challenges remain as violations of fundamental human rights persist. This article examines Indonesia's efforts to protect human rights through sustainable development and compares them with Australia's approach to achieving sustainable development goals (SDGs) by upholding human rights. The study employs a normative legal research method, utilizing statutory and case approaches. Primary and secondary data sources, including relevant human rights legislation, were analyzed qualitatively to address the research objectives. The findings indicate that Indonesia is committed to the SDGs and identified national targets aligned with Goal 16, emphasizing peace, justice, and strong institutions. While Indonesia and Australia face similar challenges in achieving the SDGs, Indonesia can draw lessons from Australia's experience, particularly in strengthening the localization of SDGs and adopting objective success measures. Implementing data-driven evaluations of progress, gaps, and opportunities will enable Indonesia to formulate relevant policies and improve SDG outcomes. Adopting such measures is crucial for Indonesia to advance its human rights agenda and sustainable development efforts more effectively.

Keywords: Australia; Human Rights; Indonesia; Legal Protection, Sustainable Development Goals;



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INTRODUCTION

The world strives to improve lives and realize prosperity and environmental sustainability.¹ International law can play an important role in promoting national, regional and international actions to tackle the human impacts of climate change² and disasters. Of note, 2015 saw the adoption of three interconnected normative frameworks: the Sendai Framework for Disaster Risk Reduction 2015–2030, the Paris Agreement under the UN Framework Convention on Climate Change (UNFCCC)³,

¹ Abdurrahman Supardi Usman, 'Lingkungan Hidup Sebagai Subjek Hukum: Redefinisi Relasi Hak Asasi Manusia Dan Hak Asasi Lingkungan Hidup Dalam Perspektif Negara Hukum', *Jurnal Ilmiah Hukum LEGALITY*, 26.1 (2018), 1 <https://doi.org/10.22219/jihl.v26i1.6610>

² Toqeer Ahmed, Mohammad Zounemat-Kermani, and Miklas Scholz, 'Climate Change, Water Quality and Water-Related Challenges: A Review with Focus on Pakistan', *International Journal of Environmental Research and Public Health*, 2020 <https://doi.org/10.3390/ijerph17228518>

³ Mohammed Musah and others, 'Realizing the 2050 Paris Climate Agreement in West Africa: The Role of Financial Inclusion and Green Investments', *Journal of Environmental Management*, 340 (2023), 117911 <https://doi.org/https://doi.org/10.1016/j.jenvman.2023.117911>



and the UN's 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs).⁴

The Sustainable Development Goals (SDGs) were established in 2015 to guide policies, initiatives and agendas across governments, multinational organizations and companies.⁵ The SDGs address key challenges such as combatting climate change and achieving gender equality not only through a stand-alone goal but in a cross-cutting manner therefore capturing the interconnectedness of development concerns. The SDGs were a result of an inclusive process with a high level of ownership from government.⁶ According to the Declaration, the SDGs consist of seventeen goals that can be grouped into four pillars that are inseparable and interdependent. These four pillars are to show the existence and importance of balance among the three main pillars: the social dimension, the economic dimension and the environmental dimension, supported by the governance pillar. These three pillars are interrelated and inseparable. The environmental pillar is the most important element, because the current growth described in the economic pillar, needs to maintain environmental sustainability. Similarly, the social behavior of the community described in the social pillar, needs to change and have environmentally friendly behavior.

The unequal distribution of poverty and wealth leads to asymmetrical power relations, which are not least the legacy of colonial and apartheid influence. This makes the SDGs set by the United Nations even more important.⁷ In the United Nations Outcome Document on SDGs, the SDGs are described as alongside continuing development priorities such as poverty eradication, health, education and food security and nutrition, it sets out a wide range of economic, social and environmental objectives. It also promises more peaceful and inclusive societies. It also, crucially defines the means of implementation. The emphasis of the goals is not only on the outcome of development itself which leads to increased welfare, but also on aspects of justice and inclusiveness and the means of achieving the goals. The SDGs emphasize the fulfillment of human rights, non-discrimination, attention to the marginalized and disabled, the importance of participation and collaboration of all development stakeholders: government, business, NGOs, universities and communities. Efforts to achieve the SDGs targets are a national development priority.⁸

⁴ Department of Foreign Affairs and Trade, *Effective Governance Development Cooperation Factsheet*, 2024 <https://www.dfat.gov.au/sites/default/files/development-cooperation-fact-sheet-governance.pdf>

⁵ Azeem Marhendra Amedi, 'Analisis Politik Hukum Pendidikan Dasar Di Indonesia Demi Menyongsong Era Tujuan Pembangunan Berkelanjutan (Sustainable Development Goals/SDGs)', *Padjadjaran Law Review*, 6.1 (2018), 42–58. <https://jurnal.fh.unpad.ac.id/index.php/plr/article/view/389>

⁶ Josephin A Odera and Judy Mulusa, 'SDGs, Gender Equality and Women's Empowerment: What Prospects for Delivery', in *Sustainable Development Goals and Human Rights* (Germany: Springer Berlin Heidelberg, 2023), pp. 77–98 <https://doi.org/10.1515/9783839462454-005>

⁷ Michael Boecker and Dorothee Boecker, 'International Social Work as a Human Rights Profession in the Global Society: Challenges and Implications of the Sustainable Development Goals', *Journal of Social Development in Africa*, 39.2 (2024), 1–16 <https://doi.org/10.4314/jsda.v39i2.2>

⁸ Rizal, Ruslan Abdul Ghofur, and Pertiwi Utami, 'The Role of Muslim Generation Community at Zakat Collection on Realizing Sustainable Development Goals (SDGs) in the Era of Digital Society 5.0', *Juris: Jurnal Ilmiah Syariah*, 22.1 (2023), 105–18 <https://doi.org/10.31958/juris.v22i1.6562>



Indonesia is one of the UN member states that plays an active role in determining SDGs targets. As a country that has a commitment to participate in implementing the achievement of SDGs, it continues to strive to make it happen. The achievement of SDGs is carried out by setting national SDGs targets that are prepared in reference to the global goals and targets of the SDGs in 2030 and the national targets of the national medium-term development plan for the current period. Previously, Indonesia has adopted various international human rights instruments, such as the UDHR, ICCPR, ICESCR, and various other international human rights conventions, giving birth to juridical obligations for the Indonesian government to strive for the protection, promotion, enforcement and fulfillment of human rights for every citizen.⁹ In the national scope, the obligation to promote human rights has been explicitly mandated not only in the constitution, but also in various laws and regulations. Article 28I paragraph (4) of the 1945 Constitution states that the protection, promotion, enforcement and fulfillment of human rights are the responsibility of the state, especially the government. Based on this, Indonesia has a constitutional responsibility to uphold the protection of human rights.¹⁰

Human rights are basic rights that are inherently inherent in human beings, are universal and lasting.¹¹ Human rights must be protected, respected, defended, and must not be ignored, diminished, or deprived by anyone.¹² Human rights are universal yet indivisible and interdependent. Human rights apply equally to everyone, no matter who you are or where you were born.¹³ In its application, human rights have several principles that can be used as a reference, namely: universal and non-discriminatory, inalienable, indivisible, interdependent, and interrelated.¹⁴ Human rights are universal. The first UN declaration on human rights ensured this by including the word “universal” in its title, hence the name Universal Declaration of Human Rights (UDHR).¹⁵ The UDHR then became the basis for conventions and

⁹ Tom Baum and Nguyen Thi Thanh Hai, ‘Hospitality, Tourism, Human Rights and the Impact of COVID-19’, *International Journal of Contemporary Hospitality Management*, 32.7 (2020), 2397–2407 <https://doi.org/10.1108/IJCHM-03-2020-0242>

¹⁰ R. Herlambang Perdana Wiratraman, ‘Hak-Hak Konstitusional Warga Negara Setelah Amandemen UUD 1945: Konsep, Pengaturan Dan Dinamika Implementasi’, *Hukum Panta Rei*, 1.1 (2007), 1–18. https://www.academia.edu/28151261/Hak_Hak_Konstitusional_Warga_Negara_Setelah_Amandemen_UUD_1945_Konsep_Pengaturan_dan_Dinamika_Implementasi

¹¹ Jolyon Ford and Justine Nolan, ‘Regulating Transparency on Human Rights and Modern Slavery in Corporate Supply Chains: The Discrepancy between Human Rights Due Diligence and the Social Audit’, *Australian Journal of Human Rights*, 26.1 (2020), 27–45 <https://doi.org/10.1080/1323238X.2020.1761633>

¹² Komnas HAM, *Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia, Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia*, 1999, pp. 1–45.

¹³ M.R. Ishay, *The Human Rights Reader: Major Political Essays, Speeches, and Documents From Ancient Times to the Present (3rd Ed.)* (Routledge: Taylor and Francis Group, 2022) <https://doi.org/https://doi.org/10.4324/9781003121404>

¹⁴ Matthias Koenig, ‘Governance of Religious Diversity at the European Court of Human Rights BT - Religious Diversity and Interreligious Dialogue’, ed. by Anna Körs, Wolfram Weisse, and Jean-Paul Willaime (Cham: Springer International Publishing, 2020), pp. 59–72 https://doi.org/10.1007/978-3-030-31856-7_5

¹⁵ C. Voigt, ‘The Climate Change Dimension of Human Rights: Due Diligence and States’ Positive Obligations’, in *Human Rights and the Planet*. (Cheltenham, UK: Edward Elgar Publishing, 2022) <https://doi.org/https://doi.org/10.4337/9781802204292.0>



various other human rights instruments at the international, regional and national levels.¹⁶

The relationship between the SDGs and human rights is ambivalent at three different levels. First, at the most abstract level, the normative level, the SDGs and human rights have different regulatory underpinnings. Goals are distinct from rights and carry different political implications. While the SDGs grant equal moral and political status to a range of addressees, human rights emphasize human dignity and individuals as rights-holding subjects. Second, at the institutional level, the SDGs and human rights are built upon different organizational bases, including factors that shape their realization, such as legal rules, enforcement powers, mandates, and resources. This distinction applies both at the international level and the national level, where significant variation exists between countries. Third, at the substantive level, the SDGs and human rights interact in contradictory ways within concrete policy practices at global, national, and local governance levels. At times, they reinforce each other; at other times, they are played against one another by powerful actors seeking to advance their own interests. Notably, various official UN documents have declared that the SDGs are directly grounded in existing international human rights principles and laws.¹⁷

Human rights are a picture of the real actualization of the SDGs. No one left behind is the main principle of the implementation of the SDGs, which is specifically found in the sixteenth goal of the SDGs, namely peace, justice and resilient institutions. This principle and goal contains the principle of non-discrimination and does not leave anyone behind, including vulnerable groups, including victims of past human rights violations, indigenous peoples, and religious minorities. The SDGs are promoted as a strategy to better meet the demands of society, the environment and the economy. The process is carried out through the gradual integration and realization of core human rights and essential economic responsibilities. Human rights and enhanced sustainable development are interrelated and positively reinforce ideas.¹⁸ The most actual instrument to understand the real achievement of the SDGs is to look at the achievement of human rights in a country. The SDGs and human rights are mutually reinforcing.¹⁹ On the one hand, human rights provide insight and direction in addressing the complexity of the goals in the multidimensional 2030 agenda. On the other hand, the SDGs are a measurable and results-oriented instrument for the realization of human rights.

The Sustainable Development Report shows that Australia holds an SDG Index Rank of 37 out of 166 countries, with an index score of 76.9. This ranking illustrates

¹⁶ Stefan Zagelmeyer, 'MNEs and Human Rights: From Responsibilities to Rights to Governance', *Critical Perspectives on International Business*, 16.2 (2020), 117–35 <https://doi.org/10.1108/cpoib-07-2018-0063>

¹⁷ Magdalena Bexell, Thomas Hickmann, and Andrea Schapper, 'Strengthening the Sustainable Development Goals through Integration with Human Rights', *International Environmental Agreements: Politics, Law and Economics*, 23.2 (2023), 133–39 <https://doi.org/10.1007/s10784-023-09605-x>

¹⁸ Vijay Shankar Yadav and Brijmohan Singh, 'Evaluating the Human Rights Perspective on Sustainable Development Goals Accessible Health Coverage', *Journal of Law and Sustainable Development*, 11.6 (2023), 1–17 <https://doi.org/10.55908/sdgs.v11i6.1254>

¹⁹ Janne Mende, 'The Concept of Modern Slavery: Definition, Critique, and the Human Rights Frame', *Human Rights Review*, 20.2 (2019), 229–48 <https://doi.org/10.1007/s12142-018-0538-y>



that Australia is on track to achieve approximately 51% of the SDG targets by 2030.²⁰ The ranking system benchmarks Australia's performance against other nations, highlighting both commendable strides and areas in need of continued effort. As one of the founding member states of the United Nations and a signatory to the Universal Declaration of Human Rights in 1948, Australia has for more than seventy years been a strong supporter of the promotion and protection of human rights,²¹ particularly in the context of advancing human rights in the Indo-Pacific region. Australia engages with the international community with active and practical advocacy, sensitivity and fairness, and a willingness to speak out against human rights violations and abuses. Australia is aligning with global best practices SDGs. Therefore, this article will describe Indonesia's efforts in protecting human rights through sustainable development and review how Australia achieves sustainable development goals through the protection of human rights.

Since it was declared in 2015, the SDGs have become a research topic that has begun to be widely researched. Some of them are research conducted by Sandy Kurnia Christmas et.al in 2020, entitled Implementation of the recognition and respect of the Dayak Iban Semunying Customary Law Community in Human Rights and SDGs²² discusses the weak implementation of the recognition and respect for Indigenous Peoples of Iban Semunying be problems related to their discriminatory practices in running a government policy. In the same year, research conducted by Amy Maguire and Donna McNamara entitled Human rights and the post-pandemic return to classroom education in Australia. It notes the complexity of balancing rights to health, education and work for students, teachers and school staff, including for the most vulnerable in those groups. The authors argue that Australia would be well served by a comprehensive human rights framework to support the difficult processes of balancing rights in tension.²³ Lego Karjoko et al in 2022 entitled Indonesia's Sustainable Development Goals Resolving Waste Problems: Informal to Formal Policy which discusses how Indonesia realizes or constructs public policies related to waste problems.²⁴ Then research conducted by Magdalena Bexell et.al, in 2023, Strengthening the Sustainable Development Goals through integration with human rights.²⁵ This paper discusses the relationship between the Sustainable Development Goals (SDGs) and the long-standing human rights system of the United Nations. Selanjutnya, penelitian oleh Maria Pricilia Silviana, et al 2024, The Concept of

²⁰ Emilia Maubach, 'Australia's Inaugural SDG Flag Day: A Celebration of Progress towards Greener, More Inclusive Economies and Stronger Nation', *UN Global Compact Network Australia* (Victoria, 2024). <https://unglobalcompact.org.au/australias-inaugural-sdg-flag-day-a-celebration-of-progress-towards-greener-more-inclusive-economies-and-stronger-nation/>

²¹ Christopher Arup, 'Liberty or Protection? Making Law for Employment and Social Security', *Griffith Law Review*, 31.3 (2022), 361–96 <https://doi.org/10.1080/10383441.2022.2096967>

²² Sandy Kurnia Christmas, Ichsan Muhajir, and Imam Wicaksono, 'Implementation of the Recognition and Respect of the Dayak Iban Semunying Customary Law Community in Human Rights and SDGs', *Jurnal Hukum Volkgeist*, 4.2 (2020), 108–17 <https://doi.org/10.35326/volkgeist.v4i2.427>

²³ Amy Maguire and Donna McNamara, 'Human Rights and the Post-Pandemic Return to Classroom Education in Australia', *Alternative Law Journal*, 45.3 (2020), 202–8 <https://doi.org/10.1177/1037969X20954292>

²⁴ Lego Karjoko and others, 'Indonesia's Sustainable Development Goals Resolving Waste Problem: Informal to Formal Policy', *International Journal of Sustainable Development & Planning*, 17.2 (2022), 649 <https://doi.org/10.18280/ijstdp.170230>

²⁵ Bexell, Hickmann, and Schapper.



Punishment for Environmental Crimes as an Effort for Sustainable Development²⁶ discusses the concept of additional sanctions in the legal provisions of environmental management and conservation to support the SDGs.

The research conducted by the author is different from previous research. This research does not discuss public policy in the field of environment, nor indigenous peoples. This research focuses on the protection of human rights in realizing the SDGs in two countries, namely Indonesia and Australia. This research discusses Indonesia's efforts to protect human rights through the SDGs. In addition, existing research has not been complemented by a review of other countries in achieving the SDGs, especially Australia. Therefore, this research has the following research questions, what are Indonesia's efforts to protect human rights through the SDGs and how does Australia achieve the SDGs through the protection of human rights.

METHOD

This research is normative research²⁷ using a statutory and conceptual approach²⁸. Data sources were collected by analyzing laws related to human rights and SDGs. While conceptually, this study analyzes the concept and principles of human rights. The comparative method compares the experience in Australia. This comparison²⁹ is based on the differences in the legal systems of Indonesia and Australia. This research was analyzed and concluded deductively to form an experience Australia to protect human rights to determine the regulation and use of the strategies which can guarantee protection for human rights.

RESULT AND DISCUSSION

Indonesia's Efforts in Safeguarding Human Rights

The study of human rights is vital in order to enhance the development of human beings.³⁰ Human values in the form of human rights are basically also found in the ideology of Indonesia, namely Pancasila.³¹ Human rights are part of Indonesian national law. Indonesia's recognition of human rights can be seen from the regulation on human rights in the Second Amendment to the 1945 Constitution in 2000 which specifically guarantees human rights, namely Chapter XA entitled Human Rights. Prior to the amendment of the 1945 Constitution, the People's Consultative Assembly (MPR) made Decree No. XVII/MPR/1998 on Human Rights (hereafter TAP MPR XVII). It

²⁶ Maria Pricilia Silviana, 'The Concept of Punishment for Environmental Crimes as an Effort for Sustainable Development', in *Proceeding of the International Conference on Cultural* (Atlantis Press, 2024) <https://doi.org/https://doi.org.10.829>

²⁷ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. by Ahsan Yunus, 1st edn (Yogyakarta: Mitra Buana Media, 2020).

²⁸ Ani Purwati, *Metode Penelitian Hukum: Teori Dan Praktek* (Surabaya: Jakad Media Publishing, 2020).

²⁹ Sulistyowati Irianto and Shidarta, *Metode Penelitian Hukum: Konstelasi Dan Refleksi* (Jakarta: Yayasan Obor Indonesia, 2009).

³⁰ Priscilla P Severo and others, 'Thirty Years of Human Rights Study in the Web of Science Database (1990–2020)', *International Journal of Environmental Research and Public Health*, 2021 <https://doi.org/10.3390/ijerph18042131>

³¹ Ario Putra, 'Interpretasi Hak Asasi Manusia Dalam Ideologi Pancasila Dan Implikasinya Terhadap Persatuan Dan Kesatuan Di Indonesia', *Jurnal HAM*, 13.1 (2022), 1 <https://doi.org/10.30641/ham.2022.13.1-14>



recognizes that human rights belong to everyone and that the Indonesian nation accepts the obligation to respect human rights based on the Universal Declaration of Human Rights (UDHR) and other international instruments. TAP MPR XVII also contains the Views and Attitudes of the Indonesian Nation towards Human Rights, which in the Introduction section of the fourth paragraph contains the sentence “The Indonesian nation upholds and implements human rights in accordance with Pancasila as the nation's view of life.” This sentence means that the compatibility of human rights and Pancasila as a philosophy does not need to be debated anymore. In order to implement MPR Decree XVII/2 and in accordance with the mandate of Article 28I paragraph (5), the Government of Indonesia drafted and enacted Law No. 39/1999 on Human Rights. Article 7 paragraph (2) of the Human Rights Law stipulates that “The provisions of international law that have been accepted by the Republic of Indonesia concerning human rights become national law.

Indonesia recognizes and upholds human rights and basic human freedoms as rights that are inherent in and inseparable from human beings, which must be protected, respected, and upheld for the sake of improving human dignity, welfare, happiness, and intelligence as well as justice. Indonesia as a member of the United Nations has the moral and legal responsibility to uphold and implement the UDHR established by the United Nations, as well as various other international instruments on human rights that Indonesia has accepted through ratification. Of the nine major human rights conventions, Indonesia has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (CED) which was signed in 2010.

Table 1. List of International Conventions on Human Rights that Indonesia has Ratified

RATIFICATION	INTERNATIONAL CONVENTION SOURCES
Law Number 7 of 1984	Convention on the Elimination of Discrimination against Women (CEDAW)
Presidential Decree Number 36 of 1990	Convention on the Rights of the Child (CRC)
Law Number 5 of 1998	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
Law Number 29 of 1999	Convention on the Elimination of Racial Discrimination (CERD)
Law Number 11 of 2005	International Convention on the Economic, Social and Cultural Rights (ICCPR)
Law Number 12 of 2005	International Convention on the Civil and Political Rights (ICESCR)
Law Number 19 of 2011	Convention on the Rights of Persons with Disabilities (CRPD)
Law Number 6 of 2012	International Convention on The Protection of The Rights of All Migrant Workers and Members of Their Families (CMW)

Source: Author's Analysis, 2025

The table above shows that every person in the territory of the Republic of Indonesia is obliged to comply with all laws and regulations, both unwritten laws, and international laws regarding human rights that have been accepted by the state of Indonesia. The 1945 Constitution of the Republic of Indonesia (1945 Constitution)



Article 27 paragraph (2) has mandated that every citizen has the right to obtain decent work and livelihood.³² Indonesia also ratified a number of conventions under the International Labor Organization (ILO) aimed at protecting workers' rights, including: ILO Convention on the Elimination of Forced Labor, ILO Convention on Freedom of Association and Protection of the Right to Organize, and ILO Convention on the Violation and Immediate Action for the Elimination of the Worst Forms of Child Labor.

In addition to having various laws resulting from the ratification of human rights conventions, a number of laws containing human rights are also scattered in various legal products in Indonesia. This is intended as a form of legal protection, especially human rights. Law No. 39/1999 on Human Rights, which is the legal basis of human rights for Indonesia, has detailed human rights in 10 types, namely the right to life, the right to family and offspring, the right to self-development, the right to justice, the right to personal freedom, the right to security, the right to welfare, the right to participate in government, the rights of women, and the rights of children.

The Indonesian Human Rights Law also regulates the basic human obligation to respect the human rights of others, morals, ethics, and the orderly life of the community, nation and state. Although humans have rights, in exercising their rights and freedoms, everyone must be subject to the restrictions set by law. This is intended to guarantee recognition and respect for the rights and freedoms of others and to fulfill fair demands in a democratic society. After having a law on human rights, the Government of Indonesia is committed to guaranteeing the implementation of human rights and providing protection, certainty, justice, and a feeling of security to individuals or communities by establishing a Human Rights Court to resolve serious human rights violations. The establishment of a Human Rights Court to resolve gross human rights violations has been attempted by the Government based on Government Regulation in Lieu of Law No. 1 of 1999 on Human Rights Courts which was deemed inadequate, so it was not approved by the House of Representatives of the Republic of Indonesia to become a Law.

The Human Rights Court is a special court for gross human rights violations as stipulated in Law Number 26 of 2000 on Human Rights Courts.³³ What is meant by gross human rights violations are crimes of genocide and crimes against humanity. Cases of gross human rights violations require special measures of investigation, prosecution and examination. Human rights courts are also authorized to examine and decide cases of gross human rights violations committed outside the territorial limits of the Republic of Indonesia by Indonesian citizens. Human rights courts are not authorized to examine and decide cases of gross human rights violations committed by a person under the age of 18 (eighteen) years at the time the crime was committed. Furthermore, protection of human rights is provided through the establishment of the

³² Raihan Hudiana and Heru Susetyo, 'Law and Human Right Protection of Outsourcing Labour Law Number 13 of 2003', in *Advances in Economics, Business and Management Research. 3rd International Conference on Law and Governanca (ICLAVE 2019)* (Atlantis Press, 2020), cxxx, 197–204 <https://doi.org/10.2991/aebmr.k.200321.026>

³³ Yuwanda Tri Maryoga, 'Hak Asasi Manusia Di Meja Hijau: Kritis Atas Pengadilan Hak Asasi Manusia Di Indonesia', *Jurnal Lex Scientia Law Review*, 2.2 (2018), 241–48. <https://doi.org/10.15294/lesrev.v2i2.27588>



National Human Rights Commission and Human Rights Court as well as the Truth and Reconciliation Commission. The Truth and Reconciliation Commission to be established by law is intended as an extra-judicial institution established by law that is tasked with upholding the truth by revealing abuses of power and human rights violations in the past, in accordance with the provisions of applicable laws and regulations and carrying out reconciliation in the perspective of the common interest as a nation. The Law on Human Rights Courts is expected to protect human rights, both individuals and communities, and become the basis for enforcement, legal certainty, justice, and a feeling of security for individuals and communities, against gross human rights violations.

In addition to the human rights law and the law on human rights courts, Indonesia also has various legal products on human rights, including: Law Number 8 Year 1981 on the Criminal Procedure Code, Law Number 9 Year 1998 on Freedom of Expression in Public, Law Number 13 Year 2003 on Employment, Law Number 23 Year 2004 on the Elimination of Domestic Violence, Law Number 14 Year 2008 on Public Information Disclosure, Law Number 40 Year 2008 on the Elimination of Racial and Ethnic Discrimination, Law Number 32 Year 2009 on the Environment, Law Number 16 Year 2011 on Legal Aid, Law Number 35 Year 2014 on the Amendment of Law Number 23 Year 2002 on Child Protection, Law Number 18 Year 2017 on the Protection of Indonesian Migrant Workers. The Government of Indonesia has the obligation and responsibility to respect, protect, uphold and promote human rights as stipulated in this Law, other laws and regulations and international human rights laws that have been accepted by Indonesia. The obligations and responsibilities are implemented by the Government of Indonesia through effective implementation measures in the legal, political, economic, social, cultural, national security defense, and other fields, including by participating in world commitments to the SDGs.

The characteristics of a civilized society means upholding human values and teaching to respect human dignity and guarantee human rights.³⁴ The promotion, respect and protection of human rights are the basic pillars of the rule of law. Indonesia, as a country that recognizes itself as a state of law, has also recognized the importance of human rights enforcement in the national legal apparatus. At least, this can be seen from the special provisions related to human rights in the 1945 Constitution, the enactment of Law Number 39 Year 1999 on Human Rights, and the ratification of various international rules and conventions related to human rights into national law. This condition shows that Indonesia has made the enforcement and protection of human rights in the life of the nation and state. A product of Indonesia's New Order regime, *Komnas HAM* was first established in 1993 pursuant to Presidential Decree Number 50 of 1993 on the National Human Rights Commission 38 as a result of increased international criticism of Indonesia's human rights history and the Indonesian Government's Openness Policy of Liberalization. After the end of the New Order in May 1998, the newly-appointed Reformation government viewed it necessary to repair Indonesia's human rights record. A crucial step taken by the government was strengthening the independence and broadening the powers of

³⁴ Zico Junius Fernando, Pujiyono, and Nur Rochaeti, 'Telaah Pasal Penghinaan Terhadap Presiden Dan Wakil Presiden Di Indonesia', *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 11.1 (2022), 135–51 <https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/826/292>



Komnas HAM under Law Number 39 of 1999 on Human Rights. The 1999 Human Rights Law officially enshrined the status of *Komnas HAM* as an independent body co-equal to other governmental institutions and is the prevailing law containing the structure, powers, and functions of *Komnas HAM*. The above-mentioned structure, powers, and functions will be laid out below.³⁵ Indonesia is the only country in Southeast Asia that has three National Human Rights Institutions, which are the National Commission on Human Rights (*Komnas HAM*), the National Commission on Women (*Komnas Perempuan*), and the National Commission on Child Protection (KPAI). *Komnas Perempuan* and KPAI has different positions with regard to *Komnas HAM*. Although the name is the National Commission; however, these Commissions have been unable to improve the protection and enforcement of human rights in Indonesia. *Komnas HAM* has “more power” “in terms of position as an independent institution as the National Human Rights Institution” (NHRIs).³⁶ This shows that, both de facto and de jure, Indonesia has paid attention to human rights.

In various legal products that contain protection of human rights, especially for vulnerable people, continue to emerge, including legal rules for the protection of children through Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 concerning the Child Criminal Justice System. Strengthening the protection of persons with disabilities through Law 8 of 2016 on Persons with Disabilities aimed at fulfilling equal opportunities for persons with disabilities in all aspects of state and community administration, respect, protection, and fulfillment of the rights of persons with disabilities, including the provision of accessibility and proper accommodation. the regulation of the implementation and fulfillment of the rights of persons with disabilities aims to realize a higher quality, just, physically and mentally prosperous, and dignified standard of living for persons with disabilities.

Furthermore, the strengthening of protection against sexual violence through Law Number 12 of 2022 on Criminal Acts of Sexual Violence which regulates the Prevention of all forms of Criminal Acts of Sexual Violence, Handling, Protection, and Restoration of Victims' Rights; coordination between the Central Government and Regional Governments and international cooperation so that the Prevention and Handling of Victims of sexual violence can be carried out effectively. In addition, it also regulates the involvement of the community in the prevention and recovery of victims in order to realize environmental conditions that are free from sexual violence. Not only that, Indonesia is also slowly revising laws whose implementation threatens human rights, Law Number 32 of 2009 on Environmental Protection and Management on anti-SLAPP (Strategic Law Suit Against Public Participation) to provide impunity for lawsuits or counterclaims (civil) and/or reporting to the police (criminal) filed by business actors against the public (victims) or environmental rights defenders who criticize or file objections as a form of public participation in the business activities of business actors suspected of causing environmental

³⁵ Iman Prihandono, Nadirsyah Hosen, and Keely Boom, ‘Komnas Ham’S Human Rights Jurisdiction Over Businesses Involved in the Haze Crisis’, *Indonesia Law Review*, 11.1 (2021), 45–72 <https://doi.org/10.15742/ilrev.v11n1.692>

³⁶ Inosentius Samsul, ‘Strengthening Komnas HAM and Building Synergies with Other National State Institutions on Human Rights BT - National Human Rights Institutions in Southeast Asia: Selected Case Studies’, in *National Human Rights in Southeast Asia*, ed. by James Gomez and Robin Ramcharan (Singapore: Springer Singapore, 2020), pp. 163–81 https://doi.org/10.1007/978-981-15-1074-8_8



pollution/damage, Law Number 1 of 2024 on Amendments to Law Number 11 of 2008. The Information and Electronic Transaction Law 2024 amends several provisions in Law 11 of 2008 on Electronic Information and Transactions that previously threatened freedom of expression and opinion. As a form of protection for children and women, revisions have been made to the minimum age requirement for women to be able to marry through Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage which accommodates changes in the norms in Law Number 1 of 1974 concerning Marriage that reach the age limit for marriage, the improvement of norms reaches by increasing the minimum age limit for marriage for women. In this case, the minimum age of marriage for women is equalized with the minimum age of marriage for men, namely 19 (nineteen) years. The age limit is considered to be mature in body and soul to be able to enter into marriage in order to realize the purpose of marriage properly without ending in divorce and get healthy and quality offspring. It is expected that an increase in the age limit higher than 16 (sixteen) years for women to marry will result in a lower birth rate and reduce the risk of maternal and child mortality. In addition, children's rights can also be fulfilled so as to optimize child development including parental assistance and provide children with access to the highest possible education.

In the context of criminal law which often intersects with human rights, Indonesia through Law Number 1 of 2023 concerning the Indonesia's Criminal Code is also undergoing reform. The paradigm of regulating the death penalty as an alternative punishment is progress in contributing to the right to life as part of human rights. 2016 was the last year that Indonesia carried out executions of convicts, this shows that de facto Indonesia is starting to abandon the death penalty.³⁷ Furthermore, Indonesia continues to strengthen the protection of human rights in its legislation. Rules on strengthening human rights mainstreaming in the formation of laws and regulations are also updated through the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2024 concerning Guidelines for Mainstreaming Human Rights in the Formation of Legislation to replace the Regulation of the Minister of Law and Human Rights Number 24 of 2017 concerning Guidelines for Human Rights Content in the Formation of Legislation. This mainstreaming is a strategy built to integrate and harmonize human rights principles and values in national regulations to realize respect, protection, fulfillment, enforcement, and promotion of human rights in Indonesia.

Before discussing Indonesia's challenges in safeguarding human rights for sustainable development goals, this section will discuss in general the challenges of protecting human rights in Indonesia. Human rights protection in Indonesia often receives criticism both nationally and globally. Based on the 2023 Human Rights Index released in December 2024, Indonesia scored 3.2 on a scale of 1-7. This score shows a decrease of 0.1 points from 2022 which was 3.3.³⁸ The decline in the human rights index shows that although de facto and de jure, Indonesia has paid attention to

³⁷ Ahmad Mukhlis Fariduddin, Nicolaus Yudistira, and Dwi Tetono, 'Imposition of The Death Penalty for Corruptors in Indonesia from A Utilitarian Perspective', *Integritas : Jurnal Antikorupsi*, 8.1 (2022), 1-12 <https://doi.org/https://doi.org/10.32697/integritas.v8i1.903>

³⁸ Setara dan Infid, *INDEKS HAK ASASI MANUSIA 2023 'Stagnasi HAM Menjelang Satu Dekade Jokowi'* (Jakarta, 2023).



human rights, however, in the context of implementation, human rights problems still arise.

A classic challenge for Indonesia in realizing human rights protection is the large number of unresolved cases of serious human rights violations in the past. In the issue of handling past serious human rights violations involving parts of authoritarian rulers, many of them were not resolved fairly by the existing system.³⁹ Indonesia has 12 past serious human rights violations acknowledged by the Indonesian Government in early 2023, in fact not one has been processed by the Attorney General's Office for trial in the Human Rights Court. Protection of human rights in Indonesia is not yet optimal, including social and political rights. Protection of the right to life as part of human rights is carried out by various countries in the world by abolishing the death penalty. In Indonesia, although there has been progress in regulating the death penalty through criminal law reform,⁴⁰ court decisions containing the death penalty still exist after the ratification of the Indonesian Criminal Code 2023. This fact shows that the 2023 Criminal Code paradigm has not been fully followed by law enforcement officials at the implementation level. Even though the Indonesian Criminal Code 2023 will come into effect in 2026.

SETARA Institute monitoring data shows that cases of violations of freedom of religion and belief in the period from January to June 2023 increased significantly compared to the number of cases that occurred in the same period in 2022, namely 155 cases in 2023 and 90 cases in 2022. Incidents of disturbance to places of worship are the most frequently reported every year. Based on the KontraS report 2024, during the period June 2022 to May 2023, 54 incidents of torture were found. Apart from still experiencing turmoil in the protection of human rights, human rights challenges are also still faced by Indonesia's low corruption perception index. On January 30 2024, Transparency International launched the Corruption Perception Index (CPI) 2023 which shows that Indonesia is at a score of 34/100 and is ranked 115th out of 180 countries surveyed in 2023. The stagnation of the CPI score in 2023 shows the response to corrupt practices still tends to progress slowly and even continues to get worse due to the lack of real support from stakeholders. In fact, it is impossible to realize the SDGs without eradicating corruption which has been robbing human rights.⁴¹

Even though de facto and de jure, Indonesia has paid attention to human rights, however, in the context of implementation, even though Indonesia has ratified and implemented human rights instruments, human rights problems still arise. Based on several literature studies, problems in handling human rights cases in Indonesia are

³⁹ Aulia Rosa Nasution, 'Penyelesaian Kasus Pelanggaran HAM Berat Melalui Pengadilan Nasional Dan Internasional Serta Komisi Kebenaran Dan Rekonsiliasi Bentuk Peraturan Tertulis Pertama Kali Kerajaan Inggris Yang Menyebutkan Dan Dapat Dimintai Pertanggungjawaban Charta Ini Menjad', *Mercatoria*, 11.1 (2018), 90–126. <https://doi.org/10.31289/mercatoria.v11i1.1509>

⁴⁰ Gisella Tiara Cahyani and others, 'Analisis Hukuman Mati Di Indonesia Dalam Perspektif Hak Asasi Manusia Dan Alternatif Penegakan Hukum', *Jurnal Universitas Muhammadiyah Jakarta*, 7.1 (2023), 167–84 <https://jurnal.umj.ac.id/index.php/al-qisth/article/download/17202/9074>

⁴¹ Bambang Sugeng Rukmono, Pujiyono Suwadi, and Muhammad Saiful Islam, *The Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption*, *Journal of Human Rights, Culture and Legal System*, 2024, iv <https://doi.org/10.53955/jhcls.v4i2.259>



influenced by the technical preparation and implementation of certain human rights mechanisms at the national and sub-national levels, as well as the intervention of interested parties. This problem always leads to the issue of fulfilling human rights,⁴² including being a challenge to realizing SDGs 16.

Indonesia's commitment to improving the protection of human rights is also marked by its participation in the SDGs. The Government of Indonesia has shown seriousness of intent to carry out the achievement of the SDGs. There are three indications of the Indonesian Government's seriousness. First, the government has created a legal framework in the form of a Presidential Regulation on the SDGs. Second, substantially, the 17 goals in the SDGs have relevance to the President's Nawacita at that time so that efforts to achieve the SDGs become programs in the National Medium-Term Development Plan (RPJMN) and some have even become the Government's priority programs. Third, the SDGs Implementation Team has been formed at the national level. Over the past four years, significant progress has been seen. Indonesia's ranking in achieving SDGs jumped from 102nd position in 2019 to 75th in 2023. This is a big jump, with 76 percent of SDGs indicators in Indonesia having been achieved.⁴³ In achieving the SDGs global goals, Indonesia has stipulated Presidential Decree Number 111 of 2022 concerning the Implementation of Achieving the Sustainable Development Goals.

This Presidential Decree sets the national SDGs targets in 2024 referring to the global targets of the SDGs in 2030 and the national targets of the national medium-term development plan in 2020-2024. The Presidential Regulation is intended to accelerate the achievement of targets by all stakeholders both at the central level, namely ministries / institutions, and at the regional level, namely the Regional Government in preparing, implementing, monitoring and evaluating the National SDGs Action Plan together at the central and regional levels. This guideline is also a reference for Community Organizations, Philanthropy, Business Actors, Academics, and other stakeholders who will prepare SDGs planning, implementation, and monitoring and evaluation.

One of the goals in the plan is SDG 16, namely promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. There are two indicators for achieving the SDGs targets, namely strengthening national institutions to prevent violence and combat crime and terrorism as well as promoting and enforcing non-discriminatory and inclusive laws and policies.⁴⁴ SDG 16 stresses the need for strong

⁴² Komnas HAM Indonesia, 'Penegakan HAM Di Indonesia Belum Mengalami Kemajuan', *KOMNAS HAM RI*, 2020 <https://www.komnasham.go.id/index.php/news/2020/7/13/1480/penegakan-ham-di-indonesia-belum-mengalami-kemajuan.html> [accessed 21 January 2025].

⁴³ Pemerintah Indonesia, 'Indonesia Di Jalan Menuju SDGs 2030: Tantangan Dan Komitmen Pembangunan Berkelanjutan', *Portal Informasi Indonesia*, 2024 <https://indonesia.go.id/kategori/editorial/8618/indonesia-di-jalan-menuju-sdgs-2030-> [accessed 17 January 2025].

⁴⁴ Aries A. Arugay and Justin Keith A. Baquisal, *Accountability, Discourse, and Service Provision: Civil Society's Roles in Security Sector Governance and Reform (SSG/R) and Sustainable Development Goal-16 (SDG-16)*, *Accountability, Discourse, and Service Provision: Civil Society's Roles in Security Sector Governance and Reform (SSG/R) and Sustainable Development Goal-16 (SDG-16)*, 2024, xvi <https://doi.org/10.5334/bcy>



institutions that are built on respect for human rights, effective rule of law, and good governance at all levels. In the Presidential Decree on the Implementation of Achieving the SDGs which divides the global targets and the 2024 SDGs targets, especially in goal 16 of the SDGs, the following national achievements have been determined:

Table 2. Indonesia's SDGs Goals 2024

Global Goals	Indonesia's SDGs Goals 2024
Reduce All Forms of Violence & Mortality Everywhere	Increase in the percentage of people who feel safe walking alone to >60%
Stop Cruel Treatment, Exploitation, Trafficking, & All Forms of Child Abuse & Torture	Decrease in the number of children aged 13-17 years who experience violence
Promote Rule of Law at National & International Level and ensure Equal Access to Justice.	<ul style="list-style-type: none"> Percentage of poor people receiving legal aid litigation 81% & non-litigation 80% Percentage of poor people receiving legal aid, out of court hearings, waiver of court fees increased to 100%. Increased Access to Justice Index to 71-80%
Reduce Corruption and Bribery in All Forms	Increased Anti-Corruption Behavior Index to 4.14
Develop Effective, Accountable and Transparent institutions	<ul style="list-style-type: none"> Increased Percentage Score of Government Agencies related to Performance Accountability of Ministries & Provinces to 100%, Districts / Cities 80% Increased Percentage of Bureaucracy Reform Index of Ministry 100%, Province 85%, Regency/City 70% Increased Number of Government Agencies with Public Service Compliance Levels
Ensure Responsive, Inclusive, Participatory and Representative Decision Making	<ul style="list-style-type: none"> Increased percentage of women's representation in the House of Representatives 22.52%, Provincial DPRD 20%, Regency/City DPRD 17% Increased IDI Score on Capacity of Democratic Institutions to 80.23% Increased IDI Freedom Score to 84% Increased IDI Equality Variable Score to 80.47%
Expand & Increase Participation of Developing Countries in global governance institutions	Increased number of forums led by Indonesia at regional & multilateral levels by 16 forums
By 2030, provide legal identity for all including birth registration	<ul style="list-style-type: none"> Increased proportion of children under 5 years of age whose births are recorded by civil registration agencies to 100% Increased Birth Certificate Ownership 0-17 years to 100%
Ensure Public Access to Information & Protect Fundamental Freedoms	<ul style="list-style-type: none"> Implementation of the handling of gross human rights violations through the fulfillment of victims' rights Increasing the number of informative public agencies to 90 Public Bodies Increased number of public information dispute settlements
Strengthen relevant National Institutions, including through international cooperation, build capacity in developing countries to prevent violence, terrorism, & crime	The realization of human rights enforcement with the availability of an independent national human rights institution in line with the Paris Principles.
Promote & Enforce non-discriminatory laws and policies for SDGs	Issuance of 40 recommendations & harmonization of policies for the protection & promotion of women's rights with a victim's perspective by 2024.

Source: Presidential Decree Number 11 of 2022

The table above shows that Indonesia's efforts to safeguard human rights to achieve sustainable development goals, especially in realizing Goals 16 SDGs, are facing the



achievement of predetermined targets. Based on the 2023 SDGs Report⁴⁵ released by the Indonesian National Development Agency, there are still many children aged 0-5 years who do not have birth certificates, which is a requirement to access public services. In fact, access to public services is a daily need for society, which means that failure to fulfill this right to identity will affect the fulfillment of other human rights. The indicator of access to justice, which is an effort to restore rights and resolve legal problems, is in the sufficient category. The low access to justice is influenced by various human rights violations that occurred during 2022. The level of independence of the Indonesian press is in a fairly free position. Referring to AJI (Indonesian Journalists Alliance) data for 2022, there are still 97 journalists and 14 media organizations who were targets of attacks. On the Anti-Corruption Behavior Index, Indonesia claims to have experienced an increase approaching number 5, which indicates that society is increasingly behaving anti-corruption. This Anti-Corruption Behavior Index is based on the Indonesian Central Statistics Agency. Indicators regarding women's participation in Indonesian government are targets for the 2024 Indonesian SDGs. Women's participation in Indonesian government target is faced with the reality that the derogation of the right to participate in government is also reflected in the electoral process leading to the 2024 elections. Even though nationally the representation of women in legislative candidates (candidates) for the DPR RI from all political parties is above 30%, in fact, from 84 electoral districts there are members of the DPR and 18 political parties participating in the election, only one political party meets the requirement of 30% female representation on all permanent legislative candidate lists in 84 electoral districts. Meanwhile, 17 other political parties did not reach the 30% requirement for all DCTs in 84 electoral districts (Civil Society Coalition Concerned with Women's Representation, 2023). This fact reflects that the minimum requirement of 30% women's representation is just rhetoric and only a checklist tool for women's involvement, but does not really provide room for substantive participation for women to fight for women's rights so that they are accommodated in various policy plans that will be formulated in parliament.⁴⁶

A number of challenges in achieving Indonesia's SDGs also occur at the global level. Based on the SDGs Report 2024 released by the United Nations, corruption continues to divert resources from sustainable development, with one in five people reporting being asked to pay or having paid a bribe to a public official in the last 12 months. With one third of unsentenced prisoners worldwide, achieving just judicial processes and improving prison conditions is imperative. As we know, based on Transparency International's publication of the Corruption Perception Index, Indonesia has a score of 34/100 and is ranked 115th out of 180 countries surveyed in 2023.⁴⁷ The stagnation of the CPI score in 2023 shows that the response to corrupt practices still tends to be

⁴⁵ Bappenas, *Laporan Pelaksanaan Pencapaian Tujuan Pembangunan Berkelanjutan, 2023*, 2023, 01 <https://sdgs.bappenas.go.id/website/wp-content/uploads/2023/11/Laporan-tahunan-SDGs-2023.pdf>

⁴⁶ Setara dan Infid.

⁴⁷ Transparency International Indonesia, *Indeks Persepsi Korupsi: Pemberantasan Korupsi Kembali Ke Titik Nol* (Jakarta, 2024) <https://transparansi.id/indeks-persepsi-korupsi-2023-pemberantasan-korupsi-kembali-ke-titik-nol/>



slow. in fact, it continues to worsen due to the lack of real support from stakeholders.⁴⁸

SDGs Report 2024 also reports that the global prison population rose from 11.1 million in 2015 to 11.5 million in 2022, a growth rate slower than that of the world population as a whole. As a result, the prisoner-to-population rate decreased from 150 prisoners per 100,000 population in 2015 to 144 per 100,000 in 2022. Central and Southern Asia had the lowest rates at 54 per 100,000, while Latin America and the Caribbean had the highest at 277 per 100,000. Access to justice is a fundamental human right. In 2022, however, nearly a third (3.5 million) of the global prison population was held in pretrial detention, a share that remained stable between 2015 and 2022. While most regions showed some improvements, Central and Southern Asia saw a worrying rise; almost 60 per cent of prisoners were held unsentenced. Overcrowding in prisons operating at over 100 per cent of intended capacity was a concern in half of countries with data. This issue was particularly severe in Latin America and the Caribbean and sub-Saharan Africa, where over three quarters of countries reported overcrowding. Globally, one in five countries operates prisons at over 150 per cent of intended capacity, with documented harm to health and higher rates of mortality. Overcrowded prisons are also a challenge for Indonesia in realizing SDGs 16. The overcapacity of correctional institutions will even reach up to 89% in 2024.⁴⁹ This number has continued to increase since 2023, where the number of prison and detention center inmates reached 269,263, even though there are 526 prisons and detention centers in The whole of Indonesia can only accommodate 140,424 people. Overcrowded prisons occur in all correctional institutions in Indonesia.

Based on several literature studies, problems in handling human rights cases in Indonesia are influenced by the technical preparation and implementation of certain human rights mechanisms at the national and sub-national levels, as well as the intervention of interested parties. This problem always leads to the issue of fulfilling human rights.⁵⁰ Respect for human rights is the basis for achieving the SDGs. Apart from having to continue making improvements and strengthening to protect human rights, Indonesia faces many challenges in protecting human rights, even though human rights are a fundamental need that must be met based on the SDGs criteria. Nevertheless, the Indonesian Government continues to design improvement strategies to support the achievement of the SDGs. The government also realizes that achieving the SDGs cannot be done alone. Partnerships with universities, educational institutions and the private sector are one of the keys to success. Universities, for example, play an important role in providing research and innovation that supports SDGs goals. Contribution of educational institutions in developing quality human resources, as well as creating innovations that are relevant for sustainable development.

⁴⁸ Eko Suprihanto, Yos Johan Utama, and Irma Cahyaningtyas, 'Reformulasi Pemberantasan Korupsi Di Indonesia: Perspektif Kepolisian Menghadapi Korupsi Sebagai Ancaman Perang Proksi', *Jurnal Pembangunan Hukum Indonesia*, 5.1 (2023), 204–19 <https://doi.org/10.14710/jphi.v5i1.204-219>

⁴⁹ Usman Usman, Bahder Johan Nasution, and Elizabeth Seregar, 'Over Kapasitas Lembaga Pemasyarakatan Dalam Perespektif Kebijakan Hukum Pidana', *Wajah Hukum*, 4.2 (2020), 436 <https://doi.org/10.33087/wjh.v4i2.256>

⁵⁰ Lukman Hakim and Nalom Kurniawan, 'Membangun Paradigma Hukum HAM Indonesia Berbasis Kewajiban Asasi Manusia', *Jurnal Konstitusi*, 18.4 (2022), 869 <https://doi.org/10.31078/jk1847>



Australia's Experience of Human Rights to Achieve Sustainable Development Goals

The Australian Constitution has several protected rights such as the right to vote and the right to equal treatment, however these rights are limited and do not provide comprehensive space in the protection of human rights, so in William's view.⁵¹ The Australian Constitution does not have a solid structure and suggests the need for a specific Human Rights Act. However, in practice, the Australian government continues to ensure that human rights standards set out in international conventions, both binding and non-binding, are complied with and enforced in domestic law through ratification. Apart from the Universal Declaration of Human Rights and the Declaration on the Rights of Indigenous Peoples, Australia is also a party that has ratified seven major international agreements on human rights, namely ICCPR, ICESCR, CRC, CEDAW, CRPD, CERD and CAT. However, in general, Australia will not bind itself to international agreements unless they are in line with domestic regulations, even international agreements related to Human Rights are signed and binding, but when an international convention is ratified, the justice system can ensure that these rights are not overruled either. with state and territorial regulations.⁵²

Even though the majority of international agreements related to Human Rights are signed and binding on Australia, these are not necessarily promulgated in national law unless the agreement specifically stipulates that they must be promulgated through legislation, some national laws even existed before the international agreement was made, such as the Convention on the rights of people with disabilities 2006 is a reflection of the Australian regulations the Disability Discrimination Act 1992. According to William⁵³, Human Rights are very important in the development of the law and constitutional system, because in their application rights that are important to Australia can be widely identified and established.⁵⁴ Australia was a founding member of the United Nations and an original signatory to the Universal Declaration of Human Rights in 1948. For over 75 years, Australia has been a strong advocate for the promotion and protection of human rights, especially in the context of advancing human rights in the Indo-Pacific region. Australian commitment to human rights reflects national values that are deeply embedded in Australian society and our respect for democracy and the rule of law. It also underpins the way we have always engaged with the international community with active, practical advocacy, sensitivity and fairness, and a willingness to speak out against human rights violations and abuses. Australia advancing human rights globally through our bilateral relationships, development assistance and engagement with civil society, as well as our engagement in regional and multilateral fora, including the United Nations (UN) Human Rights Council (HRC) and the Third Committee of the UN General Assembly.

In an effort to protect human rights, a global agenda has been set in the SDGs. SDGs is a global plan to carry out sustainable development by 2030 through 17 goals

⁵¹ National Research Council, *Our Common Journey: A Transition Toward Sustainability (1999)*, The National Academies Press (Washington DC: The National Academies Press, 1999) <https://doi.org/10.17226/9690>

⁵² Elizabeth Handsley and George Williams, 'Human Rights under the Australian Constitution', *AQ: Australian Quarterly*, 73.2 (2001), 34 <https://doi.org/10.2307/20637991>

⁵³ Handsley and Williams.

⁵⁴ Justin Healey, *Human Rights in Australia* (Canberra: The Spinny Press, 2018).



by providing guidance for overcoming challenges that have existed from generation to generation.⁵⁵ SDGs are closely related to the protection of human rights because they have the same goal, namely ensuring that individuals obtain their rights without discrimination. The 2030 agenda also emphasizes that sustainable development in the SDGs requires countries to respect, defend and support the protection of human rights.⁵⁶ One of the goals in the plan is SDG 16, namely promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. There are two indicators for achieving the SDGs targets, namely strengthening national institutions to prevent violence and combat crime and terrorism as well as promoting and enforcing laws and policies that are non-discriminatory and inclusive.⁵⁷ SDGs, especially Goal 16, have great potential to complement the human rights regime, even the UN Economic and Social Commission for the Asia Pacific (ESCAP) stated that the goals in SDG 16 provide a framework that can fundamentally accelerate the implementation of other SDGs. Apart from that, the ASEAN government also agreed that SDG 16 is the goal that is most directly related to the protection of human rights, especially in implementing the new agenda of the UN Assembly in 2015 regarding respect for the General Declaration of Human Rights and international instruments related to human rights and international law.⁵⁸

SDGs can be view as a social movement, a group of people with a common ideology who try together to achieve certain general goals.⁵⁹ Sustainable development is a concern that is applied in the policy objectives and political patterns of the Australian government through legislation and policy initiatives from the federal government. In the mid-1990s, the government published a paper entitled "Ecological Sustainable Development" which compiled normative aspects that emphasized the government's authority in regulating individual lives. This paper states that the government has a duty to ensure that people's quality of life increases in terms of income, consumption of goods and services, the environment, social justice and individual freedom.⁶⁰ This is related to the government's commitment to establishing various efforts to implement Australian policies and strategies, including implementing

⁵⁵ Yizhong Huan and others, 'A Systematic Method for Assessing Progress of Achieving Sustainable Development Goals: A Case Study of 15 Countries', *Science of the Total Environment*, 752 (2021), 141875 <https://doi.org/10.1016/j.scitotenv.2020.141875>

⁵⁶ Robin Ramcharan, 'SDG 16 and the Human Rights Architecture in Southeast Asia: A Complementary Protection Process', *Journal of Human Rights*, 20.2 (2021), 228–44 <https://doi.org/10.1080/14754835.2020.1841609>

⁵⁷ Arugay and Baquisal, xvi.

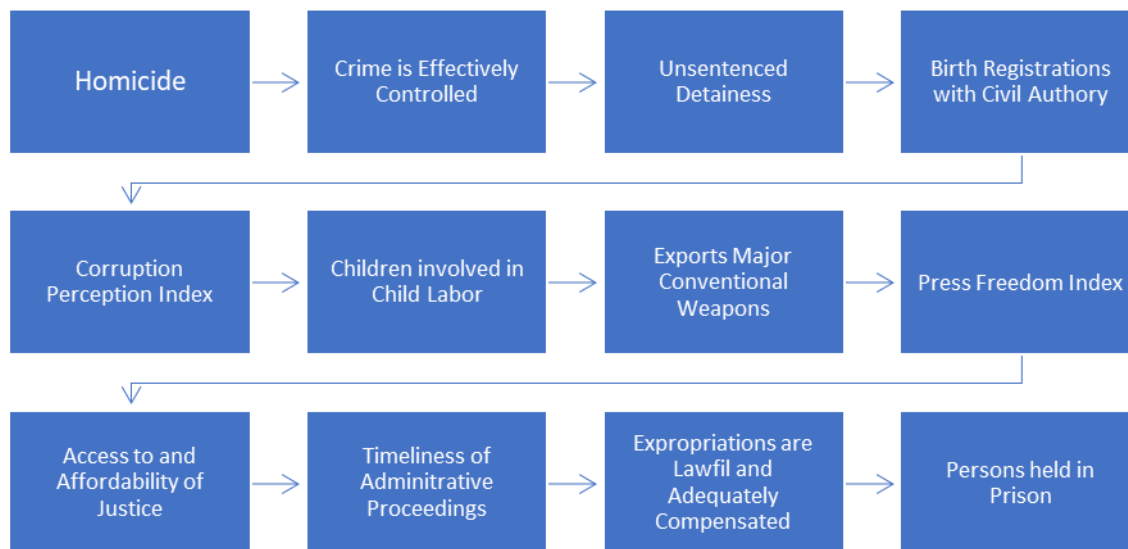
⁵⁸ Ramcharan.

⁵⁹ Patricia Borchert and Duluth Mary Zellmer-Bruhn, *What Is Sustainable Development? Goals, Indicators, Values, and Practice*, *Journal of Allergy and Clinical Immunology*, 2010, cxxx <https://dx.doi.org/10.1016/j.jaci.2012.05.050>

⁶⁰ H. Endre, 'Legal Regulation of Sustainable Development in Australia: Politics, Economics or Ethics?', *Natural Resources Journal*, 32.3 (1992), 487–514. <https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1963&context=nrx>

the SDGs.⁶¹ Implementation of strategies to realize SDGs in Australia. Australia sets several indicators in SDGs 16.

Grafik. 1 Australia's Indicators SDGs 16



Source: Australia's SDGs Index, 2024

Australia has a national target indicator SDGs 16 which focuses on guaranteeing the right to life through reducing the murder rate, controlling crime effectively, Unsentenced Detainees, Access to and Affordability of Justice, Press Freedom Index, Corruption Perception Index, Timeliness of Administrative Proceeding, Expropriations are Lawful and Adequate Compensated, and Persons held in Prison.

Each country can have different national indicators with the same global SDGs goals. Australia set the homicide indicator due to the fact that the high rate of homicide indicates a threat to vulnerable people. The number of intentional homicides per 100,000 people. Intentional homicides are estimates of unlawful homicides purposely inflicted as a result of domestic disputes, interpersonal violence, violent conflicts over land resources, intergang violence over turf or control, and predatory violence and killing by armed groups. Intentional homicide does not include all intentional killing, such as killing in armed conflict. A good example of National Human Rights Institution Australia (NHRI) systemic action aimed at combating all forms of violence, including in addressing sexual harassment, is the Australian Human Rights Commission, which conducted a national survey to investigate the prevalence, nature and reporting of sexual harassment in Australian workplaces and society in greater detail. wide.⁶² The 2018 survey was conducted online and by telephone with a sample of more than 10,000 Australians. The report revealed that one in three people (33 percent) had experienced sexual harassment at

⁶¹ Jeffrey D Sachs, Guillaume Lafortune, and Grayson Fuller, 'Australia's Sustainable Development Report 2024', *Sustainable Development Solutions Network*, 2024, pp. 1–512 <https://dashboards.sdindex.org/profiles/australia/indicators> [accessed 23 January 2025].

⁶² Luka Glušac, *Leaving No One Behind, Leaving No One Unaccountable: Ombuds Institutions, Good (Security Sector) Governance and Sustainable Development Goal 16* (London: Ubiquity Press London, 2023) <https://doi.org/10.5334/bcw>



work in the last five years. In response to the survey, the Australian Sex Discrimination Commission announced an unprecedented National Inquiry into sexual harassment. These efforts indicate achieving the SDGs calls for a strong web of institutions and partnerships.

In the context of guaranteeing the right to life as a basic human right, Australia's commitment to human rights is enduring. Australia's last execution took place in February 1967. Six years later, the Commonwealth Parliament passed the Death Penalty Abolition Act 1973 (Cth) (1973 Act). Similar State legislation outlawed the practice in the remaining Australian jurisdictions. On 11 March 2010, with bipartisan support, the Commonwealth Parliament passed the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010 (Cth). This Act amends the 1973 Act to extend the current Commonwealth prohibition on the death penalty to all States and Territories. This forecloses the possibility of any individual State jurisdiction reintroducing the death penalty. The death penalty affects cooperation with foreign law enforcement agencies and the provision of police assistance or other forms of justice and security in countries where the death penalty is still implemented. For example, Australia cannot extradite someone to a country where the offense is punishable by death. Exceptions may apply if the foreign government requesting assistance provides credible and reliable diplomatic assurances stating that the death penalty will not be imposed or, if imposed, the death sentence will not be carried out. Australia's specific goals are to increase the number of abolitionist countries, increase the number of countries with moratoriums on the use of the death penalty, and increase the commutation of existing death sentences, reducing the number of executions and the number of crimes punishable by death, particularly for offenses that do not meet the threshold 'most serious crime' under the Convention on the International Covenant on Civil and Political Rights, ending the use of the death penalty against pregnant women, people under the age of 18 at the time of the offense, and people with mental or intellectual disabilities.

Governance is Australia's largest sector investment. Strategic direction Australian investments are tailored to each local context. They support local leadership, foster accountable and inclusive governance policies and practices, improve access to basic services and support businesses to thrive. Australia partners with public institutions such as parliaments, audit and law enforcement agencies, elections, as well as multilaterals, civil society and private sector organizations. To measure Australia's success in eradicating corruption, Australia uses the results of measuring the corruption perception index from Transparency International. This is different from Indonesia. Indonesia uses the Anti-Corruption Behavior Index (IPAK) as a reference for success in achieving the SDGs 16 target. The IPAK measurement is carried out by the Indonesian Central Statistics Agency to measure the level of society's permissiveness towards corrupt behavior. The government must have an objective measuring tool for the success of the SDGs. This is important to get real results from the SDGs program being implemented so that SDGs achievement does not become a false and vague celebration. The SDGs provide a comprehensive and integrated framework of targets and indicators to support national planning and reporting until 2030. Interest in the SDGs is increasing, as seen by the emergence of a series of data-based assessments of progress, gaps and opportunities to achieve the SDGs. Despite growing momentum,



few national governments have completed evidence-based assessments of their progress.⁶³

Overcrowded prisons are also a challenge for Australia in realizing SDGs 16. Overcrowded Prison in Australia is increasing, according to the Inspector General of the State of Victoria, safe and efficient use and utilization of prison space is 95% and use above this will jeopardize the ability of prisons to manage land safely and humanely.⁶⁴ In 2023 data, the prison utilization rate in Australia is quite high, reaching 85 percent to 115 percent, growing by 355 percent since 1985 and making Australia the third largest prison growth rate among 38 OECD countries.⁶⁵ However, overcrowding in prisons can cause the human rights of prisoners to be disturbed. Prison density exceeds capacity and it has even been observed by the Greenough regional prison in Western Australia that when several inmates sleep in prison cells designed for only one person, the movement of the person inside is very limited, this kind of violation of privacy rights is fundamentally degrading to humans.⁶⁶ This is also in line with the Revised Standard Guidelines for Corrections in Australia which states that Where prisoners are accommodated in multiple cells or residential rooms, prisoners should be carefully selected as suitable for getting along with each other in those conditions. Special care must be taken to avoid detainees becoming targets for intimidation or bullying.⁶⁷

In Australia, a non-custodial sentence (non-custodial disposition) is known as a "Community Correction Order (CCO)". In 2014 the Victorian court of appeal was asked by the Director of Public Prosecutors to provide guidance to courts on whether CCO could be used as an alternative to imprisonment. These guidelines conclude that CCOs can be used as punishment and promote rehabilitation, however this has received criticism and resistance because CCOs do not provide adequate punishment for serious offenses⁶⁸ Providing punishment does not mean just sending someone to prison, for example in Queensland there are several alternative sentences and penalties that can be given apart from prison, this is regulated in the Penalties and Sentences Act 1992 Queensland. The reform of Indonesian criminal law also regulates non-custodial forms in the form of supervision punishment and social work punishment as the main punishment in the Indonesian Criminal Code 2023. This non-custodial punishment is a response to overcrowded prisons in Indonesia which are increasingly worrying. Non-custodial law enforcement is in line with the target of SDGs 16 where the aim is to provide equal access rights for the community. SDG 16 represents the most innovative element in the development framework, calling for increasing government accountability, building trust in institutions, and maintaining

⁶³ Cameron Allen and others, 'Assessing National Progress and Priorities for the Sustainable Development Goals (SDGs): Experience from Australia', *Sustainability Science*, 15 (2020) <https://doi.org/10.1007/s11625-019-00711-x>

⁶⁴ Anita Mackay, *Australian Prisons: The Human Rights Implications*, 2015.

⁶⁵ Robert Klitgaard, 'Addressing Corruption Together', *The Development Assistance Committee: Enabling Effective Development*, 2015, 101 [https://www.oecd.org/dac/governance-peace/publications/FINAL Addressing corruption together.pdf](https://www.oecd.org/dac/governance-peace/publications/FINAL%20Addressing%20corruption%20together.pdf)

⁶⁶ Mackay.

⁶⁷ Australian Government, *Standard Guidelines for Corrections in Australia*, 2022, IV.

⁶⁸ Chris Maxwell, 'Non-Custodial Dispositions and the Politics of Sentencing', *Criminal Law Forum*, 28.3 (2017), 541–61 <https://doi.org/10.1007/s10609-017-9324-9>



peace. SDG 16 aims to promote peaceful and inclusive societies on respect for human rights, protection of most vulnerable people, the rule of law and good governance at all levels.⁶⁹

Although Australia appears stable in achieving the SDGs, Australia still has to work hard to achieve other targets. Further Government priority is Gender equality and empowering women and girls, with a strategy that is applicable across Australia's foreign policy, economic diplomacy and development efforts. Ending violence against women and girls is one of the Government's three main focuses under this priority.⁷⁰

CONCLUSION

Indonesia's commitment to protecting human rights is evident through the ratification of various national and international legal regulations. However, despite these efforts, violations of fundamental human rights persist, indicating gaps in enforcement and implementation. As part of its dedication to achieving the Sustainable Development Goals (SDGs), Indonesia has identified specific national targets related to human rights under SDG Goal 16, which focuses on peace, justice, and strong institutions. While Indonesia shares similarities with other nations, including Australia, in facing challenges related to the SDGs, it can draw valuable lessons from Australia's approach. Strengthening the localization of the SDGs—by tailoring global targets to align with local contexts and needs—can significantly enhance Indonesia's efforts. Additionally, developing objective measures to evaluate the progress and success of SDGs is essential. These measures would provide data-driven insights into progress, gaps, and opportunities, enabling the government to implement policies that are both relevant and effective. Such an approach ensures that human rights initiatives are integrated seamlessly with sustainable development strategies. By adopting these best practices, Indonesia can enhance its capacity to achieve SDG targets and advance human rights protection in a measurable and impactful way, addressing existing challenges while paving the way for long-term progress.

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⁶⁹ and others, 'Sustainable Development Perspectives of Romanian Justice System in the 2030 Agenda Context', *Management of Sustainable Development*, 15.2 (2023), 87–93
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⁷⁰ Sachs, Lafortune, and Fuller.



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