



Research Article

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Assessing the Conformity of Human Rights Paradigm in Indonesian Legislation and the Rulings of the Constitutional Court

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Abstract

The dominance of cultural relativism in the regulation of human rights in Indonesia and its influence on the decisions made by the Constitutional Court is believed to be caused by suspicion towards the individualistic nature of the universal paradigm of human rights. However, this paper examines the implementation of the human rights regulatory paradigm in Indonesia and the application of both paradigms in the Court's decisions through a normative juridical approach and document analysis. It concludes that the existing regulatory paradigm, including TAP XVII/MPR/1998, the 1945 Constitution, Law Number 39 of 1999, and the Court's decisions, tend to emphasize particularistic paradigms that justify restrictions on civil liberties and rights.

Keywords: *paradigm, human rights, laws, Constitutional court decision, Indonesia*

1. Introduction

The debate surrounding human rights has become a contentious issue, primarily regarding the paradigm of human rights, which is split between the universalism and cultural relativism paradigms (Smith, 2008). This disagreement has created a divide between Western countries, which prioritize universal human rights, and Eastern countries, which emphasize cultural relativism. These two paradigms have influenced the level of regulation and court decisions in Indonesia. While Western countries believe that human rights are inherent to individuals and must be respected by everyone, this concept is not always shared by Eastern and non-liberal countries, who view human rights as being influenced by community and state interests. These differing viewpoints will continue to exist, due to the varying understandings of human rights and culture (Donnelly, 2007). This disagreement is not only present at an academic level, but also affects laws and regulations surrounding freedom of religion, speech, expression, and marriage.

In Indonesia, the practice of freedom of religion has led to social conflicts in several areas such as Madura, Sampit, Banten, Bogor, Aceh Singkil, among others. Additionally, individuals exercising their freedom of expression have faced arrest, detention, and sentencing for violating laws on defamation, insult, and public order contained in the Information and Electronic Transactions Law and the Criminal Code. The controversy surrounding the regulation of human rights in various laws

and regulations in Indonesia and the deviation from their implementation has occurred since the post-New Order era and continues under the new constitution, which guarantees democracy, the rule of law, and human rights.

The sharp contrast in perspectives and their effect on the management and execution of human rights during that period prompted the creation of this document. The intention is to scrutinize the clauses and regulations of law created under a universal and particularistic framework and their practical repercussions. As such, this piece deals with three inquiries. Firstly, what is the methodology employed for governing human rights in regulations laws in Indonesia after the New Order? Secondly, what is the approach used for implementing human rights in the rulings of the Constitutional Court?.

Using a normative juridical approach and document analysis, this paper explores how the human rights regulatory paradigm has been implemented in Indonesia. It also examines how this paradigm has been applied in the Indonesian Constitutional Court's decisions. The research sheds light on the current state of human rights regulation in Indonesia and offers insights for future improvements.

2. Literature Review

Paradigm is a set of beliefs and assumptions that shape how people perceive and understand certain things. It establishes a framework for viewing things based on underlying assumptions, constituent elements, and the scope of what is being observed. The paradigm serves as a guide for determining what is relevant to a chosen phenomenon through a rational evaluation of certain concepts (Smith, 2008). Frifjof Capra (1991) describes a paradigm as a fundamental assumption that must be supported by evidence and shapes how scientific reality is interpreted. Similarly, Thomas Kuhn (1962) views paradigm as a combination of concepts, values, and techniques used by a community to assess the legitimacy of a problem and its solution. In brief, a paradigm refers to a conceptually structured framework comprising assumptions, values, and ideas that impact the human viewpoint, leading to actions in specific situations. Within the scientific community, debates abound among proponents of universal and specific paradigms regarding human rights as evidenced by conferences, literature, and the practical application of the rights. Supporters of universalism trust that human rights are applicable to all individuals globally, regardless of their location or circumstances.

These rights pertain to humans as a fundamental attribute inherent to their dignity, rather than derived from societal or legal dispensation (Donnelly, 2013). Furthermore, human rights are universally relevant, with equal applicability across all people and contexts (Steiner, et al. 2008). According to Rhoda E. Howard (2000), who is a sociologist and supporter of universalism, human rights are inherent rights that all individuals possess simply by being human. These rights are not open for denial or removal except through a fair legal process. The concept of human rights disregards differences in religion, gender, race, and sexuality and insists upon equal treatment for everyone. Universalism pertains to laws and principles, but not necessarily to practical application, which is emphasized by Howard's (2000) stance.

Alternatively, some believe that the concept of human rights is contextual rather than universal. This perspective originated from the Association of American Anthropologists' 1947 statement to the United Nations Human Rights Commission, in which they asserted that the previous human rights document would not be convincing to certain cultural groups. They argued that human rights cannot be based on specific cultural standards or the desires of particular groups (Mullerson, 2014). This cultural relativist theory goes against the theory of natural rights and suggests that human beings are influenced by their socio-cultural environment, leading to differences in opinions and perspectives regarding human rights. The concept of human rights being relative stems from the cultural relativist theory, which opposes the theory of inherent or natural rights. According to this theory, cultural factors shape human beings, leading to variations in opinions and attitudes towards human rights. These differences are caused by the diversity of cultural practices and customs (Donnelly, 1985).

Johann Gottfried von Herder argues that each nation has its own distinctiveness, which means that a universal value is a falsehood because what exists is only specific to a particular region and is contingent (Shestack, 2010). The Bangkok Declaration of 1993 asserts that while universal human rights are vital, they need to be interpreted while also taking into account the significance of various historical, cultural, and religious backgrounds of different regions and nations. Culture, concerning human rights, is perceived as something that is exclusive and does not permit overlap between various cultures. Any such overlap is seen as abnormal or anomaly (Singer, 1999).

The two paradigms resulted in four classification groups of understanding, which include the universal-absolute group, universal-relative group, particular-absolute group, and particular-relative group. According to Singer (1999), individuals in the universal-absolute paradigm view human rights as universal values stated in The International Bill of Human Rights without considering cultural differences across nations. Developed countries tend to hold this view, which some developing nations view as exploitative as they perceive it as a judgmental and pressuring tool.

The universal-relative perspective regards human rights as a problem that affects everyone, but certain caveats are dictated by global legal principles, as outlined in Article 29 subsection (2) of the Universal Declaration of Human Rights. This section affirms that individuals may only be subject to limitations as designated by laws, intended solely to safeguard the acknowledgement and admiration of the rights and freedoms of others, and to meet the ethical demands of morality, public order, and overall welfare in a democratic society when exercising their own rights and freedoms. The particularistic-absolute perspective considers human rights to be solely the responsibility of individual nations, without providing compelling reasons to reject international agreements. Such adherents are seen as selfish, defensive, chauvinistic, and passive when it comes to affirming human rights. On the other hand, the particularistic-relative perspective recognizes human rights as both universal and a national issue for each nation. In this view, the legitimacy of international agreements must be reconciled and balanced while gaining acceptance and incorporation into a nation's culture. This approach is not only defensive but also actively seeks to define and justify the principles of human rights it endorses.

3. Method

This paper used a normative legal method along with documented sources such as regulations, laws, Constitutional Court verdicts, and books to elucidate the paradigms of human rights and the legal framework surrounding them. It will also explore the attitudes and organizational factors that judges should consider towards the universality and specificity of such paradigms. The laws and regulations that were analyzed are: (1) The Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVII/MPR/1998 which pertains to Human Rights, (2) The 1945 Basic Law, and (3) The Human Rights Act of 1999. The Constitutional Court decisions which will be examined are the No. 065/PUU-II/2004 and No. 140/PUU-VII/2009. These three laws and two decisions have been selected as they are the key legal sources for regulating human rights. The basis for selecting the two Constitutional Court decisions is that they both reference the human rights articles in the 1945 Constitution as the basis for reviewing the constitutionality of the laws being assessed.

4. Results

4.1 *Universality and Particularity of Human Rights in Application*

Various countries are tackling the issue of specific universalism by attempting to modify the meaning of human rights to incorporate the range of local beliefs within a broader universal framework. A balance between the two must be established since an inflexible interpretation of the universality of human rights can supersede local customs and regulations (Donnelly, 2007). In the Asean region, for example, in 1984 a statement was declared (Bangkok declaration) regarding "basic obligations for the

people and governments of ASEAN countries" (The Association of Southeast Asian Nations) (Wignjosoebroto, 2003).

While the Bangkok Declaration acknowledges human rights as a universal concept, Asian representatives generally believe that the concept promoted by Western nations is not truly universal. Instead, they view it as a product of Western political culture that is not applicable to Eastern countries facing distinct economic, social, and political challenges. As a result, the Bangkok Declaration underscores the significance of considering historical, cultural, and religious context when comprehending and executing human rights principles.

A meeting was held in Cairo by representatives of Islamic countries to stress the Islamic version of universal human rights, which varies from the more individualistic and secular Western view. The Islamic perspective places a greater emphasis on theocentrism and regards human rights as a gift from God, which distinguishes it from the anthropocentric version. Those who subscribe to the theocentric perspective, like al-Mawdudi, view human rights as bestowed upon humans by God, who appointed them as His representatives on earth. Muslim individuals and leaders must provide acknowledgment, acceptance, and implementation of these rights, which are a fundamental part of the Islamic religion.

In Eastern beliefs, political culture plays a crucial role in implementing human rights, as every nation has its unique traditions and values which differ from one another. Therefore, what may be acceptable and desirable in one country may not be the same in another. According to Eastern political culture, the welfare of society as a whole takes priority over individual rights. On the other hand, African societies view "man" not as a detached individual but as an essential member of a community that values unity and cooperation (Okere, 1984). The importance of maintaining harmony is widely accepted, and conflict is viewed negatively as it can foster division and other detrimental outcomes. It is believed that if individual rights are prioritized over everything else, the government may fail in ensuring social harmony. This could lead to chaotic situations where different groups are pitted against each other, ultimately leading to the destruction of the entire nation (Munandar, 1994). Therefore, discussing the Western origins of human rights can be a sensitive topic nowadays (Arkoun, 1994).

Suharto, Mahathir Muhammad and Lee Kuan Yew are three prominent Asian political figures who strongly advocate for human rights, although this stance can be seen as politically motivated and opposed to the Western liberal ideology of human rights universality. The issue of human rights universality has been debated in Indonesia since the country's founding fathers discussed including it in the 1945 Constitution. This occurred during a meeting of the Indonesian Independence Preparatory Enterprises Agency (BPUPKI), where Soekarno and Soepomo debated with Mohammad Yamin and Mohammad Hatta over whether human rights should be enshrined in the Constitution. Soekarno and Supomo believed that human rights are related to the individual, meaning that basic rights and guarantees did not need to be protected against the state. They saw individuals as part of the state, which emphasizes the state's greatness. Supomo saw the state as an integral social order and individuals as an organic community union that prioritize the family rather than individuals or groups. Similarly, Soekarno believed that human rights were connected to individualism and warned that building a country with an individualism-liberalism philosophy would lead to conflicts as it gave citizens rights that contradict the sovereignty of the state.

Meanwhile, Mohammad Hatta believed that it was unwise to grant the state unrestricted power to establish a sovereign state. Therefore, he proposed that a basic law must include an article pertaining to citizens' rights such as the right to vote and the right to assemble. He emphasized the importance of ensuring that the country does not become a state driven by power and instead operates on the principle of people's sovereignty. Similarly, Mohammad Yamin disagreed with the notion of excluding citizens' rights from the Undang-Undang Base. He stressed the need to include regulations on citizen independence in the Constitution as widely as possible. These basic rules are a responsibility to safeguard independence and should be recognized in the Constitution, and not a matter of liberalism.

Following a difficult debate, Mohammad Hatta and Mohammad Yamin were able to reach a compromise which resulted in the inclusion of certain provisions for the protection of human rights in the 1945 Constitution. The debate that led to the compromise highlighted two key points: firstly, it was suspected that the inclusion of human rights in the Constitution could have been influenced by Western individualism and caution was advised, and secondly, the human rights provisions in the Constitution were limited to a few articles, including Article 27 (1), Article 28, Article 29 (2), and Article 31 (1).

The debate on the advantages and disadvantages of using a paradigm for the protection of human rights in the era after Suharto's regime in Indonesia is ongoing. This discussion was initiated by President B.J. Habibie who introduced a unique concept called "human obligations" in the global framework of human rights. Habibie believed that, even though individuals possess inherent human rights, they are also social beings that cannot escape their nature. Thus, a balance must be struck between individual freedom and social responsibility to maintain harmony. Additionally, Habibie (2006) emphasized the importance of maintaining equilibrium between universal human rights values and national conditions, where the implementation of human rights policies is the responsibility of individual countries. Habibie's (2006) views were heavily influenced by the mainstream of particular thought which put forward domestic cultural values which became the basis for a country's policies. This is exactly as that what happens in a country is heavily influenced by local culture, which cannot be judged by other countries (Dahre, 2017).

The dispute between universality and particularity is also present in Africa. According to El-Obaid Ahmed El-Obaid and Kwadwo Appiagyei-Atua, the commitment to human rights is often not genuine and may be overlooked in favor of established beliefs, customs, or institutions. To argue against constitutional protection of human rights, traditional points of view are used which idealize the traditional African society as exclusively communal, homogenous, and cooperative. This argument is also the basis for studies on human rights in Africa, which are divided into two categories: one claiming that human rights in Africa are communitarian, and another disproving their existence. This suggests that the African understanding of human rights is neither entirely individualistic nor entirely communal. The African Charter includes a provision which emphasizes the responsibilities individuals have towards their families, society, the state, legally recognized communities, and the international community. It states that every person's rights and freedoms must be exercised while keeping in mind the rights of others, collective security, morality, and common interest. The Charter also emphasizes the importance of maintaining the harmonious development of the family, respecting and supporting parents, and promoting social and national solidarity in times of threat.

The Asian Human Rights Charter indicates that the right to life encompasses not just physical necessities but also ethical circumstances that enable an individual to have a worthwhile existence. This significance originates from personal choices as well as communal living with other people, which is emphasized by Asian customs and traditions that underscore shared cultural identities.

According to the Malaysian Constitution, the propagation of any religious doctrine or belief among people who declare themselves as followers of Islam may be regulated or limited by state or federal laws, depending on the location. Nonetheless, such Article does not justify any actions that violate any general laws regarding public order, public health, or moral values.

4.2 Indonesia's law paradigm on human rights

The document referred to as MPR No. XVII/MPR/1998 is a decree created after the end of the authoritarian rule of the New Order in Indonesia. It is the first legal document to specifically address human rights. The decree acknowledges that Indonesia is part of the global community and must uphold the human rights principles outlined in the United Nations Universal Declaration of Human Rights and other international treaties regarding human rights. To this end, the President of Indonesia and the People's Representative Council have been tasked with ratifying various United

Nations human rights instruments, provided they are in line with Pancasila and the 1945 Constitution. This decision by MPR does not completely disregard international principles, but aligns them with a particular paradigm. The Indonesian nation acknowledges and respects other nations' initiatives to define and enforce human rights based on their own value systems and perspectives. In Indonesia, human rights are upheld and implemented according to Pancasila, the nation's philosophy of life. This includes values stemming from religious teachings, universal moral principles, and the noble values of Indonesian culture, as well as the country's constitution. The concept and implementation of human rights in Indonesia are founded on the belief that individuals are part of society and that society is composed of individuals with human rights who live in a natural environment that sustains their lives. As a result, every person holds an obligation and responsibility to respect the human rights of others, preserve social order, and promote the function, improvement, and quality of the environment (Dahre, 2017).

The 1945 Constitution's safeguarding of human rights is more of a limited acceptance of the rights of citizens, as opposed to a universal humanitarian concern. The language used in the opening paragraph, which refers to the rights of nations, pertains solely to Indonesian national interests. The Constitution's provisions that are supposed to protect human rights, such as Article 27, restrict them to the rights of specific citizens. The same goes for Article 28, which allows for limitations and conditions on freedom of expression within a particular perspective. Even Article 28I and 28J, which address cultural identity and respect for human rights, respectively, are subject to limitations and moral considerations for the sake of public order in a democratic society.

Although the 1945 Constitution's articles and verses follow a specific paradigm, most of the ones from Article 28A to Article 28J use "everyone" instead of "every citizen". Some content adheres to a universality paradigm, such as the right to life and equality before the law, while also including a cultural relativism aspect, stating that these rights should be in line with local values and religion and not affect public interests or other people's interests. The concept of "public order and public morality" mentioned in Article 18 of the International Covenant Civil and Political Rights (ICCPR) is used in domestic law to determine limitations on rights and freedoms (Safinatunnajah et al., 2022). Statutory regulation articles and verses impose restrictions on the use and procedure of rights and freedoms, and violations of these restrictions result in charges related to public order and morality.

Moreover, the Human Rights outlined in Law Number 39 of 1999 with regards to Human Rights are always associated with certain duties. Apart from being granted human rights, individuals also possess fundamental responsibilities towards fellow individuals and society as a whole, in terms of social, national, and state life. These fundamental responsibilities are considered to be essential obligations, as if they are not followed, it becomes unfeasible for human rights to be enforced. Therefore, anybody within the jurisdiction of the Republic of Indonesia is required to comply with the laws pertaining to human rights, whether written, unwritten, or international laws endorsed by the Republic of Indonesia. They need to show respect towards other people's human rights, moral values, ethical codes, and maintain social, national, and state order. This mutual respect is compulsory and regarded as a responsibility. They must abide by the regulations and instructions set by the laws, which ensure the acknowledgment and respect for other people's rights and freedoms, and at the same time, take into consideration fairness, morals, security, and public welfare towards a cohesive society.

In order to enforce human rights, differences and special requirements of customary law societies should be taken into account, and consequently must be regulated and protected by the government, society, and law. Moreover, protecting and respecting the cultural identity of customary law communities, including their rights to customary land, is also guaranteed according to current trends. Religious values, morals, conservation, national interests, and the unity and integrity of the nation are some of the essential factors taken into account while issuing and disseminating opinions, both verbally and in writing, whether through print or electronic media.

The case being discussed is Decision Number 065/PUU-II/2004 from the Constitutional Court. The petition presented argued that Article 43 paragraph (1) in regards to ad hoc human rights courts

having the power to investigate severe human rights violations before Law No. 26 of 2000 on the Human Rights Court was enacted, is inconsistent with Article 28 I paragraph (1) of the 1945 Constitution. The petitioner asked the Constitutional Court to declare this article invalid as it does not adhere to Article 28I Paragraph (1) of the 1945 Constitution. However, the Court denied the request and maintained that Article 43 paragraph (1) from Law No. 26 of 2000 does not break the Constitution and remains legally enforceable. The Court explained that although Article 28I paragraph (1) asserts that the right to not be prosecuted under retrospective laws is an unalterable human right, it must be interpreted in conjunction with Article 28J paragraph (2) based on its formation history.

It appears that human rights, such as the right to avoid prosecution under retroactive laws, are not absolute. This is because exercising one's rights and freedoms requires respecting the rights of others and complying with legal restrictions that aim to uphold and respect the freedoms of others and promote justice, morality, religion, security, and public order in a democratic society as outlined in Article 28J. When Article 28I and Article 28J are viewed together, the right to avoid retroactive prosecution cannot be considered absolute and can be overruled to serve fair demands that align with moral, religious, security, and public order considerations. However, revoking this right based on retroactive laws is unjustifiable. The non-retroactive principle should also be applied with consideration for potential injustice and its impact on religion, security, and public order (Sasmito, 2017). If an individual's protection hinders legal goals, then it cannot be justified. If we view this article through the lens of cultural and religious beliefs as something important for the public or general welfare of Indonesia, we can see that in this case, the Court employs a cultural relativist approach. Despite this, the Court's ruling on applying the law retroactively with regards to human rights violations is in agreement with the global legal framework. However, the Court also takes into account contextual factors that are in alignment with a universal perspective.

Constitutional Court Decision Number 140/PUU-VII/2009 pertains to assessing the compatibility of various articles in Law Number 1/PNPS/1965, which concerns the Prevention of Misuse and/or Blasphemy of Religion, with certain articles in the 1945 Constitution. The articles in question - Article 1, Article 2 paragraph (1), Article 2 paragraph (2), Article 3, and Article 4 letter a - were evaluated against the provisions outlined in the 1945 Constitution, specifically Article 1 paragraph (3), Article 27 paragraph (1), Article 28D paragraph (1), Article 28E paragraph (1) & (2), Article 28I paragraph (1) & (2), and Article 29 paragraph (2). The petitioner argued that these articles resulted in religious discrimination against religions beyond the six officially recognized in Indonesia and went against the principles of human rights and freedom of religion enshrined in the 1945 Constitution. Additionally, the petitioner argued that religious belief comprises both private and public dimensions, both of which are human rights. The right to privately believe and communicate one's individual spiritual existence in public, as well as defend one's beliefs in public, are forms of freedom of belief, thought, and opinion that are inseparable. Therefore, the dissemination of religious interpretation is integral to the right to freedom of religion and cannot be limited.

The applicant believes that restrictions on interpreting religion and prohibiting certain beliefs go against various international agreements such as the 1945 Constitution, the Declaration of Human Rights and the International Covenant on Civil and Political Rights. Basing criminalization on religious abuse and blasphemy is not easy to prove, and it can be a way for the government to criminalize other religious minorities. In response to the applicant's argument, the Court believes that the blasphemy articles are not only viewed from a legal perspective but also from a philosophical one that considers Indonesia's unique perspective on freedom of religion. Religious practices in Indonesia are different from those in other countries, and there is a need for preventive measures in a diverse society.

In order to address the concerns raised by the petitioners, we must base our analysis on the fundamental beliefs, laws, and practices of the Indonesian state. While the country respects international human rights agreements, this respect is rooted in Indonesia's own constitution and values. The court has emphasized that freedom of religion in Indonesia means that neither anti-

religious nor atheist campaigns are acceptable. Furthermore, while human rights are considered inherent and universal, the state has a responsibility to provide basic foundations that allow these rights to be upheld. The Indonesian constitution emphasizes the obligation of the state, government, and society to support and respect human rights (Chanda, 2001).

The fundamental responsibilities outlined in the aforementioned legislation are not recognized in international human rights doctrine. This is due to their lack of philosophical foundation and their uncommon nature regarding the relationship between states and individuals. This rejection likely stems from a belief that universal human rights are contrary to the collectivist ideals prevalent in Eastern cultures. Regarding debates on the internal and external forums of religion, the judges ruled that the inner dimension of religious freedom is an absolute right that the state cannot meddle with. However, they also emphasized that the interpretation of that dimension must be grounded in the principles of the relevant religious teachings. This is because interpretation can lead to truth or error, and while individuals have the freedom to interpret religious teachings in their own internal forum, this freedom is not absolute. Interpretation must still adhere to the central tenets of the religion and be guided by a proper methodology based on the religion's holy texts. The judges on the panel cited Article 18, paragraph (3) of the International Covenant on Civil and Political Rights to support their argument, emphasizing the word "practice" and its implications for religious freedom. They stated that restrictions can only be placed on the external aspects of practicing religion, rather than on the inner beliefs of individuals. The judges' decision appeared to be informed by cultural relativism, which acknowledges that human rights are not absolute and can be limited based on certain provisions, such as the right to freedom of religion. The judges emphasized that restrictions on religious values that are seen as communal values are legal under the constitution and that Indonesia's religious traditions are unique and should not be interfered with by the state.

There are several changes required for future legislation and judicial decisions of the Constitutional Court. Firstly, a specific paradigm should be utilized to improve protection of communal and marginalized groups' rights which are often overlooked. Secondly, this paradigm should not compromise the universality of human rights values. Thirdly, this paradigm should not be used as a justification to limit or prosecute those who exercise their rights and freedoms as guaranteed by the 1945 Constitution of the Republic of Indonesia and international standards. Fourthly, countries that ratified international treaties, including Indonesia, are obligated to act in good faith and implement Article 26 of the Vienna Convention (1969) which requires adherence to the *pacta sunt servanda* principle. The Constitutional Court plays a pivotal role in providing guidance and interpretation for regulations to promote and guarantee human rights at the national level. The concept of judicial independence was not established solely for the advantage of judges, but to safeguard people from the misuse of authority. Therefore, judges are obligated to apply the law and cannot make decisions based on their own inclinations. They also hold the responsibility to apply domestic and international human rights law in order to protect individuals.

5. Conclusions and Recommendations

The concept of human rights is predominantly portrayed as particularistic in the primary legal regulations, including TAP MPR XVII/MPR/1998, the 1945 Constitution, and Law Number 39 of 1999 on Human Rights, as well as the Constitutional Court Decision No. 065/PUU-II/2004 and Number 140/PUU-VII/2009. This focus is particularly evident in the application of civil rights and freedoms such as the right to hold opinions, express oneself, associate, and practice religion. Any laws pertaining to civil rights and freedoms always come with the stipulation that they must not disrupt public order, public interest, morality, and the trust of local communities, which is largely subject to the interpretation of law enforcement officials in practice. Meanwhile, other sections or verses that are difficult to enforce (soft law) adhere to the universality paradigm.

According to international human rights mechanisms, the main responsibility for following human rights standards outlined in different international treaties lies with the relevant authorities

in each country. This responsibility is known as compliance. Domestic actors such as the government, legislators and judiciaries carry the responsibility for compliance. Ensuring compliance through legal and judicial mechanisms is critical to effectively safeguard human rights. Recommendations and decisions made by the court can compel the executive to revise their policies in a way that affords greater protection for human rights.

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