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A CRITICAL ANALYSIS OF THE INDONESIAN HUMAN RIGHTS ACTION PLAN 1998-2020

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ABSTRACT

This article examines the genesis and evolution of Indonesia's National Human Rights Action Plan (NHRAP), known as Rencana Aksi Nasional Hak Asasi Manusia (Ranham), throughout the Reform era from 1998 to 2020. Ranham stands as an important national policy document designed to articulate two primary objectives: first, to delineate how the state integrates human rights principles and norms into its policies; and second, to establish benchmarks for measuring its notable achievements in this domain. Adopted and implemented by successive Indonesian governments, Ranham has been instituted through Presidential Regulations across five distinct phases over two decades of the Reform era. The foundation of Ranham can be traced back to the Vienna Declaration and Program of Action (VDPA) of 1993, a seminal international human rights framework . Currently, over 70 countries, Indonesia among them, have formulated their respective versions of Ranham. This article underscores Ranham's role as a manifestation of Indonesia's commitment to advancing the human rights agenda nationally. However, it also identifies a significant challenge: the insufficient conceptualization of human rights, which hampers the robust development and fortification of Indonesia's national human rights framework.
Keywords: human rights; *Ranham*; VDPA.

INTRODUCTION

The fall of Soeharto on May 21, 1998 led to the accommodation of an effective political climate in adopting a new wave of democracy in Indonesia.[1] By capitalizing national reform (*reformasi*) agenda,[2] 'the 'newly born' of Indonesian regimes declare that their governance is different from that of 'the old' Old Order (*Orde Lama* regime) and embody better electoral democracy and rule of law by upholding human rights.[3] However, what is incoherent, after more than two decades of reform, are today's expectations still the same to that of launched in 1998? Tim Lindsey states that "the term is still used today, 20 years on, even though the spirit of radical reform that drove democratization is now distant."[4] In his second-term, President Joko Widodo has also continued Indonesian *Ranham* 2021-2025 as a fifth phase.[5] Therefore, the term post-reform is currently used to indicate a robust inclination to assess the reinforcement of the national human rights system, while this condition today, as Lindsey said, is uncertain.[6]

The establishment of reform era since 1998 has endorsed the remarkable efforts to be able to conduct total reform (*reformasi total)*[7] movement within the direction of national developmental system including the embodiment of human rights.[8] The emergence of the first National Human

1 *The Fall of Soeharto*, ed. by Geoff Forrester and R.J. May (Singapore: Select Books, 1999), pp. 1–2.
2 see *People's Consultative Assembly Decision Nomber X/MPR/1998 Concerning Outlines of Reformasi in Development in Oder to Saving and Normalization of National Life as State Direction*.
3 *Menimbang Demokrasi Dua Dekade Reformasi*, ed. by Syamsuddin Haris (Jakarta: Yayasan Pustaka Obor Indonesia, 2019), p. 7; See also *Law No. 2 of 1999 Concerning General Election* Indonesia carried out the first election in era reformasi on 7 June 1999.
4 Tim Lindsey, "Post-Reformasi Indonesia: The Age of Uncertainty," *The University of Melbourne* <https://indonesiaatmelbourne.unimelb.edu.au/post-reformasi-indonesia-the-age-of-uncertainty/> [accessed 14 October 2022].
5 See *Presidential Regulation Number 53 of 2021 Concerning the National Action Plan for Human Rights 2021 - 2025*.
6 Lindsey.
7 Kevin O'Rourke, *Reformasi: The Struggle for Power in Post-Soeharto Indonesia* (NSW: Allen & Unwin, 2002), p. 146.
8 see *People's Consultative Assembly Decision Nomber XVII/MPR/1998 Concerning Human Rights*

Rights Action Plan (NHRAP) or *Rencana Aksi Nasional Hak Asasi Manusia* (*Ranham*) on August 15, 1998 was adopted by Presidential Regulation No. 129 of 1998. Such regulation indicates the manifestation of consciousness, awareness and strong commitment of the new Indonesian state to recognize and uphold human rights standards in Indonesia's national system. In addition, the regulation also mentions that upholding human rights in Indonesia must consider custom or *adat* and religious values based on *Pancasila* and the Constitution of 1945.[9]

Furthermore, the amendment of the Indonesian Constitution 1945 from 1999 until 2002 has been a good momentum to rebuild a "new Indonesia" to explain further the constitutionality of human rights and strengthen the rule of law and constitutional democracy.[10] Olle Törnquist emphasizes that constitutional reform is to foster human rights-based political democracy.[11] It implicates the reinforcement of domestic implementation and institutionalization of human rights. The state's constitutional obligations of human rights, in particular the government, is enshrined clearly by article 28I paragraph (4) and also emphasized by Law No. 39 of 1999 concerning Human Rights that: "*protection, promotion, enforcement*, *and fulfillment of human rights are state, particularly government, responsibility.*" This is the most important national agenda to incorporate human rights into national development plan[12] and *Ranham* is obviously recognized as national agenda and movement.[13]

Indonesia *Ranham* has five phases since 1998 until now. [14] *Ranham* has been enacted by the presidential regulations/instructions which obliged to all ministries/institutions and local governments to implement human rights standards. *Ranham* is a national rigorous agenda that encompasses collaborative partnership and synergy among three good 'musketeers' namely government, civil society organizations (CSOs) and national human rights institutions (NHRIs). The aforementioned three good 'musketeers', alongside with two decades of the Reform era, have been talking but could not work together to optimize conceptualization and institutionalization of human rights. Unfortunately, *Ranham* has been arranged and conducted from and by the government itself without good collaboration and meaningful engagement with CSOs and NHRIs. Stéphanie Lagoutte urges the reinforcement of state infrastructure in the work of the national human rights system (NHRS).[15] Lagoutte asserts

Such regulation mandated to establish Komnas HAM as previously enacted by President Soeharto through Presidential Regulation No. 53 of 1993. By promulgation Law No. 39 of 1999 signed by President Habibie, Komnas HAM is more established. President Habibie also established Komnas Perempuan based on Presidential Regulation No. 181 of 1998 on 9 October 1998. President Megawati established KPAI on 14 October 2003 based on Presidential Regulation No. 77 of 2003. President Gus Dur established Ombudsman on 10 March 2000 based on Presidential Regulation No. 44 of 2000.

9 See Article 1 para. (2) *Presidential Regulation Number 53 of 2021 Concerning the National Action Plan for Human Rights 2021 - 2025*.

10 Allen Hicken, "Indonesia's Democracy in Comparative Perspectives," in *Democracy in Indonesia; From Stagnation to Regression*, ed. by Thomas Power and Eve Warburton (Singapore: ISEAS, 2020), pp. 23–44 (p. 43).

11 Olle Törnquist, *Assessing Dynamic of Democratization; Transformative Politics, New Institutions, and the Case of Indonesia* (New York: Macmillan Publishing, 2013), p. 27.

12 See *People's Consultative Assembly Decision Nuo. IV/MPR/1999 Concerning Outlines of the State Policy*; *Law Nomber 17 of 2007 Concerning National Long-Term Development Plan 2005-202*.

13 *Presidential Regulation Nomber 7 of 2005*; *Presidential Regulation Number 5 of 2010*; *Presidential Regulation Number 2 of 2015*; *Presidential Regulation Number 18 of 2020*.

14 The first phase of Ranham based on *Presidential Regulation Number 129 of 1998* as amended by *Presidential Regulation Number 61 of 2003*; the second phase of Ranham based on *Presidential Regulation Number 40 of 2004*; the third phase of Ranham based on *Presidential Regulation Number 23 of 2011*; the fourth phase of Ranham based on *Presidential Regulation Number 75 of 2015*; *Presidential Regulation Number 33 of 2018 Concerning Amendments to Presidential Regulation Number 75 of 2015*; and the fifth phase of Ranham based on *Presidential Regulation Number 53 of 2021*.

15 Stéphanie Lagoutte, "The Role of State Actors Within the National Human Rights System," *Nordic Journal of Human Rights*, 37.3 (2019), 177–94 (pp. 177–94) <https://doi.org/10.1080/18918131.2019.1682236>.

the significance of interaction process and communication between state and non-state actors.[16]

At the international level, *Ranham* was created as the result of the *World Conference on Human Rights*) which was held in Vienna, Austria, from June 14-25, 1993. This conference resulted in the creation of an important document that was called the V*ienna Declaration and Programme of Action*/VDPA. [17] This document reflects a global commitment to promote and protect human rights around the world. VDPA declares that human rights are universal, indivisible, interdependent and interrelated. VDPA also highlights that human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of governments. In reference with the *Ranham* VDPA being established, *The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human Rights.[18] Azadeh Chalabi emphasizes that adopting NHRAP is required to effectively realized human rights, which is the means and end of development.[19]*

The presence of Ranham effectively enhances national efforts to reinforce human rights. Indonesia has regulations concerning human rights issues including ratification of the international and regional human rights instruments.[20] This should endorse a national policy strategy to input and enforce the implementation of human rights in the national system. However, Elsam finds the lack of human rights indicators in the implementation of *Ranham*.[21] Incorporating a human rights-based approach to development meets with great obstacles to capitalize on the accentuation of the national development agenda. According to Obiora Okafor, *et.al,* political context changes the realization of *Ranham*.[22] Azadeh Chalabi suggests a strategic shift towards modern *Ranham*.[23] According to Sebastion Lorion, *Ranham* is the prism of norm diffusion.[24] Notes despite the UPR's recommendations yield efforts to implement *Ranham*, the growing conceptual ambiguity of *Ranham* must be avoided.[25]

With great modalities, there are five phases of *Ranham*, so how VDPA 1993 influenced the establishment of Indonesia'a *Ranham*. This article focuses on analyzing the essence and development of *Ranham* during the Indonesia Reform era.

16 Lagoutte, pp. 177–94.

17 *Vienna Declaration and Programme of Action*.

18 See Part II para. 71 VDPA 1993. VDPA 1993 also fosters international cooperation and assistance to promote human rights in the world. So, collaborative synergy in the infrastructures is very important as stated at para. 69 VDPA 1993, "that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law . . . That programme should make available to States assistance for the implementation of plans of action for the promotion and protection of human rights." OHCHR, *Handbook on National Human Rights Plans of Action* (New York and Geneva: UN-OHCHR, 2022), pp. 7–8.

19 Azadeh Chalabi, "The Nature and Scope of States' Obligation to Adopt a National Human Rights Action Plan," *The International Journal of Human Rights*, 18.4–5 (2014), 391–413 <https://doi.org/10.1080/13642987.2013.879861>.

20 Indonesia is a state-party to the major of international human rights law instruments, namely (1) (1) ICESCR ratified by Law No. 11 of 2005; (2) ICCPR ratified by Law No. 12 of 2005; (3) CERD ratified by Law No. 29 of 1999; (4) CEDAW ratified by Law No. 7 of 1984; (5) CAT ratified by Law No. 5 of 1998; (6) CRC ratified by Presidential Regulation No. 36 of 1990; (7) MWC ratified by Law No. 6 of 2012; and (8) CRPD ratified by Law No. 19 of 2011.

21 ELSAM, *Mengukur Keberhasilan Berbasis Dampak; Usulan Praktis Untuk Monitoring Dan Evaluasi Pelaksanaan Ranham* (Jakarta: ELSAM, 2021), p. 189.

22 Obiora Chinedu Okafor and others, "Presence through Absence? Understanding the Role of Capital in the African Human Rights Action Plan," *The Journal of Modern African Studies*, 58.4 (2020), 579–600 <https://doi.org/10.1017/S0022278X20000555>.

23 Azadeh Chalabi, "The Problem-Oriented Approach to Improving National Human Rights Action Plans," *Journal of Human Rights Practice*, 7.2 (2015), 272–98 <https://doi.org/10.1093/jhuman/huv007>.

24 Sébastien Lorion, *National Human Rights Action Plan; an Inventory (Part I: Norm Diffusion and State Practice)* (Copenhagen: the Danish Institute for Human Rights, 2022), p. 62.

25 Sébastien Lorion, p. 63.

Hence, the five-year-national agenda of *Ranham* has not only become sequential, but also can yield best practices for reinforcing the Indonesian national human rights system.

METHOD

Based on the main problems, this paper uses doctrinal qualitative legal research. This kind of research is also called normative legal research, focuses on legislation, principles, norms, and legal interpretations.[26] National policy on *Ranham* promulgated by regulations during the *Reformasi* era is a unit of analysis in the field of human rights study. Within the explanatory approach as well, the paper explains the essence and development of *Ranham* in Indonesia. This paper also studies the VDPA 1993 which directly mandated the establishment of *Ranham* around the word. Therefore, comparison with the other countries, especially those preparing the *Ranham* with the baseline study, for example Australia, Netherlands, and Finland is needed. Further, the paper elaborates the enactment of *Ranham* in five phases during Indonesia government administrations including the debate on the relation between human rights norms and *Pancasila*. Mark van Hocke asserts the explanatory approach as follow, *the existence of a rule will be 'explained' by the existence of a higher norm from which that rule is derived, or the existence of underlying values or principles, or of a larger network of legal rules and principles*.[27]

In this case, as a unit of analysis, *Ranham is* approached by political approach (*politico-legal*) and historical approach (*politico-historical background*). By employing these approaches, *Ranham* sees a legal policy or legal rule reflected in the political considerations affirmed in the regulations of *Ranham*. These approaches provide the position of *Ranham* as a key human rights policy document has nuanced legal formulations produced by ministries/institution and local governments both provinces and districts/ municipalities. Institution of *Ranham* has historical development which adopted in two decades of reform. Such approach can assess the continuity and change of human rights development in Reform era.

FINDINGS AND DISCUSSION

A. VDPA 1993 and Its Impact to Indonesia's Ranham

After the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the commitment of the international community was strengthened by the main human rights covenants, namely the ICCPR and the ICESCR in 1966. These human rights instruments greatly influenced positive developments for the promotion and protection of human rights in the world. To foster the development of the human rights movement, the United Nations firstly carried out the International Conference on Human Rights which was held in Tehran, Iran, from April 22 to May 13, 1968, or 25 years before the adoption of VDPA 1993. It becomes the main basis for ensuring positive efforts for enhancement of human life, freedom, and dignity.[28]

Furthermore, through the 1993 VDPA, the recognition of human rights promotion and protection is a priority for the international community. The obligations and responsibilities of state and non-state actors towards effective efforts to embody the fulfillment of human rights have been increased at the national and regional levels. Based on this framework, the VDPA 1993 emphasizes the importance of collaboration in strengthening international and national human rights mechanisms to achieve the main goals of the United Nations. Interestingly, the VDPA 1993 asserts that development actually facilitates the enjoyment of all human rights.

VDPA is crucial due to its comprehensiveness which contains several important recommendations to governments and other actors in the international

26 P. Ishwara Bhat, *Idea and Methods of Legal Research* (Oxford: Oxford University Press, 2019), p. 28.
27 Bhat, p. 8.
28 United Nations, *Final Act of the International Conference on Human Rights* (New York: United Nations, 1968).

community on actions that can be done to improve the promotion and protection of human rights. This recommendation is not binding but its persuasive nature is compelling because of the importance of the opportunity and the fact that the recommendations are supported unanimously. [29]

Ranham's concept is based on the view that lasting improvement in human rights ultimately depends on the government and people from certain countries who decide to take concrete action to create change. Persuasion and sometimes external pressures can influence the government to act, but the fulfillment of human rights cannot simply be imposed from the outside.[30] The *Handbook of the National Human Rights Plan of Action* states clearly that *Ranham* is evidence of commitment to the UDHR as universal human rights standards. The *Handbook* states as follows:

> *A credible national action plan must be built on a commitment to universal human rights standards. An important element of any national action plan should be a commitment to the Universal Declaration of Human Rights. Embracing both civil and political rights and economic, social, and cultural rights, it constitutes the foundation of the international human rights system. In United Nations resolutions dealing with human rights, the nations of the world have time and time again unanimously reaffirmed the Universal Declaration.*[31]

This concept recognizes that no single country has a perfect human rights record. Each country is different, and any plan developed by the country should be adjusted to the political, cultural, legal, social, and economic circumstances.[32] To ensure the effective implementation of human rights, the commitment must come from within a country, with no exception of Indonesia. NHRAP is a conceptualized and and institutionalized human rights standard within a national context.

However, Azadeh Chalabi urges that the obligation to adopt the NHRAP is an acknowledgment and effort by the state to implement human rights.[33] Thus, the purpose of the NHRAP is to ensure the implementation of human rights through the framework of the national human rights system. During the period of the Reform era, Indonesia has adopted *Ranham* as a national policy to promote and protect human rights. This commitment indicates new hopes to bring better life **to** Indonesia**'s** democracy. Thus, through *Ranham*, it makes an important strategy for optimizing national capacities in the promotion and protection of national human rights. Indonesia has a great power to form and mobilize human rights institutions through *Ranham* because the commitment to implement human rights is mandated by presidential regulations and should be carried out by government officials, both at the central and local levels.

1. The First Phase

Indonesia has the *Ranham* based on Presidential Regulation No. 129 of 1998 which was then amended by Presidential Regulation No. 61 of 2003. The first phase of Indonesian *Ranham* was established in the reign of President Baharuddin Jusuf Habibie (ruled from May 21, 1998- October 20,1999). He was the third President after President Soekarno (ruled from 1945-1966) and President Soeharto (ruled 1966-1998). After the fall of Soeharto regime, Indonesia experienced significant changes. Among the most important changes was the reinforcement of the issues of democracy, decentralization, and human rights.[34]

Although his term was short, President Habibie managed to carry and color a new era called the "Reform Era," namely a new era for Indonesia to internalize the principles of

29 Chalabi, "The Nature and Scope of States' Obligation to Adopt a National Human Rights Action Plan."
30 See further OHCHR, p. 8.
31 OHCHR, p. 14.
32 Sébastien Lorion, p. 27.
33 Chalabi, "The Nature and Scope of States' Obligation to Adopt a National Human Rights Action Plan."
34 Todung Mulya Lubis, *In Search of Human Rights; Legal Political Dilemmas of Indonesia New Order 1960-1990*, ed. by Nanda Akbar Ariefianto, Indonesian (Yogyakarta: CIRCA, 2021), pp. 1–29.

democracy and human rights.[35] The term "*reformasi pembangunan*" (reform of development) was initially launched by People's Consultative Assembly (MPR) to describe the significant process of embodiment the rules of reform in the national development agenda. [36] As the highest state institution in Indonesia, MPR declared new national policies to enshrine the guidelines of national reform including general election, the limitation of president period, etc. [37] In addition to the capacity of holding elections in 1999, President Habibie brought up new policies which conveyed Indonesia into a democratic climate such as the amendment of the Indonesian Constitution 1945, the release of political prisoners as well as various legislative policies that accommodate the principles of democracy and human rights.[38]

The first phase of *Ranham* established the five-year implementation of Indonesia's human rights plan of action. *Ranham* asserts that human rights are not something new for Indonesia. More recognition is confirmed as follows:

Indeed, human rights are not alien to the people of Indonesia. The struggle to escape from the shackles of foreign invaders for hundreds of years is the struggle to realize the right to self-determination as the most fundamental human rights. Indonesia's commitment in the promotion and protection of human rights in all parts of Indonesia derive from Pancasila, particularly the second principle, which promulgates the just and civilized humanity, as well as the relevant clauses in the 1945 Constitution that was formulated before the introduction of the Universal Declaration of Human Rights by the United Nations in 1948. In addition, the values of customs, culture and religion of Indonesia are also a source of Indonesia's commitment in the promotion and protection of human rights.

The first phase of *Ranham* attested to Indonesia's commitment to the commitment of world action through the VDPA 1993 and the Second National Workshop on Human Rights arranged by Komnas HAM in Jakarta, October 22-24, 1994.[39]The five-year period Indonesia's *Ranham* was only implemented at the national level by establishment of a National Committee with the four main pillars, namely: (1) preparation for ratification of international instruments of human rights; (2) dissemination and education of human rights; (3) the implementation of human rights which are set out as a priority, and (4) implementation of the contents or the provisions of various international instruments of human rights that have been ratified Indonesia.

Foreign Minister Ali Alatas named it an effective instrument for fulfilling the important aspirations of the Indonesian people.[40]Through the design of the first phase of *Ranham*, the human rights discourse had gained a good place

35 The vision of President Habibie in the field of human rights included in chapter of legal reforms. See further *Reform in Indonesia: Visions and Achievements of B.J. Habibie*, ed. by Ahmad Watik Pratiknya, Umar Juoro, and Indria Samego (Jakarta: RajaGrafindo Persada, 1999), pp. 101–2.

36 "People's Consultative Assembly Decision Nomber X/ MPR/1998; and X/MPR/1998.

37 "People's Consultative Assembly Decision Nomber X/ MPR/1998; and X/MPR/1998.

38 These regulations appeared a new horizon of democracy and human rights, such as *Law Nomber 2 of 1999 Concerning Political Party*; *Law Nomber 3 of 1999 Concerning General Election*; *Law Nomber 3 of 1999 Concerning Prohibition of Monopolistic Practices and Unfair Business Competition*; *Law Nomber 8 of 1999 Concerning Customer Protection*; *Law Nomber 19 of 1999 Concerning Ratification of the ILO Convention Nomber 105 Concerning the Abolition of Forced Labo*; *Law Nomber 20 of 1999 Concerning Ratification of ILO Convention Nomber 138 Concerning Minimum Age for Admission to Employment*; *Law Nomber 21 of 1999 Concerning Ratification of ILO Convention Nomber 111 Concerning Discrimination in Respect or Employment and Occupation*; *Law Nomber 22 of 1999 Concerning Local Government*; *Law Nomber 26 of 1999 Concerning Repeal of the Law No. 11/PNPS/Year 1963 on the Eradication Subversive Activities; Law Nomber 28 of 1999 Concerning State Governance of Clean and Free from Corruption, Collusion and Nepotism*; *Law Nomber 29 of 1999 Concerning Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination 1965*; *Law Nomber 31 of 1999 Concerning Eradication of Corruption*.

39 See para. 5 *General Explanantion of Presidential Instruction No. 129 of 1998 Concerning the National Action Plan for Indonesian Human Rights*.

40 Ali Alatas, *The Official Launching of the Indonesian National Plan of Action on Human Rights* (Jakarta, 1998).

in Indonesian society through the establishment and strengthening of centers for human rights studies and centers for women's studies. Human rights training and seminars emerged as a form of reflection on the demands of constitutional democracy in Indonesia. However, the totality of implementation of *Ranham was* directed at the initiative of the government at the national and centralized level. The positive developments that resulted were still limited to discourse because fundamentally, the involvement of civil society, local governments and NHRIs was not going well. Indeed, *Ranham* monitoring and evaluation were also not carried out at all.

After the 1999 elections, the Fourth Indonesian President was Abdurrahman Wahid (ruled October 20, 1999- July 23, 2001).[41] With his National Unity Cabinet, Gus Dur, as he was called, also created many changes, including reforming the Indonesian government system by providing an open space for the climate of democracy and human rights. [42] Gus Dur is known as a prominent social religious activist who concerned over human rights issues. His position endeavored to ensure a better condition of Indonesia democracy, rule of law and human rights. On November 23, 2000, Gus Dur signed the important regulation Law No. 26 of 2000 concerning the Human Rights Court.

In this regard, during the first phase of Ranham's struggle, the operation of national human rights standards and mechanisms was no better than in the previous era. In addition to strengthening the discourse and growth of human rights institutions, *Ranham* tended to be elitist, and it was ineffective at preventing human rights violations.

41 See *People's Consultative Assembly Decree No. VII/ MPR/1999 Concerning Appointment of The President of the Republic of Indonesia*.

42 In his term, many regulations have been adopted namely: *Law Nomber 1 of 2000 Concerning Ratification of ILO Convention Nomber 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor*; and *Law Nomber 26 of 2000 Concerning Human Rights Court*.

2. The Second Phase

The second phase of *Ranham* began on May 11, 2004 through Presidential Regulation No. 40 of 2004.[43] Similar to the first phase of *Ranham*, a period of five years also applied in the second phase of *Ranham*. In the second phase, *Ranham* was defined by the Fifth President of Indonesia, President Megawati Soekarnoputri (ruled July 23, 2001- October 20, 2004). [44] She was the first female president in Indonesia and is a daughter of the first President, Soekarno. She was a Vice President of President Gus Dur prior to her term.

Based on Presidential Instruction No. 40 of 2004, the Provincial Committee of *Ranham* in each province was established. The Minister of Justice and Human Rights appointed as chairman of the National Committee together with the governor in each province, and which was held accountable to the governor and the National Committee. In this phase, *Ranham* has become a potential and significant human rights network around Indonesia, especially to develop a new national culture to respect, protect and fulfill human rights.[45]

Although the second phase of *Ranham* was established under President Megawati Soekarnoputri, but in fact, most of the implementation of Indonesia's *Ranham* was under the control of the government of President Susilo Bambang Yudhoyono (SBY), who officially has become the sixth President since October 20, 2004

43 In this phase, *Ranham* has become a potential and significance human rights networking around Indonesia, especially to develop a new culture to protect and fulfill of human rights.

44 *People's Consultative Assembly Decree Number III/ MPR/2001 Concerning the Appointment of the Vice President of the Republic of Indonesia Megawati Soekarnoputri as President of the Republic of Indonesia*.

45 Harkristuti Harkrisnowo, "10 Tahun Reformasi: Sampai Di Mana Kita?," in *The National Workshop on Ten Years Reformation Era; Quo Vadis Kemajuan Dan Penegakan HAM Di Indonesia? Jakarta, 8-11 Juli 2008* (Jakarta: Komnas HAM RI, 2008); See also Majda El Muhtaj, "RANHAM Sumatera Utara, Investasi Demokrasi Melalui Penegakan Hukum Dan HAM," *Analisa News Paper* (Medan:, 5 September 2005).

until October 20, 2014.[46]

3. The Third Phase

The third phase of Indonesia's *Ranham* was established on April 11, 2011 through Presidential Regulation No. 23 of 2011. When viewed closely, in fact the third *Ranham* should have begun in 2010 because the second phase of *Ranham* ended in 2009. There was a one-year gap in setting Indonesia's *Ranham causing* a gap in the periodization of *Ranham*, of which the cause was uncertain. One explanation was that the main cause of this delay was due to administrative problems because of the preparation process steps to be more applicable as a characteristic of the third phase of *Ranham*.

The third phase of *Ranham* also emphasized the position of Indonesia's *Ranham* as the state policy of human rights. *Ranham* was increasingly asserted to provide protection and fulfillment of human rights for every person in Indonesia by the state by performing the duty to serve a human rights-oriented society, and by building synergistic cooperation between public institutions and civil society. Throughout the formation of a third phase of Indonesian *Ranham*, one of the principal international human rights instruments ratified was the Convention on the Rights of Persons with Disabilities on last October 18, 2011. [47] This was a significant advancement within the framework of the protection and fulfillment of human rights in Indonesia, especially for vulnerable groups.

The second and third phases of Ranham were marked by the ratification policy of the major of international human rights instruments recognized as international bill of human rights namely ICESCR which was ratified through Law No. 11 of 2005 and the ICCPR which was ratified through Law no. 12 of 2005. Moreover, the convention on the protection of migrant workers was ratified through Law 6 of 2012. The realization of this ratification policy was successfully ratified during the administration of President SBY. In addition, another positive development was the presence of a public communication service function (*Yankomas*). *Yankomas was* one of the main functions of the *Ranham* committee. It was promulgated in terms of its provisions and mechanisms through the Minister of Law and Human Rights of the Republic of Indonesia No. 23 of 2013 concerning Guidelines for Public Communication Services for the National Action Plan for Human Rights. Interestingly, *Yankomas* was a function of *Ranham* to strengthen the strategic role of the government in resolving allegations of human rights violations, both communicated and uncommunicated/yet communicated.

In the context of local government, as stipulated by Law No. 23 of 2014 which was also stipulated during the SBY administration, the principle of human rights became a reference in solving problems in local disputes. Additionally, the position of local legal products that were recognized as one of the legal products in the hierarchy of laws and regulations in Indonesia must comply with human rights parameters in the formation of regional regulations. This regulation was stipulated in the Joint Decree of the Minister of Law and Human Rights and the Minister of Home Affairs No. 20 of 2012 and No. 77 of 2012 mandated by *Ranham* as well.

4. The Fourth Phase

Through a commitment to the birth of "Great Indonesia," an important jargon voiced during the 2014 presidential election, as stated in the Vision, Mission and Action Program of President Jokowi and Vice President Jusuf Kalla. Nine government priority agendas known as *Nawacita* were established.[48] The human rights context,

46 President SBY was the first Indonesia president which elected through directly presidential election on 5 July 2004.

47 Interestingly, the *International Convention for the Protection of All Persons from Enforced Disappearance* (2006) is also to be prepared as a ratified instrument and then enacted by; *Law Number 19 of 2011 Concerning Ratification of the Convention On The Rights of Persons With Disabilities*.

48 See also "Visi- Misi- Program Aksi Ir. H. Joko Widodo – Drs. H.M. Jusuf Kalla Pemilu Presiden Dan Wakil Presiden Tahun 2014," *Https://Www.Kpu.Go.Id/*, 2014 <https://www.kpu.go.id/koleksigambar/Visi_Misi_

specifically contained in the fourth point, is confirmed as follows:

We will reject the weak country by implementing reform on the legal system and enforcement that is free of corruption, dignified and trustworthy. We will prioritize corruption eradication consistently and reliably; eradicating the judicial mafia and strict action against corruption in the judicial environment; eradicating illegal logging, illegal fishing and illegal mining, eradicating banking crime and money laundering crimes; enforcement of environmental law; eradication of drugs and psychotropic substances; ensuring legal certainty in land ownership rights, land dispute resolution and opposing the criminalization of the re-prosecution of community land rights; protection of children, women and marginalized community groups, as well as respect for human rights and just solutions to cases of past human rights violations. [49]

Interestingly, one of the important points in strengthening law enforcement must be based on justice. The "Jokowi-JK" Administration determined the importance of human rights education by including human rights content in the general education curriculum in elementary and junior high schools, as well as in the state apparatus curriculum such as the Indonesian National Armed Forces and Police.[50]

Based on Presidential Regulation No. 75 of 2015, as amended by Presidential Regulation No. 33 of 2018 on April 10, 2018, which contained 46 Human Rights Actions, six strategies of Indonesian *Ranham* 2015-2019 were emphasized, namely: (1) strengthening *Ranham* implementing institutions; (2) preparation of ratification and preparation of material for the report on the implementation of international human rights instruments; (3) preparation of regulations, harmonization of draft legislation and evaluation of legislation from a human rights perspective; (4) education and increasing public awareness about human rights; (5) the application of human rights norms and standards; and (6) community communication services.

Indonesia has actively been a part of international efforts since adopting *United Nations Guiding Principles on Business and Human Rights* (UNGP) in 2011.[51] *Ranham* in Jokowi term expressly enacts BHRs as one of the 46 actions. This denotes good willingness of Governments to exercise their obligation of human rights as called "triad of state obligation,"[52] namely, respect, protect and fulfill human rights. UNGP and its three pillars state that government must protect from human rights violation by the third party, namely corporation. Accordingly, government must formulate and compile BHRs-friendly regulations to embed and incorporate human rights into business activities.

Furthermore, Indonesia eventually had a national action plan on business and human rights (NAP-BHRs) in 2017.[53] Unfortunately, the NAP-BHRs was originally not formulated by the government. Komnas HAM and Elsam had the main idea. The NAP-BHRs have been devoted to helping the implementation of UNGP in Indonesia. Absolutely, until now, the NAP-BHRs are still problematic because the essence of its manner regulation is convinced that it does not coherence with the principles of Indonesian legislation guidelines.[54] In so doing, it means that Indonesia has a lack of vehicles to implement

JOKOWI-JK.pdf> [accessed 15 October 2022].

49 "Visi- Misi- Program Aksi Ir. H. Joko Widodo – Drs. H.M. Jusuf Kalla Pemilu Presiden Dan Wakil Presiden Tahun 2014," pp. 8–9.

50 "Visi- Misi- Program Aksi Ir. H. Joko Widodo – Drs. H.M. Jusuf Kalla Pemilu Presiden Dan Wakil Presiden Tahun 2014," p. 30.

51 Majda El Muhtaj and Fazli Rachman, "Peran Kolaboratif Organisasi Masyarakat Sipil Mengintegrasikan Nilai-Nilai Hak Asasi Manusia Dalam Tata Kelola Bisnis Perkebunan Sawit Di Sumatera Utara," *Jurnal HAM*, 13.2 (2022), 167–86 <https://doi.org/10.30641/HAM.2022.13>.

52 See *The Oxford Dictionary of International Human Rights Law*, ed. by Dinah Shelton (Oxford: Oxford University Press, 2013), p. 453.

53 Nora Götzmann and Claire Methven O´Brien, *Business and Human Rights: A Guidebook for National Human Rights Institutions* (ICC-DIHR, 2013).

54 See *Law of the Republic of Indonesia Number 12 of 2011 Concerning the Establishment of Legislation*.

UNGP comprehensively and, of course, it affects discouragement to the future.

5. The Fifth Phase

The fifth phase of *Ranham* has emerged through the promulgation of Presidential Regulation No. 53 of 2021. This phase stresses the four segments of the most vulnerable groups, namely children, women, disabled persons and indigenous peoples. As a new regulation, *Ranham* is arranging to embrace all actors, including the business sector or corporations.[55] In particular the women's segment as vulnerable groups, *Ranham* emphasizes comprehensive increasing knowledge and awareness of the business sector to respect human rights such as women's rights.

The *Ranham* in the first term of Jokowi was operated by the Joint Secretariat of *Ranham*. In this phase, *Ranham* is led by the ministry of law and human rights and arranged by *National Committee* of *Ranham* which comprises five ministries, namely (1) ministry of law and human rights; (2) ministry of social affairs; (3) ministry of home affairs; (4) ministry of the national development planning; and (5) ministry of foreign affairs. However, the working mechanism of joint secretariat, as stated in Article 5 para (4) of *Ranham r*egulation, is not yet published hitherto.

This phase has not acknowledged UNGP as a paradigm shift to create a new Indonesian environment for business activities. *Ranham* focuses on the protection of four segments of vulnerable groups (women, children, disabled persons, and indigenous peoples). Nonetheless, *Ranham* has not explained how to implement UNGP related to business activities, particularly in affected groups. NAP-BHRs have not been implemented in this period. Therefore, the human rights due diligence mechanism, for example, is not found as mandatory for business sectors in their business activities and how to operate it.

Based on these phases, *Ranham* portrays the essence and development of conceptualization and institutionalization of human rights in Indonesia in the Reform era. *Ranham* is designed and articulated by presidential regulations/instructions. These national human rights policies reflect *Ranham* as a key performance of national commitment of human rights. *Ranham* becomes the 'sexy' program to be introduced by each regime that has a commitment to human rights, even though each phase of *Ranham* cannot connect with the continuing process in each phase. *Ranham* is not effective because it is not viewed, monitored, and evaluated in the true process of promotion and protection of human rights. Azadeh Cahalabi asserts as follows:[56]

In order for a NHRAP to be implemented effectively, it must be among others well-designed (i.e. based on a comprehensive and evidence-based situation analysis, a general and special theory of planning, a realistic set of objectives, clear activities, realistic time frame, and performance indicators, etc), backed by adequate resources (technical, financial and human), enough social and political will, and carried out through a participatory, accountable, transparent, and empowering process.

***B. Ranham* and the NHRS**

Ranham has significantly contributed to capitalizing on the infrastructure of the national human rights system. As a living document of human rights policy, *Ranham* has a strategic role in increasing the performance of Indonesia national system which committed to democracy and rule of law. *Ranham* is a good vehicle to engineer national equilibrium as mandated by Pancasila and Constitution 1945. *Ranham* is formed by the foundational national values and underpinned through national laws to uphold human dignity and embody social justice and welfare as an important part of the national goal. Hence, *Ranham* is recognized as a national asset to perform state obligation of human rights, namely obligation to protect, obligation to respect, and obligation to

55 See Annex *Presidential Regulation Number 53 of 2021 Concerning the National Action Plan for Human Rights 2021 - 2025*.

56 Azadeh Chalabi, *National Human Rights Action Planning* (Oxford: Oxford University Press, 2018), p. 201.

fulfill. United Nations Resolution 48/121 affirms that VDPA 1993 is an important contribution to the development of *Ranham* around the world. VDPA must be implemented by states. The resolution is stated as follows:

Believe that the Conference has made an important contribution to the cause of human rights and that its results have to be translated into effective action by States, the competent organs of the United Nations and its family of organizations and other organizations concerned, as well as nongovernmental organizations. [57]

Ranham is also the implementation of VDPA 1993 at the domestic level. The embodiment of a national human rights policy reflects compliance with international human rights standards and mechanisms. Steven LB Jensen, Stéphanie Lagoutte & Sébastien Lorion confirm the following:

This led to new forms of institutionalization emerging, and this time focusing more firmly on the domestic level. The 1993 Vienna World Conference on Human Rights marked a turning point for this process as it – among several other developments – represented an institutional shift taken by the international human rights regime that began to prescribe for states more specific organizational structures and processes in the domestic setting. The World Conference called for the establishment of National Human Rights Institutions (NHRIs) and the adoption of National Human Rights Action Plans (NHRAPs).[58]

In its development, *Ranham* in several countries[59] is formed as a demand and manifestation of human rights policies at the national level. *Ranham* is a key element of human rights policy commitments at the national level.[60] Sébastien Lorion asserts that the emergence of *Ranham* is a portrait of global diffusion and national reception, which signifies the meeting of agendas of international institutions and is implemented at the national level.[61] However, according to Sébastien Lorion there is a paradoxical impression that *Ranham*'s emergence in the world is more appearances after 2012 than in the 90s. This is due to pressure from demands for the presence of a universal periodic review (UPR), a mechanism of the UN Human Rights Council based on UN Human Rights Council Resolution 60/251 [62] which applies to all countries.

The UPR mechanism works based on an assessment of the human rights trail of all UN member states to improve the human rights situation and overcome challenges to the enjoyment of human rights. The involvement of many elements, including CSOs and NHRIs, has a major influence on the objectivity of a country's human rights assessment.[63] However, *Ranham*

57 See "World Conference on Human Rights, G.A. Res. 48/121, 48 U.N. GAOR Supp. (No. 49) at 240, U.N. Doc. A/48/49 (1993)." <http://hrlibrary.umn.edu/resolutions/48/121GA1993.html> [accessed 16 October 2022].

58 Steven L.B. Jensen, Stéphanie Lagoutte, and Sébastien Lorion, "The Domestic Institutionalisation of Human Rights: An Introduction," *Nordic Journal of Human Rights*, 37.3 (2019), 165–76 <https://doi.org/10.1080/18918131.2019.1682235>.

59 In several countries have a vary nomenclature of *Ranham*, such as (1) Australia, *National Action Plan on Human Rights*; (2) Latvia, *National Human Rights Action Plan*; (3) Philippines, *National Human Rights Action Plan*; (4) Thailand, *National Human Rights Plans*; (5) Sweden, *National Action Plan for Human Rights*; (6) Finland, *National Action Plan on Fundamental and Human Rights*; (7) Ukraine, *National Human Rights Strategy*; (8) Jordan, *Comprehensive National Plan for Human Rights*; (9) Malaysia, *Pelan Tindakan Hak Asasi Manusia Kebangsaan*, (10) Uzbekistan, *National Strategy on Human Rights*; (11) Turkey, *Action Plan on Human Rights*).

60 Jensen, Lagoutte, and Lorion.

61 Sebastien Lorion, *National Human Rights Action Plans: An Inventory (Part 1: Norm Diffusion and State Practice)*, *SSRN Electronic Journal* (Copenhagen: The Danish Institute for Human Rights, 2022), p. 27 <https://doi.org/10.2139/ssrn.4162829>.

62 See "Resolution Adopted by the General Assembly on 15 March 2006," *Un.Org* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/502/66/PDF/N0550266.pdf?OpenElement.> [accessed 16 October 2022].

63 See *The Universal Periodic Review of Southeast Asia*, ed. by James Gomez and Robin Ramcharan (Thailand: Palgrave Macmillan, 2017), p. 217; See also UPR Indonesia at National Report submitted in accordance

has influenced the birth of sporadic and sectoral human rights policies. It is called sporadic because it is based on the will of a handful of elites, which are not planned and systematic. It is called sectoral because it is limited to a certain scope of authority and scope of application, to mention among them the following:

(1) Ministry of Law and Human Rights, there are:
    1. Ministry of Law and Human Rights Regulation No. 32 of 2016 concerning Guiding of Community Communication Services for Human Rights Issues.
    2. Ministry of Law and Human Rights Regulation No. 3 of 2021 concerning Paralegal.
    3. Ministry of Law and Human Rights Regulation No. 22 of 2021 concerning Criteria for Caring of Human Rights in Districts/Municipalities.
    4. Ministry of Law and Human Rights Regulation No. 2 of 2022 concerning Human Rights-based Public Services.
(2) Minister of Marine Affairs and Fisheries Regulation No. 35/PERMEN-KP/2015 concerning Human Rights System and Certificate in Fishery Businesses.
(3) Chief Police Regulation No. 8 of 2009 concerning Implementation Human Rights Standard in the Field of Police Tasks.

In this context, Hikmahanto Juwana criticizes the development of human rights institutionalization by *Ranham*, which tends to use an elitist approach. This approach is built to be a single actor of human rights implementation by government itself, including local government. In addition, human rights improvement cannot be achieved because the black-letter law does not always reflect the reality. It is even merely a political rhetoric and tends to a conventional approach. [64] After the fall of Soeharto in 1998 and the post-*Reformasi*, it turns out that there has not been a significant development of human rights enforcement. Hikmahanto Juwana states as follows:

> *From 1998–2003, the protection and promotion of human rights in Indonesia did not meet hopeful expectations. The downfall of Soeharto did not free Indonesia from human rights abuses. The efforts of successive administrations to improve the legal framework and to establish institutions have had minimal effect in contributing to the protection and promotion of human rights. ... The conventional top-down approach of governance, improving the legal infrastructure, even establishing new institutions, alone is not a panacea to human rights abuses.* [65]

Paradigmatic gap in human rights [66] in the political design of Indonesian human rights policy is also considered to have bad implications at the level of human rights practice, including the implementation of human rights at the local level. [67] Knut D. Asplund sees the reluctance and even resistance to human rights in Indonesia which is motivated by simplistic thoughts on human rights.[68] The reluctance to obey *Ranham*

with paragraph 5 of the annex to "Human Rights Council Resolution 16/21 (A/HRC/WG.6/27/IDN/1" <https://undocs.org/en/A/HRC/WG.6/27/IDN/>.

64 Hikmahanto Juwana, "Human Rights in Indonesia," in *Human Rights in Asia: A Comparative Legal Study of Twelve Asian Jurisdictions. France and the USA*, ed. by Randall Peerenboom, Caroll J. Petersen, and Albert H.Y. Chen (London and New York: Routledge, 2006), pp. 279–80.

65 Hikmahanto Juwana, "Special Report - Assessing Indonesia's Human Rights Practice in the Post-Soeharto Era," *Singapore Journal of International & Comparative Law*, 7.2 (2003), 644–77 <https://heinonline.org/HOL/Page?handle=hein.journals/singa7&id=652&div=&collection=> [accessed 16 October 2022].

66 Robertus Robet, "Meninjau Kembali Negara Organis; Hak Asasi Dan Demokrasi Pasca-Reformasi Di Indonesia," in *Kultur Hak Asasi Manusia Di Negara Iliberal*, ed. by Robertus Robet and Todung Mulya Lubis (Serang,: Tangsel, 2020), pp. 137–60.

67 See Task Force Pemantauan Ranham, "RANHAM 2004 2009 Dan Rencana Ratifikasi Optional Protocol to the Convention against Torture (CAT) Dalam RANHAM 2004 2009 Dan Perencanaan RANHAM 2010 2014" <https://media.neliti.com/media/publications/424-ID-evaluasi-pelaksanaan-ranham-2004-2009-dan-rencana-ratifikasi-optional-protocol-t.pdf>.

68 Knut D. Asplund, "Resistance To Human Rights In Indonesia: Asian Values And Beyond," *Asia*

lies with the state actors without a stern warning from the authorities that human rights violation must be avoided. *Komnas HAM* provides a report on the development of human rights conditions in Indonesia every year. The police and local government are the main actors whom the public complains about the most for alleged human rights violations. For the last five years development, even the business sector occupies the top three ranks with the National Police and the local government.[69] It is hard to imagine if these three important actors are subject to the interests of corporate tyranny, which is characterized by arrogant, corrupt and against human rights.[70]

Christof Heyns and Frans Viljoen encourage creative efforts at the national level to ensure that human rights legal norms can be internalized into the legal system and domestic culture. The challenge is the ability to use it to build domestic forces, namely domestic constituencies that will ensure its realization at the domestic level.[71] This is important to strengthen the realization and assistance of human rights at the national level. Thus, the *Ranham* mandated in the VDPA is a form of acknowledgment of global acceptance of the importance of understanding and implementing human rights at the national level.

Thus, the construction of *Ranham* is the political direction of national human rights law. *Ranham* compiled with the involvement of all components of policy makers initiated by the government. The politics of national human rights law reflects the determination and commitment of national human rights which becomes the reference and direction of the national policy. This is important to note because the actual implementation of human rights is in the domestic/ national/local area. Julie A. Mertus emphasizes that the domestic level is essential for making human rights matter.[72] The state has the role and modality to strengthen the position, framework, and interaction in the operation of a NHRS. This view is relevant to examining the NHRS that can reveal and assess the reality and complexity of human rights protection. Therefore, according to Stéphanie Lagoutte, the existence of a state infrastructure of the NHRS as a prerequisite for domestic human rights compliance is required while an NHRS is not the solution to the human rights compliance problem.[73]

In enforcing state infrastructure in the operation of the NHRS, Lagoutte emphasizes the importance of continuous interaction and communication process between state actors and non-state actors. Furthermore, Lagoutte encourages testing the workings of the NHRS through step. When investigating how NHRS work in various contexts, the first step is to document and analyze whether the main components of the system are in place and how they work in practice. Lagoutte urges as follow: [74]

Envisaging human rights protection as a system of actors, frameworks and interactions enables us to capture the reality and the complexity of the situation in context, develop a practical

Pacific Journal on Human Rights and the Law, 10.1 (2009), 27–47 <https://doi.org/10.1163/138819009X12589762582538>.

69 It can be accessed at Komnas HAM, "Laporan Tahunan," *Komnas HAM* <https://www.komnasham.go.id/index.php/laporan-tahunan/> [accessed 16 October 2022].

70 Florian Wettstein, "Silence as Complicity: Elements of a Corporate Duty to Speak Out Against the Violation of Human Rights," *Business Ethics Quarterly*, 22.1 (2012), 37–61 <https://doi.org/10.5840/BEQ20122214>; Bruce Kapferer mentions as the oligarchic-corporate state. See Bruce Kapferer, "New Formations of Power, The Oligarchic-Corporate State, and Anthropological Ideological Discourse," *Anthropological Theory*, 5.3 (2005), 285–99 (p. 287) <https://doi.org/10.1177/1463499605055961>.

71 Christof Heyns and Frans Viljoen, "The Impact of the United Nations Human Rights Treaties on the Domestic Level," *Human Rights Quarterly*, 32.3 (2021), 483–535.

72 Julie A. Mertus, *Human Rights Matters: Local Politics and National Human Rights Institutions (Review)* (Stanford: Stanford University Press, 2009), p. 1 <https://doi.org/10.1353/HRQ.0.0090>; See also Jasper Krommendijk, "The Domestic Effectiveness of International Human Rights Monitoring in Established Democracies. The Case of the UN Human Rights Treaty Bodies," *Review of International Organizations*, 10.4 (2015), 489–512 <https://doi.org/10.1007/S11558-015-9213-0/TABLES/3>.

73 Lagoutte.

74 Lagoutte.

generic approach to the various elements in play as well as take part in a normative effort to design better human rights protection and ensure human rights compliance at the domestic level. The notion of system underscores that human rights protection and promotion entail continuous processes of interaction and communication between a complex whole of state and non-state actors within a given legal and policy framework. International and regional human rights mechanisms recognize the existence of a state infrastructure of the NHRS as a prerequisite for domestic human rights compliance.

To strengthen the NHRS, of course, a strong infrastructure modality is needed in the national system. The state needs non-state actors to jointly collaborate and struggle to implement *Ranham*. This requires an open attitude to avoid claims of an elitist approach that tends to be closed and unaccountable while, in fact, *Ranham*'s design is an open and collaborative national model. During the Reform era, unfortunately, the *Ranham* policy as a manifestation of the national human rights policy has not been able to reflect the objective conditions of human rights fulfillment level in Indonesia. Herein lies the difficulty of measuring the achievements of human rights fulfillment during the two decades of reform. Baseline study is not found in the five phases of continuing *Ranham*. Indeed, a comprehensive and accurate baseline study is a key element in any systematic approach to the development of a national action plan.[75]

On the contrary, the baseline study in Australia and Finland *Ranham* was structured in clear and systematic stages through independent assessment. Australia established NAPHR in 1994 and was the first NAPHR in the world. Ten years later, Australia revised the Plan. The second NAPHR in 2004, Australia invited all stakeholders to engage national and international human rights consultations based on the UPR recommendations, including the priorities and the structure to ensure these human rights are implemented.[76] The revised plan resulted in Australia's National Framework for Human Rights; National Action Plan 2005.[77] To strongly manage Australia's commitment to human rights, National Framework was released again based on baseline study in 2010. The Baseline study of the NAPHR was done in 2011. The third NAPHR was launched in 2012 [78] with a modern model of planning. [79]

Finland is one of the twenty member states of the Council of Europe that developed the NAPHR following the adoption of the VDPA in 1993.[80] Finland started forming the name *National Action Plan on Fundamental and Human Rights* (NAPFHR) in 2012-2013.[81] The second term is 2017-2019. The third term of Finnish NAPFHR is 2020-2023 focusing on developing the monitoring of fundamental and human rights. An Independent evaluation through Human Rights Center (HRC) on the first NAFPHR in 2014 including Parliament's recommendation was to develop the national human architecture. The evaluation recommended some observations and preparing to

75 OHCHR, p. 61.

76 Commonwealth of Australia, *National Human Rights Consultation* (BARTON, 2009) <https://alhr.org.au/wp/wp-content/uploads/2018/02/National-Human-Rights-Consultation-Report-2009-copy.pdf> [accessed 17 October 2022].

77 Commonwealth of Australia, *National Framework for Human Rights: National Action Plan 2005* (Canberra: Commonwealth of Australia, 2005) <https://www.ohchr.org/sites/default/files/Documents/Issues/NHRA/Australia-NHRAP2004.pdf>.

78 Commonwealth of Australia, *Australia's National Human Rights Action Plan 2012* (Barton: Commonwealth of Australia, 2012).

79 Azadeh Chalabi, "Australia's National Human Rights Action Plans: Traditional or Modern Model of Planning?," *International Journal of Human Rights*, 20.7 (2016), 993–1017 <https://doi.org/10.1080/13642987.2016.1196191>.

80 Council of Europe, *Workshop on the Implementation and Impact of National Human Rights Action Plans Council of Europe* (Strasbourg, 2017) <https://rm.coe.int/workshop-on-implementation-of-nhraps-conclusions-2017-1-/16809ed829> [accessed 17 October 2022].

81 Ministry of Justice, *National Action Plan on Fundamental and Human Rights 2012-2013* (Helsinki: Ministry of Justice, 2012) <https://www.ohchr.org/sites/default/files/Documents/Issues/NHRA/NAPFinland2012_2013.pdf> [accessed 17 October 2022].

next NAFPHR, as outlined that:

According to the evaluation, the Action Plan increased the visibility of Government human rights activities and brought various actors together to discuss key fundamental and human rights issues on the national level. The evaluation recommended that work within the framework of an action plan be continued during the next Government's term of office. The evaluation did, however, criticize the first Action Plan for its fragmentation and stressed that the next action plan should focus on certain fundamental and human rights themes, which would better promote the realization of rights.[82]

Interestingly, the baseline study on the Finnish NAPFHR took place simultaneously. In 2014[83] HRC launched the baseline study focusing on human rights education and training. [84] This baseline study was produced by the Minister of Education of Finland and then studied regarding democracy and human rights in Finland.[85] Amnesty International criticizes the human rights policy of the Finnish Government in human rights education and training.[86] In 2021, HRC also released the observation on the realization of the second Finnish NAPFHR.[87] To manage the embodiment of human rights in Finland, HRC has authority to design the action plans of human rights including annual report.[88] Dealing with the implementation of NAPFHR, the government of Finland reported its realization of human rights policy. Such a report is available and accessible.[89]

CONCLUSION

The core essence of *Ranham* as an international commitment is the promotion and protection of human rights mandated by the VDPA 1993. *Ranham* is an embodiment of national commitment in the process of conceptualizing, institutionalizing, and implementing human rights at the national level. *Ranham* aims to improve the promotion and protection of human rights and strengthen the national human rights system. Within the framework of realizing the national commitment to human rights, *Ranham* should be prepared jointly by national stakeholders, including elements of the government, CSOs, and NHRIs.

Ranham is a product of the Reform era and is well developed as one of the important national human rights instruments. *Ranham* was launched and implemented based on Presidential regulations/ instructions throughout the two decades of the Reform era. However, all phases of *Ranham* have not been able to become a benchmark for human rights-based approach to development. *Ranham* must be strengthened by the government's open attitude to collaborating with academics, CSOs and NHRIs. The experiences of both Australia and Finland can serve as good models. Through the involvement of civil society and NHRIs in *Ranham*, national infrastructure will be able to strengthen the operation of Indonesia's national human rights system. Parliament should also take this strategic political role to raise national endeavour to monitor, audit and evaluate the

82 Ministry of Justice, *National Action Plan on Fundamental and Human Rights 2017–2019* (Oikeusministeriö, 2017) <https://julkaisut.valtioneuvosto.fi/handle/10024/79849> [accessed 17 October 2022].

83 In 2014, Finnish Government launched the NAP on Business and Human Rights.

84 Human Rights Center, *Human Rights Education in Finland* (Helsinki: HRC, 2014) <https://bin.yhdistysavain.fi/1598743/opkGqIe6r9vlyW0567TH0VGp4k/HR education in FIN_en.pdf_.pdf>.

85 Ministry of Justice, *National Action Plan on Fundamental and Human Rights 2017–2019*, p. 37.

86 Amnesty International, *Finland: Insufficient Protection of Human Rights* (London: Amnesty International, 2016), p. 11.

87 Human Rights Center, *Realisation of Fundamental and Human Rights in Finland; Observations from 2019* (Helsinki: HRC, 2021) <https://bin.yhdistysavain.fi/1598743/qZ1gKqJJSAtsJ3az47cR0X6SYK/Realisation of Fundamental and Human Rights in Finland - 2019.pdf>.

88 Human Rights Centre, "Annual Reports of the Human Rights Centre," *Https://Www.Humanrightscentre.Fi/* <https://www.humanrightscentre.fi/publications/action-plans-and-annual-reports/> [accessed 17 October 2022].

89 Finnish Government, *Government of Finland Report on Human Rights Policy* (Helsinki: Finnish Government, 2022) <www.pefc.fi> [accessed 17 October 2022].

development and achievements of *Ranham* Indonesia.

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