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Jurnal HAM is a nationally accredited journal publishing manuscripts in the field of human rights. Over a decade, Jurnal HAM has been the leading scientific publication in Indonesia focusing on human rights studies. It encompasses rights-oriented analysis, law and policy debates, case studies and other empirical findings related to human rights and freedom, theoretical views of human rights, and diverse methods in human rights study. It welcomes studies from various disciplines and approaches that raise awareness toward marginalized and underrepresented minority groups in Indonesia and beyond. All editorial/review policies and processes are committed to inclusivity.

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Foreword

Praise be to Allah SWT, whose grace and guidance have enabled us to publish Jurnal HAM Vol. 16 No. 3, August 2025. In this edition, we are proud to present a diverse collection of scholarly contributions that interrogate urgent human rights questions across local, regional, and international contexts. This volume continues our commitment to publishing peer-reviewed, interdisciplinary research that expands our understanding of justice, dignity, and the evolving challenges of rights protection in an era of social fragmentation and institutional transition.

This volume features five articles that collectively explore how rights are negotiated, constrained, and reimagined across diverse legal and social settings. One contribution examines European bans on face coverings, critically assessing how the rhetoric of "living together" has been deployed to justify restrictions on freedom of religion and belief, often at the expense of minority rights. Another article turns to the healthcare sector, analysing the deployment of artificial intelligence and its implications for equitable access in rural and underdeveloped areas, while offering pathways toward non-discriminatory and inclusive innovation.

The dynamics of prejudice and democratic erosion are further explored through a study on Islamophobia in Western democratic societies, which reveals how hate-driven political narratives and institutional practices reshape public policy, surveillance, and social exclusion. From Indonesia, an empirical and autoethnographic study foregrounds the voices of persons with disabilities and their parents, highlighting how digital platforms—particularly social media—can function as powerful tools for communicating and advancing disability rights in education and healthcare. Completing this edition, a doctrinal analysis on human rights and biosecurity in international law advocates for a holistic framework that integrates public health, environmental protection, and human dignity, especially in the face of global biological threats.

Taken together, the articles in this issue underscore a central theme: human rights are increasingly tested at the intersection of law, technology, identity, and governance, demanding constant critical engagement and context-sensitive legal responses. These reflections resonate strongly with Indonesia's ongoing efforts to strengthen democratic institutions and ensure inclusive citizenship amid rapid social and technological transformation, where public discourse grows more contested and policy choices more complex. In such a landscape, human rights must continue to function as a moral and legal compass, ensuring that progress does not come at the expense of equality, participation, and justice.

In addition, this edition marks an important institutional transition for Jurnal HAM. During 2025, the journal has undergone a migration from its former website https://ejournal.balitbangham.go.id/index.php/ham/ to its new platform at https://lawpolicyjournal.id/index.php/ham/index. We kindly inform our readers, authors, and reviewers that the previous website will be permanently deactivated as of 1 January 2026. We encourage all users to access and cite Jurnal HAM exclusively through the new platform moving forward, ensuring continuity, accessibility, and improved publication services.

Finally, we would like to extend our sincere gratitude to the Head of the Legal Policy Strategy Agency, Ministry of Law of the Republic of Indonesia, for his continued support in the publication of Jurnal HAM. We also express our heartfelt thanks to the authors and reviewers whose dedication and expertise enrich this journal and broaden the scope of human rights scholarship. Their work proves, once again, that the pen is mightier than the sword in the ongoing pursuit of justice and dignity for all.

We hope that this volume inspires further research, dialogue, and advocacy toward a more just and inclusive society.

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Enjoy Reading!
-Editorial Board-

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Fahurdeen Sajeed Ahamed ***(Attorney at Law, Sri Lanka)***

'Living Together' or Freedom of Religion and Belief: Ban on Face Covers by European States

Jurnal HAM, Volume 16, Number 3, December 2025, page 165-176

Many European States introduced general or specific bans on face covers and religious symbols in public schools, universities and public places. The ban on religious symbols and face covers in public places and educational institutions has escalated the tensions, disbelief and mistrust between adherents of different religions and beliefs. This paper applies a doctrinal legal research methodology mixed with desk research, analyzing international human rights instruments and important landmark judicial precedents to assess the legal scope and limitations on freedom of religion and belief and its consequences. Although limitations to freedom of religion and belief are permitted in human rights law, European States justified the limitations on the basis of 'living together' contrary to the provisions of the International Covenant on Civil and Political Rights. The acceptance of the conditionality of 'living together' by the European Court of Human Rights set a disturbing precedent and it is applied in different societies in enforcing the majoritarian view and undermining the rights of minorities. Although the Human Rights Committee determined that Article 18(3) of the International Covenant on Civil and Political Rights must be strictly interpreted and the term 'living together' is a vague concept and made recommendations, the European State parties have not taken any action to implement the recommendations. Since the Human Rights Committee has no power to enforce the recommendations, the mere essence of the treaty is negated, and it provides a dangerous precedent for other States around the globe to follow introducing limitations on the freedom of religion and belief.

Keywords: European; face cover; freedom; living together; religion

Ris Heskiel Najogi Sitinjak, Silvi Angelia May Purba, Salma Majidah, Natasya Anggraeni Azis ***(Community Health Data Improvement Program (CHIP), Indonesia; Institute for Global Health, University College London, United Kingdom; Faculty of Medicine, Riau University, Indonesia; Arifin Achmad General Hospital, Indonesia)***

Towards a Non-Discriminatory Artificial Intelligence in Healthcare: Ensuring Equal Access and Utilization for Rural and Underdeveloped Areas

Jurnal HAM, Volume 16, Number 3, December 2025, page 177-196

The enjoyment of the highest attainable standard of health is one of the fundamental human rights. Artificial Intelligence (AI) is a ground-breaking innovation with huge potential to accelerate multisectoral progress, including in healthcare. Yet, its reliance on data availability, governance structures, infrastructure, and technical expertise can perpetuate biases against underrepresented communities and exacerbate existing inequalities. This paper explores strategies to develop a just, inclusive, and humane AI framework that enhances healthcare services while ensuring equal access and utilization for people in rural and underdeveloped areas (RUAs). A narrative review was conducted through targeted searches in scientific databases and verified sources from April to June 2024 using relevant keywords such as "health as a human right," "AI and health," "AI in rural areas," "AI and inequality," "rural development," and "AI and social determinants of health,". The review highlights the profound impact of AI on RUA residents, who are disproportionately marginalized by the interplay of spatial and socioeconomic limitations. These challenges are amplified by uneven technological progress and the demand for specialized skills across different regions. Health data equity for RUAs could be enhanced by promoting social innovation, together with active community participation and human capital development. In this context, targeted training initiatives and coordinated efforts among educational institutions, employers, healthcare facilities, and labor unions can empower workers in RUAs to engage with evolving AI-driven systems. Ultimately, ideal and unbiased AI should safeguard health as a human right by ensuring inclusivity and non-discriminatory frameworks, becoming sustainable in its respective communities, and upholding ethical conduct.

Keywords: artificial intelligence, social determinants of health, rural and underdeveloped areas, marginalization, equity in development

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Sumant Kumar ***(Alliance School of Liberal Arts, Alliance University, Bangalore)***

Prejudice, Politics, and Islamophobia: How Hatred Reshapes Democratic Societies

Jurnal HAM, Volume 16, Number 3, December 2025, page 197-210

In the past few years, there has been an extensive rise in Islamophobia-related cases in Western democratic countries. This study, through the lens of prejudice theory, explores the factors that have increased pervasive hatred toward Muslim community, due to social fragmentation, political polarization and hate-motivated speeches initiated by the political parties and state. The hatred in a democratic society is the result of political narratives which later reshaping policy to target Muslim minority. The research aims to analyze and examine how deep-rooted bias against the Muslim communities through institutional, ideological and political hatreds continues shaping public, state, and media perception to discriminate from the main society. This study has applied qualitative content analysis to understand the increasing pattern of hate-motivated crimes. The objective behind the study is to trace historical and present narratives through hate speeches that fuel anti-Muslim sentiment, including how terrorism is linked with security threat, which reinforce prejudice against the Muslim community. This study, with the help of prejudice approach, explains that what are the factors and circumstances that make political parties and the state to increase their hatred towards the Muslim community through hate speeches which promote islamophobia in society. The findings of this study explore that the hatred through political speeches not only fragmented the Muslim minority from the mainstream society but also discriminatory changes in the policy, legitimizing the activity. The hatred in the democratic countries has increased criminal activities, surveillance, exclusion from society, and institutional biases.

Keywords: islamophobia; democracy; hatred; Europe; prejudice theory

Muhammad Novsyaroni Umar ***(Discipline of Media and Communications, University of Sydney, Australia)***

Communicating Disability Health and Education Rights: Stories from People with Disabilities and Parents in Indonesia

Jurnal HAM, Volume 16, Number 3, December 2025, page 211-234

Indonesians with disabilities experience socio-cultural problems that result in disparities in disability rights fulfilment, particularly in accessing equal education and healthcare. In response to such problems, disability activism has been undertaken, and nowadays is increasingly mediated by social media, specifically Instagram. This study intends to shine a light on individual and parental perspectives in communicating disability rights, drawing on the co-cultural communication theory, which classifies people with disabilities as a non-dominant group in society. Diverse disability stakeholders including people with disabilities and parents of children with disabilities participated in focus group discussions and semi-structured formal and informal interviews. Using digital autoethnographic methods, qualitative content analysis was also employed to examine their Instagram content on disability topics. This study focuses on how participants raise awareness of disability inclusion and communicate disability rights within the domain of education and healthcare. This study also emphasizes the efficacy of Instagram in mediating disability rights activism in Indonesia and its impact on the participants and their disability communities. The results show that while the assertive accommodation and non-assertive assimilation strategies are applicable in offline and online settings, the non-assertive accommodation strategy is particularly prevalent in enhancing digital disability representation. These collective actions contribute to advancing the fulfilment of those rights.

Keywords: disability; disability rights; parents of disability; Instagram

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Integrating Human Rights and Biosecurity in International Law: Toward a Holistic Framework

Jurnal HAM, Volume 16, Number 3, December 2025, page 235-250

Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) states the right to health as a fundamental human right. It emphasizes that healthcare should be available, accessible, acceptable, and of high quality for all individualsThe COVID-19 pandemic broadened the focus while highlighting the necessity of integrating biosecurity—including plant, animal, and human health—with a comprehensive One Health strategy within the framework of human rights.This doctrinal research examines key international agreements and organizations that govern biosecurity, biosafety, and the prohibition of biological weapons. It aims its integration with the right to health. The study finds that international public health and biosecurity regimes are fragmented, often leading to inconsistency in policy implementation The major international agreements and institutions that control biosecurity, biosafety, and the ban on biological weapons are examined in this doctrinal study. It seeks to integrate the right to health. According to the findings, fragmented international public health and biosecurity regimes frequently result in inconsistent policy implementation.

This article introduces a unified policy model that aligns biosecurity governance with the right to health, peace, and sustainable innovation. The integrative approach protects human health and biodiversity from a range of biological threats, offering new insights to the field.

Keywords: biosecurity; human rights; international collaboration; public health; right to health

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Lembar Abstrak ini Disalin Tanpa Izin dan Biaya

Fahurdeen Sajeed Ahamed ***(Attorney at Law, Sri Lanka)***

'Hidup Bersama' atau Kebebasan Beragama dan Berkeyakinan: Larangan Penggunaan Penutup Wajah di Negara-Negara Eropa

Jurnal HAM, Volume 16, Nomor 3, Desember 2025, hal. 165-176

Negara-negara Eropa memperkenalkan larangan umum atau khusus pada penggunaan penutup wajah dan simbol keagamaan di sekolah umum, universitas, dan tempat-tempat umum. Larangan penggunaan simbol keagamaan dan penutup wajah di tempat-tempat umum dan lembaga pendidikan telah meningkatkan ketegangan, dan ketidakpercayaan antara penganut agama dan kepercayaan yang berbeda. Artikel ini menerapkan metodologi penelitian hukum doktrinal yang dilengkapi dengan kajian pustaka, menganalisis instrumen-instrumen hak asasi manusia internasional dan preseden-preseden peradilan penting untuk menilai ruang lingkup hukum dan pembatasan kebebasan beragama dan berkeyakinan serta konsekuensinya. Meskipun pembatasan kebebasan beragama dan berkeyakinan diizinkan dalam hukum hak asasi manusia, Negara-Negara Eropa membenarkan pembatasan tersebut atas dasar 'hidup bersama' yang bertentangan dengan ketentuan Kovenan Internasional tentang Hak-Hak Sipil dan Politik. Penerimaan persyaratan 'hidup bersama' oleh Pengadilan Hak Asasi Manusia Eropa menetapkan preseden yang mengganggu dan diterapkan di berbagai Masyarakat dalam menegakkan pandangan mayoritas dan merongrong hak-hak minoritas. Meskipun Komite Hak Asasi Manusia menetapkan bahwa Pasal 18(3) Kovenan Internasional tentang Hak-Hak Sipil dan Politik harus ditafsirkan secara ketat dan istilah 'hidup bersama' merupakan konsep yang samar serta telah memberikan rekomendasi, Negara-Negara Eropa belum mengambil tindakan apa pun untuk mengimplementasikan rekomendasi tersebut. Karena Komite Hak Asasi Manusia tidak memiliki wewenang untuk menegakkan rekomendasi tersebut, esensi perjanjian tersebut menjadi tidak berlaku dan menjadi preseden berbahaya bagi negara-negara lain di seluruh dunia untuk menerapkan pembatasan kebebasan beragama dan berkeyakinan.

Kata Kunci: Eropa; penutup wajah; kebebasan; hidup bersama; agama

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Menuju Kecerdasan Buatan yang Non-Diskriminatif dalam Layanan Kesehatan: Memastikan Akses dan Pemanfaatan yang Setara bagi Wilayah Perdesaan dan Tertinggal

Jurnal HAM, Volume 16, Nomor 3, Desember 2025, hal. 177-196

Hak untuk menikmati derajat kesehatan setinggi-tingginya merupakan salah satu hak asasi manusia yang paling mendasar. Kecerdasan buatan (artificial intelligence/AI) merupakan inovasi revolusioner dengan potensi besar untuk mempercepat kemajuan lintas sektor, termasuk dalam bidang kesehatan. Namun demikian, ketergantungan AI terhadap ketersediaan data, tata kelola, infrastruktur, serta kapasitas teknis berpotensi melanggengkan bias terhadap kelompok yang kurang terwakili dan memperdalam kesenjangan yang telah ada. Tulisan ini membahas berbagai strategi untuk membangun kerangka kerja AI yang adil, inklusif, dan berorientasi kemanusiaan, yang tidak hanya meningkatkan mutu layanan kesehatan, tetapi juga menjamin kesetaraan akses dan pemanfaatan bagi masyarakat di wilayah perdesaan dan tertinggal (rural and underdeveloped areas/RUAs). Kajian ini menggunakan pendekatan tinjauan naratif melalui pencarian terarah pada basis data ilmiah dan sumber-sumber tepercaya dari April hingga Juni 2024, dengan kata kunci seperti "kesehatan sebagai hak asasi manusia", "AI dan kesehatan", "AI di wilayah pedesaan", "AI dan ketimpangan", "pembangunan pedesaan", serta "AI dan determinan sosial kesehatan". Hasil tinjauan menunjukkan bahwa pengaruh AI terhadap masyarakat di RUAs sangat luas, di mana mereka kerap mengalami marginalisasi akibat keterbatasan spasial dan sosial ekonomi. Kondisi ini semakin diperparah oleh ketimpangan perkembangan teknologi dan kebutuhan akan keterampilan khusus di berbagai wilayah. Peningkatan kesetaraan data kesehatan di RUAs dapat dicapai melalui penguatan inovasi sosial yang disertai partisipasi aktif masyarakat dan pengembangan kapasitas sumber daya manusia. Dalam konteks ini, program pelatihan yang terarah serta kolaborasi antara lembaga pendidikan, penyedia layanan kesehatan, dunia kerja, dan serikat pekerja menjadi kunci untuk memberdayakan tenaga kerja di RUAs agar mampu beradaptasi dengan sistem kesehatan berbasis AI yang terus berkembang. Pada akhirnya, AI yang ideal dan bebas bias harus menjamin hak atas kesehatan melalui penerapan prinsip inklusivitas dan non-diskriminasi, keberlanjutan di tingkat komunitas, serta kepatuhan terhadap nilai-nilai etika.

Kata Kunci: kecerdasan buatan, determinan sosial kesehatan, wilayah pedesaan dan tertinggal, marginalisasi, kesetaraan pembangunan

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Sumant Kumar ***(Alliance School of Liberal Arts, Alliance University, Bangalore)***

Prasangka, Politik, and Islamofobia: Bagaimana Kebencian Membentuk Ulang Masyarakat Demokratis

Jurnal HAM, Volume 16, Nomor 3, Desember 2025, hal. 197-210

Dalam beberapa tahun terakhir, terjadi peningkatan kasus Islamofobia yang signifikan di negara-negara demokrasi Barat. Studi ini, melalui sudut pandang teori prasangka, mengeksplorasi faktor-faktor yang meningkatkan kebencian terhadap komunitas Muslim, akibat framentasi sosial, polarisasi politik, ujaran bermotif kebencian yang digerakkan oleh partai politik dan negara. Perubahan ini dihasilkan melalui narasi politik yang kemudian membentuk ulang kebijakan untuk menyasarminoritas Muslim. Penelitian ini bertujuan untuk menganalisis dan mengkaji bagaimana bias yang telah mengakar terhadap komunitas Muslim, melalui kebencian institusional, ideologis, maupun politis, terus menerus membentuk persepsi public, negara, dan media sehingga memisahkan mereka dari masyarakat utama. Studi ini menerapkan analisis knten kualitatif untuk memahami pola peningkatan kejahatan yang bermomtif kebencian Tujuan utamanya Adalah untuk menelusuri narasi historis dan kontemporer dalam ujaran kebencian yang memicu sentiment anti-Muslim, termasuk bagaimana terorisme dikaitkan dengan ancaman keamanan yang memperkuat prasangka terhadap komunitas Muslim. Dengan menggunakan pendekatan prasangka, studi ini menjelaskan faktor dan kondisi yang mendorong partai politik dan negara untuk meningkatkan kebencian mereka terhadap komunitas Muslim melalui ujaran kebencian yang memperkuat islamophobia di masyarakat. Temuan studi ini mengeksplorasi bahwa kebencian melalui ujaran tidak hanya memecah belah minoritas Muslim dari Masyarakat umum, tetapi juga mendorong Perubahan kebijakan yang bersifat diskriminatif, yang melegitimasi praktik-praktik tersebut. Kebencian yang tumbuh di negara-negara demokratis telah meningkatkan tindakan criminal, pengawasan berlebihan, eksklusi sosial, serta bias institusional.

Kata Kunci: islamofobia; demokrasi; kebencian; Eropa; teori prasangka

Muhammad Novsyaroni Umar ***(Discipline of Media and Communications, University of Sydney, Australia)***

Mengomunikasikan Hak Kesehatan dan Pendidikan Disabilitas: Kisah dari Penyandang Disabilitas dan Orang Tua Anak Disabilitas di Indonesia

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Penyandang disabilitas di Indonesia mengalami permasalahan sosial budaya yang mengakibatkan kesenjangan dalam pemenuhan hak-hak disabilitas, terutama akses terhadap pendidikan dan layanan kesehatan yang setara. Menanggapi permasalahan tersebut, aktivisme disabilitas terus berkembang, dan saat ini dimediasi oleh media sosial, khususnya Instagram. Studi ini bertujuan untuk menyoroti perspektif individu dan orang tua dalam mengomunikasikan hak-hak disabilitas, dengan mengacu pada teori komunikasi co-cultural, yang mengklasifikasikan penyandang disabilitas sebagai kelompok non-dominan dalam masyarakat. Berbagai pemangku kepentingan disabilitas, termasuk penyandang disabilitas dan orang tua dari anak penyandang disabilitas, berpartisipasi dalam focus group discussion serta wawancara formal dan informal semi-terstruktur. Dengan menggunakan metode autoetnografi digital, analisis konten kualitatif juga digunakan untuk mengkaji konten Instagram mereka tentang topik-topik disabilitas. Studi ini berfokus pada bagaimana partisipan meningkatkan kesadaran akan inklusi disabilitas dan mengomunikasikan hak-hak disabilitas pada ranah pendidikan dan layanan kesehatan. Studi ini juga menekankan efektivitas Instagram dalam memediasi aktivisme hak-hak disabilitas di Indonesia dan dampaknya terhadap para partisipan dan komunitas disabilitas mereka. Hasil penelitian menunjukkan bahwa meskipun strategi akomodasi asertif dan asimilasi non-asertif dapat diterapkan baik di lingkungan luring maupun daring, strategi akomodasi non-asertif khususnya dominan dalam meningkatkan representasi disabilitas dalam ruang digital. Tindakan kolektif ini berkontribusi dalam meningkatkan pemenuhan hak-hak disabilitas.

Kata Kunci: disabilitas; hak disabilitas; orang tua penyandang disabilitas; Instagram

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Kata Kunci bersumber dari Artikel.
Lembar Abstrak ini Disalin Tanpa Izin dan Biaya

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Mengintegrasikan Hak Asasi Manusia dan Biosekuriti dalam Hukum Internasional: Menuju Kerangka yang Holistik

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Pasal 12 Kovenan Internasional tentang Hak-Hak Ekonomi, Sosial, dan Budaya (ICESCR) menyatakan hak atas kesehatan sebagai hak asasi manusia yang fundamental. Pasal ini menegaskan bahwa layanan kesehatan harus tersedia, dapat diakses, diterima, serta memiliki kualitas tinggi bagi setiap individu. Pandemi COVID-19 memperluas cakupannya sekaligus menekankan perlunya mengintegrasikan biosekuriti, yang meliputi kesehatan manusia, hewan, dan tumbuhan, ke dalam kerangka hak atas kesehatan melalui pendekatan holistik One Health. Penelitian doktrinal ini mengkaji perjanjian dan organisasi internasional utama yang mengatur biosekuriti, biosafety, serta pelarangan senjata biologis. Tujuannya adalah untuk mengintegrasikannya dengan hak atas kesehatan. Studi ini menemukan bahwa rezim kesehatan masyarakat dan biosecuriti internasional masih terfragmentasi, yang menimbulkan inkonsistensi dalam implementasi kebijakan. Melalui analisis sistematis terhadap kerangka hukum, terlihat bahwa bahwa pemuatan langkah-langkah biosekuriti dalam kewajiban hak asasi manusia dapat meningkatkan koherensi kebijakan, memperkuat perlindungan kesehatan lintas negara, dan meningkatkan akuntabilitas negara baik terhadap standar nasional maupun internasional. Artikel ini memperkenalkan model kebijakan terpadu yang menyelaraskan tata kelola biosekuriti dengan hak atas kesehatan, perdamaian, dan inovasi berkelanjutan. Pendekatan integratif ini melindungi kesehatan manusia dan keanekaragaman hayati dari berbagai ancaman biologis, serta menawarkan wawasan baru bagi bidang tersebut.

Kata Kunci: biosekuriti; hak asasi manusia; kolaborasi internasional; kesehatan masyarakat; hak atas kesehatan