

IMPORTANCE OF IMPLEMENTATION AND ENFORCEMENT OF HUMAN RIGHTS IN INDONESIA NOW

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Abstract

There are still many human rights violations in Indonesia, starting from the lightest to the most serious in the implementation of human rights, and there is no mechanism for handling these human rights. From this research using literature review which aims to learn from existing references to understand the meaning of human rights and apply the values of Pancasila which contain the values of civilized human principles because they are the enforcement of human rights in civic life so that students can appreciate it more. the rights of everyone by not violating human rights. This human right has the power of fundamental or fundamental power. Currently, there are violation cases that have occurred because many people still do not understand the violation cases so that it is easier for people to violate the rights of others. Protection and maintenance of human rights within a national institutional framework is established in an institution such as the Indonesian Child Protection Commission (KPAI), the National Commission for Women (Komnas Perempuan), the National Commission on Human Rights (Komnas HAM), and the Truth and Reconciliation Commission (KKR), was dissolved because the KKR might not be responsible and did not carry out its function properly. Currently, human rights law enforcement is carried out specifically through the judiciary, whose Human Rights Courts target serious human rights courts, and which have the authority to test the 1945 Constitution, namely the constitutional court. These rights are largely upheld by the Constitutional Court, and many unlawful decisions have been made. This decision has strategic value, so that it can protect the human rights of citizens.

Keywords: the importance of human rights, state institutions, enforcement

INTRODUCTION

Rights and obligations are inherent in humans because humans are born on earth and in his life will continue to be carried away by the inherent natural rights. State agencies have mandated to uphold and protect human rights. Protection against HAM mandated in constitution 1945, right basic man not yet of course guaranteed and protected, here role Public very needed, especially institution country. Actually, the implementation of human rights is not only an agency's obligation executor (government) as organizer government national based on Chapter 28I paragraph (4). However, the meaning of the amendment to the 1945 Constitution gave birth to an Ad Hoc¹ institution consisting of: from legal and judicial institutions, in Indonesia, human rights protection is very important here play a role important. Besides that, moment this in progress usually body Justice in practice enforce HAM. On moment MK submit test Theory Constitution the, there is a number of decision judicial, that is wrong the only one growth contemporary will becomes gate of security rights man.

Problem universal of human rights which seems likely to be wasted. In every country implementation right basic man Whereas the truth man same just. right basic man has cause existence consequence from obligation man, where obligation humans are equal and become one unit. If you ignore one of the human rights now this will result in violation HAM other. Violation HAM in Indonesia still many, started from which most light until most heavy in implementation of human rights, and there is no mechanism for handling these human rights, in general its development and law enforcement has recently begun to show progress. With the regulation of human rights law, there will be signs of progress through laws and regulations and the establishment of a Human Rights Court to address violation human rights so that can be resolved.

Public still many which no knowing rights what just which will becomes his, wrong the only one which must fulfilled is his obligations, right basic humans are still neglected. A civilized and sovereign country is a country capable of upholding and protecting the rights of every citizen. Facing so a lot problem and violation HAM, because part big Public Indonesia on generally not enough understand his rights, country our must permanent revitalize paradigm HAM.

Understanding of the human rights of the Indonesian people is very important to be instilled in all Indonesian society. Basically, human rights are gifts from God great One and already there is in self man, which character universal, eternal, as well as nature, that also will relate with which her name dignity and dignity man. Confess and respecting everyone is a must and don't make a difference because only difference religion, ethnic group, race, status social, Language area and which other. Nation Indonesiarealize that human rights are history, and these human rights are embodiment which will Keep going develop for life nation, patriotic, and socialize. The protection of human rights has been regulated in Law No 39 on human rights for the protection of human rights itself because of protection law is needed in the importance of human rights for all Indonesian people. The People's Deliberation decided in ST to include the provisions of the Human Rights Amendment 2001 in amendment third constitution 1945, or enter provision the in profitability. It more respected and applied in Indonesia.

There is a violation of the law that is violated by many people, of course must there is enforcement law so that perpetrator which to do the deterrent. Komnas HAM has to do investigation and result that in the case law violation which most big in Indonesia is existence movement G30SPKI which kill amount office TNI by the PKI. According to the latest data found by Komnas HAM in in 2012 it was estimated that the number of victims killed and died was almost 1.5 million people even more. There are still many violations of human rights law and deviation but in Indonesia has several institutions in charge of enforce and regulate human rights law. One of these institutions is Justice HAM and Commission National HAM (Komnas HAM). Though has existence institution which set about enforcement HAM, however Public must follow as well as in enforcement HAM in Indonesia because really important, because they are which determine how is human rights law enforced and there is behavior that respects rights basic man or precisely keep g and harmful many persons.

According to John Locke's understanding of Right human rights are rights that comes from God's gift to mankind as a right that occurs naturally experience. Therefore, no one can take away the power of this world. Nature of Rights basic man this is very sacred and fundamental. Definition of Human Rights According to Jan Materson, who is a member of commission right basic man in union Nation Nation (UN). According to him, each each man certain have right and obligation and impossible man life without Thing the. According to Miriam Budiarmo, Human Rights are rights that are enjoyed by everyone human beings in the world since they were born. Rights have a universal character, because on basic rights are the same or do not have difference. According to professor Koentjoro Poerbopranoto, human rights are rights and have rights fundamental or fundamental nature. Rights will be according to their nature so that can not separate.

METHOD

This research uses the library review method with several case studies for knowing implementation enforcement rights man which still not enough carried out. In this discussion, it is still about the importance of upholding and implementing human rights man which where still many cases which occur that is Violation right basic man in various region. Thing this proven that enforcement and implementation right basic man this completely not done well because it is still One of the new ones occurred, namely violence against residents that caused injuries in the Manggarai area West, NTT and still many more cases. Data This is obtained from sources trusted for accuracy such as electronic books, scientific journals, scientific articles and other websites. This research is also analyzed by comparing several journals on human rights man with topic enforcement rights man.

RESULTS AND DISCUSSION

Country law which look up tall justice that is Indonesia and also certainty law for whole its people. Function law that is for put in order Public so that every person could run his obligations with good as well as get his rights. Enforcement Law is a process carried out to enforce and enable legal norms back in the guide behavior on traffic

or relations in the life of the state and society. Law must be enforced because the values contained in it are very important for welfare Public.

A group of people, whether intentional or unintentional, including acts that conducted state officials/institutions, whether intentional or unintentional or negligent, will reduce, obstruct, limit, and remove person or group which protected by law is a violation of human rights. Violation HAM this there is two form that is violation light and violation heavy. Prosecution for human rights violations not only to the community but to state officials or state government and actions for violators are carried out by state apparatus, prosecution in the form of investigation, prosecution, and as well as the judge to para perpetrator human rights violations. The prosecution process must be fair because the human rights court is special court for human rights violators.

In Indonesia, many human rights are violated by the government regime, among others, other:

"Namely, the mass killings carried out by the G-30SPKI in From 1965 to 1966, in the events of September 30, 1965, many generals were killed. then The Communist Party was accused by the New Order government of being the culprit. After that, many organizations were dissolved by the government at that time as well as holding raids on sympathizers called the PKI purge operation. It has been estimated 3 million person dead on moment that by komnas HAM. Exiled thousand person, and millions people had to live under "PKI stamps" for years. Currently The case is still being handled by the Attorney General's Office, but the handling is slow. On In 2013, the Attorney General's Office returned the document to Komnas HAM with reason no in full data the. Kidnapping and mysterious murder known with Peter."

Mystery murder of "Peter" (also known as "Peter"), also known as mysterious shooting "surgical disease", is an operation carried out in secret which aims to reduce high crime rates such as homicide, arrest of people accused of disturbing public order and security in region Java and Jakarta, operation that conducted by president Suharto. Lots victim From this heinous act, in 1983 532 people were killed some people died from gunshots. Then one year later it was found shooting victims totaling 107 victims, the following year there were also more victims which ate 74 people with gunshot wounds. Some of the victims were placed on the spot unfit such as roadsides, forests, some are thrown into rivers and bagged in front his own house. Moment that perpetrator of incident the not yet is known, haven't been caught, and not tried.

In Language English and French, Right basic Man (HAM) which means right basic man this is perception normative as well as law. They show that in the self man already there is which attached that is right. In Right basic man, every person have roles regardless of region, language, and religion, are so universal. In principle Human rights cannot be separated, and cannot be separated and linked to each other other each other dependency will but HAM have branch knowledge alone for study it.

In human rights there are protection/enforcement, legal institutions and laws and regulations relating to human rights must be more be improved again, by conducting an inventory, evaluating and reviewing all rights human rights, the Criminal Procedure Code, the Criminal Code, and must develop the capacity of the judiciary and Justice other as well as agency related, protection right basic man need communicated the importance of human rights to the wider community and expected can cooperate in all aspects and levels of society in terms of protection social law.

Such that has been stated in Law Number 39 of 1999, Human Rights is right basic man already there is in herself as well as every person must respect it (including those who have

positions or important people). According to the law, with the existence of human rights serves to provide moral strength to protect and ensure dignity man, no based on condition, Desire or desire political certain. In the laws and regulations of the Republic of Indonesia, there are at least one regulation that contains human rights regulations, the first is the law basis (the State Constitution), and the second is the provisions of the MPR (TAP MPR), such as regulations legislation government, presidential decree and implementing regulations other.

In Indonesia Enforcement and protection regarding maintenance and protection Human rights are very important and also beneficial for society, because of the dignity and worth of people dignity personal completely certain relate close with right basic man. In Indonesiaclosely related to the formation of Pancasila in Indonesia. In Indonesia Human Rights Humans are highly respected because they are part of the characteristics of Indonesia and because the rule of law will always exist and uphold the dignity of the people.

By because that, in Indonesia implementation and protection right basic man very valued and maintained. On November 6, 2000, Indonesia is progressing in implementation and protection of human rights, then the People's Democratic Republic passed Law Number 1 on November 23, 2000. On June 26 2000, the Court of Human Rights (HAM) is involved. In this law is the basis the existence of a human rights court that has the power to deal with serious human rights violations the perpetrator will be prosecuted. Some of these special features or settings are set in a law that is very different from the Criminal Procedure Act, starting from the Komnas HAM investigations up to the composition of the panel of judges that differs from the court normal. From five people this consist from composition judge which oblige three person of them is judge ad hoc. Enforcement right basic man set in Constitution number 39 of 1999. In law number 39 of 1999 there are basic rights humans described in detail in Chapter III entitled HAM and base freedom basic human in chapters 9-66.

Besides Constitution which Becomes determinant enforcement right basic man , Decision Court Constitution could influence implementation enforcement right basic man, Among them, namely, concerning the General Election of Members of the People's Representative Council there is in decision Number 12 Year 2003 , About Test Constitution Number 12 Year 2003 there is in decision Number 011-017 / PUU-VIII / 2003, Board Regional Representatives, and the House of Representatives. Number 55 / PUUVIII / 2010 About Review of Decisions on Plantations Regarding Plantations Law Number 18 of 2004, Decree Number 55 27 / PUUIX / of 2011, concerning Testing Constitution Number 13 Year 2003, DPRD 13-20 / PUU-VIII / 2010 About Test Constitution Number 16 years 2004 Prosecutor's Office of the Republic of Indonesia.

Form realization from Pancasila please humanity which civilized is enforcement human rights that provide equal treatment and dignity to all Indonesian people without exception, regardless of their rank, skin color, what his religion, and still many again. Thing the including to in principle Bhineka singlefish which where different different but one anyway. By upholding the rights basic humans can strengthening the character of the nation as an important factor in upholding human rights in Indonesia with values please Pancasila. If examined more more deeply about human rights Humans can be reflected in every amount the values of the precepts of Pancasila. Starting from freedom to embrace religion, the right to get respect from other human beings, the right to to participate in uniting the nation, the right to freedom of expression and also the right to justice without exception. Chaos will happen everywhere If the enforcement of human rights law in Indonesia is not enforced, and humanity must upheld tall by nation Indonesia as well as must permanent there is.

CONCLUSIONS

Human rights are rights that already exist in every human being it is a natural gift because it is a gift from God Almighty, every individual must always respect and protect it, that also applies to state government without exception. Many people do not know the rights that will be belongs to him, one of his obligations must be fulfilled, many people are still neglected as a human right. In the human rights of the Indonesian people, it is very important instilled in all Indonesian people, especially in the aspect of understanding. In Indonesia, the maintenance and protection of human rights is very useful and important for every human being, because human rights related with dignity and dignity personal fully. Right basic man this related with Formation Pancasila in Indonesia as stated in the second principle. One of the characteristics of the rule of law In Indonesia, these are human rights which are highly upheld because they are always guard dignity and dignity nation Indonesia. If law HAM Indonesia no established, will occur chaos every where. By because that, enforcement and human rights protection in Indonesia must guarded and upheld tall.

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