



Book Review

How to uphold a Human Right in the World and Indonesia? A Book Review Hukum Hak Asasi Manusia, Rahayu Hartini, Diponegoro University Publisher Agency, 408 Pages, ISBN 978-979-70490-6-5

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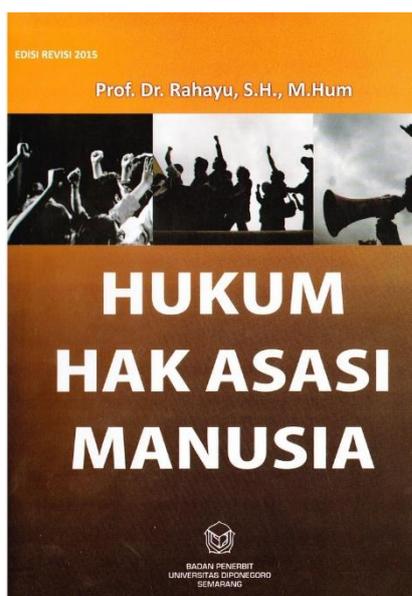
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DATA OF BOOK

Title	: Hukum Hak Asasi Manusia
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The book by Prof. Dr. Rahayu, S.H., M.Hum, discussed human rights, which indirectly discussed a matter that humans had from birth. According to this book, human rights already exist not because of a gift from the community, customary heritage, or the goodness of the state. Human Rights have existed because of the dignity of the human being. So, the initial conclusion of this book is that although humans are born with different conditions with different skin color, gender, language, culture, and citizenship, they still have the same right, human rights.

Human Rights are basically universal and their rights cannot be taken and revoked by anyone. Which is interpreted no matter how bad a person's behavior, a person will still be considered as human as they should be, and will continue to have their rights as human beings, which means that their human rights are inherent and will always be permanently attached to him. Human Rights (HAM) are believed to be the right of life naturally possessed by every human being without exception and a special human thing such as class, group or social level. Human Rights have basically been championed by humans in all parts of the world throughout the ages.

In understanding human rights values which is a process of change regarding social and politics into a democratic country, it cannot be separated from the role of students and educated young souls in instilling constructive democratic values. In this book, the author explains about the elements of human rights possessed by humans through understanding such as, Definition, Theory, Principles, History, Development of Thought, Violations, And Mechanisms for the protection and enforcement of Human Rights in Indonesia. The author also intends in compiling the book "Human Rights Law" is intended as a reference material for students about learning Law and Human Rights (HAM) in universities.

Normatively, what is discussed in this book is the scope of Law and Human Rights which has links with the branch of law, where the link is used as a means of studying theoretical matters about Human Rights.

In this book, the author clearly explains the definition of human rights which has not yet found a definite conclusion universally. However, from the many definitions collected, it can be concluded that Human Rights are the rights of a human being which must be universally recognized in terms of whatever is inherent naturally and physically as a human being.

Conceptually, human rights have 2 dimensions, namely the moral dimension and the legal dimension. The moral dimension is that human rights cannot be separated and revoked because they have been the right of human dignity from birth. The legal dimension is where human rights are placed in international and national legal instruments. The application of it, human rights are applied in modern law into positive rights and not the right of morality, meaning that human rights are not only questioned into the law, but also into human morality as moral and dignified creatures.

Furthermore, the author explains briefly and clearly about "Historical Development of the Fulfillment of Human Rights" historically to Human Rights in Indonesia. According to Michel Villey, the idea of human rights emerged in 1537. However, the idea was not yet about the true purpose of human rights, even though the human rights struggle had existed since 1215

with the emergence of Magna Charta. In England also known as the Petition of Rights (1628), Habeas Corpus Act (1679), and English Bill of Rights (1688). Where the three instruments that develop about political freedom, secure personal freedom.

The development of International Human Rights (HAM) continued from the 19th century to the 20th century marked by a movement to abolish slavery based on caring for fellow human beings (humanity). With the formation of the International Committee of the Red Cross in 1863, International Humanitarian Law achieved major progress by efforts to protect victims of war and the treatment of prisoners at the Geneva conventions. The development of international law also gained momentum in the aftermath of World War I, namely the formation of the League of Nations and the International Labor Organization. From this, International Law has succeeded in developing various doctrines and developments to protect minority groups.

Human Rights Law (HAM) continues to experience very significant developments, marked by the increase in international treaties in 1945 and began to emerge countries that declared bound by international treaties through the legal process namely ratification. Starting with the United Nations which legally binds its members through a charter, which contains a clear charter on Human Rights (HAM). In addition to the United Nations Charter, there is also a declaration that strengthens the development of international human rights, namely the Universal Declaration of Human Rights in 1948 in Paris.

Not only the discussion of Human Rights in the international arena Prof. Dr. Rahayu also discussed Human Rights within the scope of Indonesia. For example, in the BPUPKI session there were differences of thought between the two opinions about the state and the state's position on human rights.

Where the opinion of Sukarno and Supomo strongly rejects the inclusion of human rights in the Constitution, but the opinion of M. Hatta and M. Yamin continues to strive for citizens' rights to be clearly stated in the constitutional articles. In the end the ideas and understanding of human rights can be saved by Mohammad Hatta and Mohammad Yamin, where Hatta and Yamin accept the value of mutual cooperation in the Constitution.

Following are the things that were thought by Mohammad Hatta for Indonesia's survival:

1. Carry out mutual cooperation culture
2. Prioritizing democracy

3. Putting aside individualism
4. Based on socialism in terms of the state
5. Equalize Indonesian human justice

Likewise by Mohammad Yamin:

1. Indonesian independence from the principle of deliberation
2. Protection against the independence of Indonesia
3. Avoiding Liberalism

Then the rights proposed by Moh. Hatta and Moh. This guarantee is limited to approval and stated in the Constitution, which is likely to be followed up as "Citizens' Rights" rather than "Human Rights".

In addition to being separate from international human rights and national human rights, the author of this book also explains how international law cannot be separated from the aspects of international human rights. Why? That is because the summary of human rights agreed in the United Nations is an inspiration-enforcement of human rights from various countries in the world.

Human rights arise in the national to international community is intended as a response to injustice, oppression, cruelty of a ruling and capitalized community group to the weak and minority groups of society. From an aspect of human rights, there will emerge aspects of modern human rights law at the international level.

The United Nations and other International Organizations that have formed treaties on Human Rights to systematically establish and develop human rights, monitor and implement countries through agreements.

In the book written by Prof. Dr. Rahayu regarding the application of human rights provisions in the 1945 Constitution requires a very long time and is not just accepted by state leaders, but needs a lot of disagreement that overlaps. The beginning of the continuing human rights debate on PPKI with discussions on humanity by the Constituent Assembly and continued by the MPRS. Then human rights began to meet the enlightenment period in 2000 through the Amendment of the Constitution by the MPR, the results of the 1999 elections. During the New Order, the MPR's brilliant achievement was the inclusion of human rights in the 1945 Constitution. It showed that the course of the struggle in upholding justice human rights are over and only need good application by all state organs.

Book written by Prof. Dr. Rahayu, which is very intended for both Faculty of Law students and non-Faculty of Law students, provides an answer to the doubts of the public regarding Human Rights that actually occur in Indonesia and internationally. She also explained the meanings of the struggle of each country that issued their public opinion in the interest of

the International, this meant that something that happened in the international arena was certainly a collection of perceptions of settlement within a country. Therefore, Human Rights Law cannot be separated from the main supporting factors which are the material of the countries that make the agreement.



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