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REPUBLIC OF REPUBLIC OF INDONESIA

Human Rights Practices

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**Student Name**

**11/18/2012**

## **Introduction**

Human rights are the rights that a person can demand through justice, impartiality and fair play as a human being on the universal and legal grounds (Philip 2005, pp.755-829). The human rights are the rights of a human being that are equally available to him or her at any time within the boundary he or she lives. Every country has the right to develop itself human rights on the constitution made by the authorities but constitution should not avoid the fundamental requirements and needs of the people at any cost (Ian 2003). Modern and popular philosophers don not neglect and develop different political and legal rights for any person; they focus and deeply suggest that human rights should always be same for every single individual of the country (Charles 2009).

Human rights do not hold any type of biasness and partiality but the situations always vary for every individual on the basis of his/her past and current character as a responsible citizen. For example, if any person is involved in any criminal activity and demand justice and equal facilities as others normal citizens have then it is not possible. In case of different crimes, both persons cannot be penalized in the same way. On the hand, if some people have committed same types of crimes then there is a possibility of same penalty and punishment to these people. In reality, it is very difficult to implement human rights policies and laws in a country and satisfy and provide all types of facilities. The development of human rights and policies cannot be done without considering and covering international and global regulation related to fundamental rights within any country (Michael 2001).

## **Major Issues**

Republic of Indonesia is one of the advance and modern countries of the world. This country is better associated with international and global institutes. There are different levels of authorities who define, implement and evaluate human rights policies such as government, non-government public authorities, and human rights defenders. There are several major issues revolving around Republic of Indonesia pertinent to human rights. Although, there are apparent violations and issues of human rights in Republic of Indonesia because every individual cannot be satisfied with human rights policies of the country.

Some groups, minorities and states are creating issues in Republic of Indonesia on the grounds of human rights violations. Some major issues raised in Republic of Indonesia are legal rights, religious rights of minorities, ethical rights, civil and off course political rights. There are some human rights and policies such as right to speak, freedom, live and works have also been violated, reported and observed in Republic of Indonesia (World Report 2012).

One of the major human rights issues is religious rights. There are several types of human rights violations that have been reported by Pillay but violation of minorities' rights violations top the list. Shia Community is deprived in certain areas such as Sampang, East Java. This community is continuously accused of certain charges such as freedom of expression in local courts. The major example of the religious discrimination is the arrest of Shia leader Tajul Muluk for Blasphemy. According to Blasphemy law 1965 in which there is a clear discrimination of religious minority's laws but government of Republic of Indonesia claims that this law is according to the constitution. By looking at the statement of government, there is also a possibility that there should be proper changes in constitution related to this law. Moreover, on the basis of constitution, the universal rights of a certain community cannot be violated. United Nations Human Rights Council (UNHRC) also recommends some changes in the religious minority's freedom laws but Government of Republic of Indonesia rejects the same recommendations (Ririhena, 2012).

Republic of Indonesia is a big economy and 4<sup>th</sup> populated country of the world. It is also regarded as the Islamic country because majority of the population of the country is Muslim. Government of Republic of Indonesia does not consider Shia as the complete but proper Muslims but Shia's claims themselves true and pure Muslims. Due to this fact, Shia community is fighting for their rights to be considered as pure Muslims. They demand rights to participate in development and determining policies and events of Muslims but government does not believe in this fact. Government disallow shia community to take part in deciding about Islamic events such Eid, Hajj, and birthdays of their respected Prophets. In short, according to the government the rights of Shia community are not violated but United nations as well other international philosophers criticizing government of Republic of Indonesia to resolve religious matters as early as possible to avoid any economical, political disturbance in the country (Pillay, 2012).

There are other several issues and human rights violations such as Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, Disappearance, Prison and Detention Center Conditions, Arbitrary Arrest or Detention, Arrest Procedures and Treatment While in Detention, Denial of Fair Public Trial, interference with family, freedom of speech, academic and cultural freedom, freedom and safety of refugees, election and political participation, government transparency, sexual harassment, internet freedom and many more case have been raised in Republic of Indonesia with inconsistent intervals in different areas of the country. These cases have been reported on different levels, some cases were kind of low, some were medium, and remaining is of high level.

Every country faces these sorts of issues, the difference is that some countries have low level of violations, some have medium and some countries have high level of human rights violations. Therefore, it is the reality that every country has certain types of human rights violations (US Department of State 2011).

### **Culture Affects on Human rights**

Republic of Indonesia is a very prominent and rich country from the context of culture and traditions. There are numerous types of religious and ethnicity people living in Republic of Indonesia. Due to so many types and religion of people are living in Republic of Indonesia so all these people have different cultural, religious, and ideological backgrounds. Although, the culture of Republic of Indonesia is rich but human rights of people are violated in different regions of the country.

There are diverse types of people living in Republic of Indonesia and all over the world but society of Republic of Indonesia is male dominating. Some issues such as weak laws, corruption level, strong hold of different political parties, deprive minorities, and discrimination of major religion are creating problems for other religions' people. Due to majority of Muslims, the participation, development in legal and other policies is also dominated by these parties and religion. Muslims are mainly controlling, developing, and applying several Islamic laws in the country from which different other religious communities are disturbed. For example, Shia community cannot direct the laws of Islam without communicating and coordinating the policies

with other Muslim communities. In short, they don't have right to develop any Islamic principle independently (Donna 1990, pp.229).

### **Female Genital Mutilation**

From various types of human rights violations on the name of culture and tradition, on the most prominent and old issue is female genital mutilation in Republic of Indonesia for the rural women. The wishes and sexual desires of women and child girls are deprived and depressed by tradition and culture of old culture of Republic of Indonesia, in this country women believe that for becoming a good and pure Muslim they have pass through an operation. Furthermore, in order to be pure, clean, fit and proper for marriage, female circumcision is precondition (OHCHR 2012).

### **Culture of Impunity**

Due to several political, weak laws and legislation the culture of impunity has been developed in Republic of Indonesia. This type of activity leads to major differences, injustice, and partiality among people. This culture is very much prominent in the department of civil police where people are not prosecuted to the court of justice even in case of their mistakes and sins. No one can file a report against the misconduct of police against respectful citizens of the country, if it is filed then there is no punishment and other strict actions and proceedings against police officers. This sort of partiality, biasness and favor for police officers create imbalance and disturbance among the people. With the passage of time, this type of practice and activities have been evolved within Republic of Indonesia and termed as a culture of Republic of Indonesia which is harming to the simple people and law followers (International Federation for Human Rights 2010).

### **Traditional Hold of Majorities**

Majorities have always deprived and depressed minorities in Republic of Indonesia from its origin. There are several evidence of injustice and cruel on minorities in the history of Republic of Indonesia such as East Timor invasion. Not only public institutes but government has also done injustice and discrimination with ethnic and religious minorities due to less knowledge of fundamental and universal human rights. Minorities have always been neglected while practicing

their traditional events and rituals. Furthermore, minorities have always been treated very cheaply by government and some public institutes in the country (Hanif 2012).

These are all the basic and simple example of injustice with the women, ethnic, religious groups and normal and non-political people of Republic of Indonesia traditionally and culturally. This picture of Republic of Indonesia looks very cruel and inhuman as compare to other advance countries of the world.

### **What is being done to address them?**

There have been so many efforts by state, government, public institutes, human rights defenders have been done to stop all these human rights violations and issues in the country from time to time. United Nations have also given several suggestions related to religious matters. Annual critical world human rights reports have also been published every year, in these reports the major issues of human rights have been highlighted by the Human rights watch. The report also suggests reforming and removing those practices and issues for becoming a human friendly and peaceful country of the world. Furthermore, human rights reports by the state and human rights defenders have also played and critical presented the issues of human rights violations in front of the administrators and government of the country. In this respect, government has not only decided to take actions but also evaluated and fulfill the fundamental universal rights of people as well (Franz 1997).

### **Agreements and their Implementation**

The concept of human rights should only not be developed to protect citizens of the country but it should also support people of other countries. There are so many migrants want to stay in Republic of Indonesia, these are small children who are coming from Afghanistan, Burma and Sri Lanka to be safe by escaping from their countries. These children do not get the proper treatment but face detention, mistreatment in custody, no access to education and almost non-availability of basic needs of the life. Philosophers and United Nations have urged the need to do a proper agreement between Australia and Republic of Indonesia to provide safety and proper treatment to these children (Human Rights Watch 2012).

There is New York agreement between Republic of Republic of Indonesia, Netherlands and United Nations, this agreement was signed in the year 1962 for removing territorial dispute existing between countries. Some steps for implementation were taken such as “act of free choice” in 1969 by Republic of Republic of Indonesia. This agreement was fully implement and several violations of the agreement was done by both the parties (Maria 2002).

Another agreement was made between Republic of Republic of Indonesia and Portuguese Republic in the year 1999 to maintain and ensure peace and security in East Timor. This agreement is not fully implemented and due to improper implementation there is very bad outcome of the same as well (UN. INT 1999).

Another human rights training agreement was made between East-West Center in Honolulu and War crimes studies center California, Berkeley in June 12, 2008 by the Supreme Court of Republic of Indonesia. This agreement has been going good and but the affects of such agreements are still not seen by the government and other major stakeholders. These are the agreements that have been made to protect rights of Republic of Indonesian as well as people of foreign countries.

### **Recommendations**

There are so many areas in which Republic of Republic of Indonesia really need to work so that rights of people can properly meet. Some of the feasible suggestions and recommendations are as follows:

- Government should take initiative to identify and satisfy the needs of the people very seriously.
- A program should be properly designed and implemented in which the demand of the people all over Republic of Indonesia can be evaluated and monitored.
- Some proper and great actions need to resolve religious minority’s issues.
- For maintaining peace and security of people in areas such as East Timor, military involvement and advance trainings programs should be developed.



- Some major agreement should be done with international institutes to get international support and expertise in the areas of human rights. With these sorts of steps, human rights violations can be decreased substantially.
- Religious and traditional exploitations of female gender should also be prevented at high levels, special programs should be started to stop discrimination over gender, sex, age, ethnicity and religious issues.

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