BRIDGE TO JUSTICE: HUMAN RIGHTS IN BUILDING MODERN LEGAL SYSTEM IN INDONESIA

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ABSTRACT

Introduction: The pursuit of justice and equity is a fundamental aspect of any modern legal system. In Indonesia, the development of a modern legal system that upholds human rights principles is a crucial step towards achieving a fair and just society. This article explores the role of Human Rights (HR) in the development of a modern legal system in Indonesia, with a focus on the province of Papua as a case study.

Theoretical framework: This article adopts a theoretical framework that combines the concepts of human rights, legal development, and social justice. Human rights are fundamental rights and freedoms that every individual is entitled to, regardless of their race, religion, or social status. Legal development refers to the process of creating and implementing laws that protect and promote human rights. Social justice is the concept of creating a fair and equitable society where every individual has access to the same opportunities and resources.

Method: This research employs a qualitative method using literature review and policy document analysis. A literature review was conducted to explore the concepts of human rights, legal development, and social justice. Policy document analysis was carried out to understand the objectives, structure, and implementation of human rights laws and policies in Indonesia, with a focus on Papua.

Results and Conclusions: The development of a modern legal system in Indonesia, particularly in Papua, has been influenced by various factors, including historical, cultural, and political factors. The implementation of human rights laws and policies in Papua has faced challenges, including lack of awareness, resources, and political will. However, there have been some positive developments, such as the establishment of human rights commissions and the adoption of human rights education programs. The findings of this research indicate that the development of a modern legal system in Indonesia, particularly in Papua, requires a comprehensive approach that addresses the root causes of human rights violations and promotes social justice and equity. Effective and sustainable implementation of human rights laws and policies requires collaboration and commitment from various parties, including the government, civil society, and international organizations.

Keywords: human rights, legal development, civil society.

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PONTE PARA A JUSTIÇA: DIREITOS HUMANOS NA CONSTRUÇÃO DE UM SISTEMA LEGAL MODERNO NA INDONÉSIA

RESUMO

Introdução: A busca pela justiça e equidade é um aspecto fundamental de qualquer sistema jurídico moderno. Na Indonésia, o desenvolvimento de um sistema jurídico moderno que respeite os princípios dos direitos humanos é um passo crucial para alcançar uma sociedade justa e equitativa. Este artigo explora o papel dos Direitos Humanos (DH) no desenvolvimento de um sistema jurídico moderno na Indonésia, com foco na província de Papua como estudo de caso.

Estrutura teórica: Este artigo adota uma estrutura teórica que combina os conceitos de direitos humanos, desenvolvimento jurídico e justiça social. Os direitos humanos são direitos e liberdades fundamentais a que todo indivíduo tem direito, independentemente de sua raça, religião ou status social. O desenvolvimento jurídico refere-se ao processo de criação e implementação de leis que protegem e promovem os direitos humanos. Justiça social é o conceito de criar uma sociedade justa e equitativa onde cada indivíduo tem acesso às mesmas oportunidades e recursos.

Método: Esta pesquisa emprega um método qualitativo usando revisão de literatura e análise de documentos políticos. Uma revisão de literatura foi realizada para explorar os conceitos de direitos humanos, desenvolvimento jurídico e justiça social. A análise de documentos políticos foi realizada para entender os objetivos, estrutura e implementação das leis e políticas de direitos humanos na Indonésia, com foco em Papua.

Resultados e Conclusões: O desenvolvimento de um sistema jurídico moderno na Indonésia, especialmente em Papua, foi influenciado por vários fatores, incluindo fatores históricos, culturais e políticos. A implementação das leis e políticas de direitos humanos em Papua enfrentou desafios, incluindo falta de conscientização, recursos e vontade política. No entanto, houve alguns desenvolvimentos positivos, como o estabelecimento de comissões de direitos humanos e a adoção de programas de educação em direitos humanos. Os resultados desta pesquisa indicam que o desenvolvimento de um sistema jurídico moderno na Indonésia, especialmente em Papua, requer uma abordagem abrangente que aborde as causas fundamentais das violações dos direitos humanos e promova justiça social e equidade. A implementação eficaz e sustentável das leis e políticas de direitos humanos requer colaboração e comprometimento de várias partes, incluindo o governo, a sociedade civil e organizações internacionais.

Palavras-chave: direitos humanos, desenvolvimento jurídico, sociedade civil.

PUENTE A LA JUSTICIA: LOS DERECHOS HUMANOS EN LA CONSTRUCCIÓN DE UN SISTEMA JURÍDICO MODERNO EN INDONESIA

RESUMEN

Introducción: La búsqueda de la justicia y la equidad es un aspecto fundamental de cualquier sistema jurídico moderno. En Indonesia, el desarrollo de un sistema jurídico moderno que defienda los principios de derechos humanos es un paso crucial hacia el logro de una sociedad justa y equitativa. Este artículo explora el papel de los Derechos Humanos (DDH) en el desarrollo de un sistema legal moderno en Indonesia, con un enfoque en la provincia de Papúa como un estudio de caso.

Marco teórico: Este artículo adopta un marco teórico que combina los conceptos de derechos humanos, desarrollo legal y justicia social. Los derechos humanos son derechos y libertades...
fundamentales a los que todo individuo tiene derecho, independientemente de su raza, religión o condición social. El desarrollo jurídico se refiere al proceso de creación y aplicación de leyes que protegen y promueven los derechos humanos. La justicia social es el concepto de crear una sociedad justa y equitativa en la que todas las personas tengan acceso a las mismas oportunidades y recursos.

**Método:** Esta investigación emplea un método cualitativo que utiliza la revisión de la literatura y el análisis de documentos de política. Se realizó una revisión bibliográfica para explorar los conceptos de derechos humanos, desarrollo legal y justicia social. Se llevó a cabo un análisis de los documentos de política para comprender los objetivos, la estructura y la aplicación de las leyes y políticas de derechos humanos en Indonesia, con especial atención a Papúa.

**Resultados y conclusiones:** El desarrollo de un sistema legal moderno en Indonesia, particularmente en Papúa, ha sido influenciado por varios factores, incluyendo factores históricos, culturales y políticos. La implementación de las leyes y políticas de derechos humanos en Papúa ha enfrentado desafíos, incluida la falta de conciencia, recursos y voluntad política. Sin embargo, ha habido algunos avances positivos, como el establecimiento de comisiones de derechos humanos y la aprobación de programas de educación en derechos humanos. Los resultados de esta investigación indican que el desarrollo de un sistema jurídico moderno en Indonesia, en particular en Papúa, requiere un enfoque integral que aborde las causas profundas de las violaciones de los derechos humanos y promueva la justicia y la equidad sociales. La implementación efectiva y sostenible de las leyes y políticas de derechos humanos requiere la colaboración y el compromiso de varias partes, incluidos el gobierno, la sociedad civil y las organizaciones internacionales.

**Palabras clave:** derechos humanos, desarrollo jurídico, sociedad civil.

1 INTRODUCTION

Since the proclamation of independence was declared, the noble aspirations to achieve justice for all Indonesians have been ingrained in the nation's soul (Abdulkarim et al., 2020). Pancasila, as the state foundation, guides the nation towards a just and prosperous society (Salam et al., 2022). The 1945 Constitution, as the state constitution, affirms that the freedom to associate and assemble, express thoughts verbally and in writing, and the right to access justice are human rights that must be upheld (Saputro, 2021). In the present day, the development of a modern legal system in Indonesia has become the main focus in efforts to create a fair and just society (Azoulay, 2015). In this context, Human Rights (HR) play an important role as principles and standards that guide legal formation (Fazio, 2019). This paper aims to explore the role of HR in the development of a modern legal system in Indonesia, with a focus on Papua as a case study. However, the reality on the ground shows that these noble aspirations are still far from reality. Injustice still prevails, undermining the sense of justice and hindering the progress of the nation. Unresolved past human rights violations, discrimination against minority groups, and weak law enforcement are concrete evidence of the gap between
aspirations and reality (Yunin et al., 2021). The root of this problem lies in a legal system that is not yet fully modern and human rights-oriented. The legal system inherited from the colonial era and patriarchal culture still shadow legal practices in Indonesia (Santoso et al., 2023). This results in an imbalanced, discriminatory, and unresponsive legal system to the needs of a dynamic society.

Injustice in the legal system has broad and deep impacts on society. Distrust in the law, rampant human rights violations, and weak law enforcement are examples of such impacts. Injustice also hinders economic and social development, and exacerbates social inequalities in society. Therefore, legal reform is a necessity to build a fair and modern legal system. This reform must be based on human rights principles, which guarantee equality, non-discrimination, and justice for all. Human rights are the key to building a modern legal system. Human rights provide a universal and fundamental normative framework for building a fair and people-oriented legal system. Human rights principles such as justice, equality, and non-discrimination must be the foundation for all legislative processes, law enforcement, and judicial proceedings (Varkey, 2021).

Injustice in the legal system has broad and deep impacts on society. Distrust in the law, rampant human rights violations, and weak law enforcement are examples of such impacts. Injustice also hinders economic and social development, and exacerbates social inequalities in society (Febby Mutiara & Santoso, 2021). Therefore, legal reform is a necessity to build a fair and modern legal system. This reform must be based on human rights principles, which guarantee equality, non-discrimination, and justice for all. Human rights are the key to building a modern legal system. Human rights provide a universal and fundamental normative framework for building a fair and people-oriented legal system. Human rights principles such as justice, equality, and non-discrimination must be the foundation for all legislative processes, law enforcement, and judicial proceedings.

The Indonesian legal system has a long and complex history, since the colonial era of the Dutch, the Indonesian legal system has been characterized by legal dualism, where Western law applies to Europeans and customary law applies to indigenous people (Fahmi, 2020). This dualism continued after independence, and it was only in 1981 that the Criminal Code (KUHP) was enacted, which applied to all Indonesians (Soedirjo & Jaya, 2023). The reform era that began in 1998 brought a breath of fresh air to the Indonesian legal system. Legal reform became one of the government's main agendas to realize a fair and modern legal system. Various efforts were made, such as: (1) Enactment
of a number of new laws related to human rights, such as Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on Human Rights Courts; (2) Establishment of new institutions related to human rights, such as the National Human Rights Commission (Komnas HAM) and the Constitutional Court; and (3) Ratification of various international human rights instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Although there has been significant progress, legal reform in Indonesia still faces various challenges and obstacles, such as: (1) Lack of public awareness about human rights; (2) Weak legal culture; (3) Limited resources; (4) Political interference in law enforcement. In the era of globalization, a modern legal system has become a necessity. A modern legal system is characterized by several characteristics, such as: (1) Based on human rights principles; (2) Responsive to the needs of a dynamic society; (3) Accountable and transparent; and (4) Accessible to all. Human rights are a fundamental pillar in building a modern legal system. Human rights principles such as justice, equality, and non-discrimination should be the foundation for all legislative processes, law enforcement, and judicial proceedings.

Human rights play a crucial role in achieving justice for all, justice for victims of human rights violations, justice for minority and marginalized groups, and justice for all Indonesians. Indonesia has a long history of human rights violations, both past and present. Past human rights violations such as the 1965 Tragedy and the May 1998 Incident are still unresolved. Current human rights violations such as discrimination against minority groups and the criminalization of activists are also still prevalent (A. Pohlman, 2013). Human rights violations have broad and deep impacts on society. Distrust in the law, rampant impunity, and weak law enforcement are examples of these impacts. Human rights violations also hinder economic and social development, and exacerbate social inequalities in society. Furthermore, delving into the main content of this article, we will discuss a more specific issue, which is the perennial issue between human rights and Papua (Sumodiningrat & Nabila, 2022). Papua, with its extraordinary natural and cultural wealth, harbors deep historical wounds. Human rights violations and injustices continue to haunt the people of Papua. In the midst of this situation, building a modern legal system based on Human Rights becomes a necessity to achieve justice and peace in the Land of the Bird of Paradise.
The long history of colonialism and marginalization has left a dark legacy in Papua. An imbalanced and discriminatory legal system, weak law enforcement, and stigma and prejudice against Indigenous Papuans are the main factors hindering the creation of justice. Data and facts show a bitter reality in Papua. Human rights violations continue to recur, untouched by the hand of justice. Distrust in the law and rampant impunity are clear evidence of a fragile legal system. Discrimination against Indigenous Papuans in various fields, such as education, health, and economics, further sharpens the gap and triggers conflicts. Previous research has uncovered the root of the problem in Papua. The gap between formal and informal law, weak accountability and independence of law enforcement, and stigma and discrimination against Indigenous Papuans are key findings that need to be unraveled.

Papua, a land rich in natural resources, has also been a silent witness to ongoing human rights violations (A. E. Pohlman, 2020). From 2003 to 2022, there were 62 cases of human rights violations in Papua with 120 fatalities, and the latest report from Imparsial in 2022 shows that this number is still increasing. Discrimination against indigenous Papuans also remains a bitter reality, with Papua's Human Development Index (HDI) being the lowest in Indonesia in 2020. Previous research by LIPI in 2019 found that the gap between formal and informal law in Papua is the cause of many unresolved human rights violations. ICJR’s 2020 research showed that weak accountability and independence of law enforcement agencies are the main factors in human rights violations in Papua. Meanwhile, Elsham Papua's 2022 research found that stigma and discrimination against indigenous Papuans remain obstacles to achieving justice in Papua.

In this context, it is important to understand the concept of human rights (HR) and modern legal systems as a bridge to justice in Papua. HR is a basic and fundamental right that is held by all humans without exception, and serves as the foundation for the creation of justice and peace in Papua. A modern legal system, based on HR principles such as justice, equality, and non-discrimination, must be responsive to the needs of a dynamic society. Special Autonomy for Papua, as a policy given to Papua to regulate and manage its own affairs, must be used to achieve justice and well-being for indigenous Papuans. The restorative justice approach, which emphasizes the restoration of relationships between victims and perpetrators of HR violations, can be a solution to resolving HR violations in Papua.
This research aims to contribute to the effort to build a modern legal system based on HR. This research will analyze how HR can be used to build a fairer and more modern legal system in Indonesia, especially in Papua. The results of this research are expected to provide useful recommendations for the government and other stakeholders in the legal reform effort. This research is like an architect designing the blueprint of justice; the results of this research are expected to: (1) Provide recommendations to the government and other stakeholders on how to build a fairer and HR-oriented legal system; (2) Transform ignorance into awareness, increase public understanding of the importance of HR in building a modern legal system; and (3) Encourage active participation of the public in law enforcement processes, building a bridge between the people and justice.

Building a modern legal system in Indonesia is a necessity, like building a bridge to complete justice. Human Rights are the key to realizing a fair and people-oriented legal system. This research is expected to make a significant contribution to the effort to build a strong bridge to justice on the land of the motherland. Thus, this article provides an important contribution to understanding the role of HR in the development of modern law in Indonesia, as well as providing insights into the challenges and opportunities faced in this process.

2 THEORETICAL FRAMEWORK

The theoretical framework of this research combines the above theories to analyze how HR can be used to build a modern legal system in Indonesia, especially in Papua. The theory of justice is the main foundation of this research. Justice is defined as a condition in which everyone gets their rights and is treated fairly. There are several theories of justice that can be used, such as:

1. Distributive Justice Theory (John Rawls)
   This theory focuses on how the distribution of benefits and burdens in society should be done fairly.
2. Retributive Justice Theory (Immanuel Kant)
This theory focuses on how lawbreakers should be punished fairly.

3. Restorative Justice Theory (Howard Zehr)

This theory focuses on how the restoration of relationships between victims and perpetrators of legal violations can help achieve justice.

The theoretical framework of this article is based on several key concepts that underpin the development of a modern legal system, including:

1. Human Rights (HR)

Human rights are basic rights and freedoms that every individual is entitled to, regardless of race, religion, or social status. In the context of this article, HR serves as the foundation for the development of a fair and just legal system in Indonesia.

2. Legal Development

Legal development refers to the process of creating and implementing laws that protect and promote human rights. This concept is important to understand how the legal system in Indonesia has evolved over time and how it continues to adapt to the changing needs of society.

3. Social Justice

Social justice is the concept of creating a fair and just society, where every individual has equal access to opportunities and resources. This concept is closely related to the idea of human rights and is important in ensuring that the legal system in Indonesia is responsive to the needs of all its citizens.

4. Special Autonomy for Papua

Special Autonomy for Papua is a policy that gives Papua the authority to govern and manage its own affairs. This concept is important in understanding the unique challenges and opportunities faced by Papua in developing its legal system.

5. Restorative Justice Approach

The restorative justice approach emphasizes the importance of restoring relationships between victims and perpetrators of human rights violations. This concept is relevant in the context of Papua, where many human rights violations have occurred, and where reconciliation and healing are important for the development of a fair and just legal system.

This theoretical framework shows that: (1) HR is the main foundation for building a fair and effective modern legal system; (2) A modern legal system must be responsive to the dynamic needs of society, including the needs of Papua; (3) Special Autonomy for
Papua can be an instrument for achieving justice and well-being for indigenous Papuans if implemented properly; and (4) The restorative justice approach can help resolve human rights violations in Papua and rebuild trust among the community.

3 RESEARCH METHODS

The writing/research method in this article is based on a qualitative approach that uses literature analysis and policy documents as tools to explore the role of human rights in the development of a modern legal system in Indonesia, especially in Papua (Tibaka & Rosdian, 2018). This approach was chosen because: (1) It provides an opportunity to deeply understand the complexity and nuances of the role of HR in building a modern legal system in Papua; (2) It provides flexibility to analyze various types of data, such as books, journal articles, research reports, and policy documents; and (3) It allows researchers to focus on literature and policy documents that are directly related to the Papua context (Land & Aronson, 2020).

The first step is to identify the research topic, which is the role of HR in the development of a modern legal system in Indonesia, followed by the selection of relevant information sources such as books, journals, research reports, and policy documents (Hibbert, 2017). Literature analysis is conducted to understand key concepts related to the research topic, such as HR, legal development, social justice, special autonomy for Papua, and restorative justice approach. Next, policy document analysis is conducted to understand how Indonesian government policies, especially in Papua, have influenced the development of a modern legal system in Indonesia. Based on the results of literature and policy document analysis, the author then writes this article with the aim of providing a comprehensive understanding of the role of HR in the development of a modern legal system in Indonesia, especially in Papua.

This research will conduct a comprehensive literature analysis of various sources, such as: (1) These sources will provide a theoretical overview of HR, modern legal systems, and their contexts in Indonesia and Papua; (2) Research reports from independent institutions and international organizations will provide information about the HR situation and legal systems in Papua; and (3) News articles and mass media will provide information about current events and public opinions related to HR and legal systems in Papua. This research will also analyze relevant policy documents, such as: (1)
Laws and regulations related to HR, legal systems, and Special Autonomy for Papua will be analyzed to understand the existing legal framework; (2) Government policies related to HR and development in Papua will be analyzed to understand the government's commitments and strategies; and (3) Official government and related institution reports on HR and development in Papua will be analyzed to understand the existing progress and obstacles. Data obtained from literature and policy document analysis will be analyzed using qualitative analysis techniques, such as: (1) Thematic analysis, where data will be analyzed to identify the main themes related to the role of HR in the development of a modern legal system in Papua; (2) Comparative analysis, where data will be analyzed to compare various perspectives and experiences related to HR and legal systems in Papua; (3) Discourse analysis, where data will be analyzed to understand how discourses about HR and legal systems are constructed in various sources (Rosnida, 2020).

This research will ensure the authenticity and credibility of the data by using several methods, namely: (1) Triangulation, data will be collected from various sources to ensure the validity and credibility of the data; (2) Member checking, the results of the analysis will be discussed with experts and key informants to ensure the validity and credibility of the analysis results; and (3) Audit trail, all research processes and data analysis will be well documented to enable an audit trail. This research method is designed to produce a comprehensive and in-depth analysis of the role of HR in the development of a modern legal system in Indonesia, especially in Papua. Literature and policy document analysis will provide rich and diverse information to understand various aspects of this issue (Tirtakusuma & Putri, 2021).

4 RESULTS AND DISCUSSION

The main theme of the article "Bridge to Justice: Human Rights in Building a Modern Legal System in Indonesia" can be divided into several main concepts that support the development of a modern legal system in Indonesia, particularly in the context of Papua. Here is the breakdown of the main concept slices: (1) Human rights (HR); (2) Legal development; (3) Social justice; (4) Special autonomy for Papua; and (5) Restorative justice approach. Each of these main concept slices will provide a deep insight into how human rights play a role in the development of a modern legal system in Indonesia, with a focus on Papua. By understanding each of these main concept slices,
readers will be able to understand the importance of human rights in creating a fair and just legal system in Indonesia.

4.1 HUMAN RIGHTS

Human Rights are rights that are inherent to every individual as a human being and cannot be taken away or ignored by the state or other parties. Human Rights are a fundamental concept in the formation of a just and civilized society. In a global context, Human Rights have become an integral part of universally recognized principles (Fadillah & Sabella, 2022). Human Rights guarantee the basic and fundamental rights held by all individuals, regardless of race, ethnicity, religion, gender, or social status. This concept has evolved over centuries, with important historical milestones such as the Magna Carta (1215) and the Declaration of Independence of the United States (1776). The Universal Declaration of Human Rights (UDHR) adopted by the United Nations General Assembly in 1948 is a document that defines the basic and fundamental rights held by all human beings (Ventegodt et al., 2023).

Although Human Rights have been universally recognized, challenges in upholding Human Rights still exist. Human Rights violations still occur in various parts of the world, including discrimination, violence, and oppression. These challenges are often caused by a lack of awareness and understanding of Human Rights, injustice and impunity in law enforcement, as well as conflicts and violence that can lead to serious Human Rights violations (Widyawati et al., 2020). A critical analysis of Human Rights involves a deep understanding of what constitutes Human Rights, how these rights are applied in various contexts, and how they are defended and protected. Critical analysis also includes an evaluation of policies, laws, and practices that have the potential to violate or infringe upon Human Rights (Aji, 2018).

In a global context, Human Rights are often the subject of debate and conflict, especially in situations where political, economic, or religious interests conflict with individual rights. For example, in some countries, Human Rights such as freedom of speech, religion, or assembly are often restricted or violated by the government or powerful groups. In a national context, Human Rights are also often the subject of debate and conflict. In Indonesia, for example, Human Rights have become a sensitive issue, especially in the context of the rights of indigenous peoples, women's rights, and the rights
of religious minorities. In some cases, the government or certain groups have been accused of violating Human Rights in handling conflicts or specific policies. On an individual level, Human Rights are also the subject of debate and conflict. In some countries, for example, Human Rights such as the right to education, health, or employment are often not fulfilled or violated. In some cases, individuals or certain groups have been accused of violating Human Rights in certain actions or behaviors. In a global, national, and individual context, critical analysis of Human Rights plays an important role in promoting and protecting individual rights. By understanding Human Rights deeply and critically, we can advocate for justice, equality, and dignity for all humans.

The role of Human Rights in sustainable development is crucial. The enforcement of Human Rights can help reduce poverty and inequality, promote peace and security, and improve health and education for everyone. Indonesia has committed to upholding Human Rights through various legal instruments and policies, but much still needs to be done to improve the Human Rights situation in Indonesia. By strengthening Human Rights institutions, ensuring fair and transparent law enforcement, and educating and raising awareness about Human Rights, we can create a world where everyone enjoys their rights and freedoms. Here is an additional analysis of the research study's findings as a comparative data:

1. The 2022 Impartial Research shows that there were 26 cases of Human Rights violations in Papua with 53 fatalities. These cases include shootings, assaults, and arbitrary arrests. The research also indicates that security forces continue to be the primary perpetrators of Human Rights violations in Papua.

2. In 2022, Kontras Papua reported 58 cases of Human Rights violations in Papua, resulting in 91 fatalities. These cases include extrajudicial killings, torture, and land rights violations. The research also indicates that weak law enforcement is one of the main factors behind Human Rights violations in Papua.

3. From 2010 to 2022, ELSAM documented 53 cases of criminalization of activists in Papua. These cases include arbitrary arrests, detention without due process, and intimidation. The research shows that Papuan activists are still vulnerable to criminalization and Human Rights violations.

4. In 2019, a LIPI study found a gap between formal and informal law in Papua. This has led to many unresolved cases of Human Rights violations. The research also
indicates that patriarchal culture and stigma against women continue to be obstacles in the enforcement of Human Rights in Papua.

Despite Indonesia adopting various legal instruments and policies to protect Human Rights, Human Rights violations still occur, especially in remote areas and conflict zones (Widyastuti et al., 2021). This research also highlights a lack of awareness and understanding of Human Rights among the general public, making individuals less capable of advocating for their rights. One important finding of this research is the presence of injustice and impunity in law enforcement related to Human Rights violations. Many cases of Human Rights violations go unpunished in a fair and transparent manner, creating a culture of impunity and undermining public trust in the justice system. Additionally, the research also highlights the presence of conflicts and violence that impact serious Human Rights violations, especially against vulnerable groups such as women, children, and minorities.

From the results of this research, greater efforts are needed to improve the Human Rights situation in Indonesia. Strengthening Human Rights institutions, ensuring fair and transparent law enforcement, and educating and raising awareness about Human Rights are key to creating a more just and prosperous society. With the commitment and cooperation of all parties, we can create a world where everyone enjoys their rights and freedoms.

4.2 LEGAL DEVELOPMENT

Legal development is an important process in every country, as law is the foundation of a fair and prosperous society (Asnawi, 2021). Legal development involves various aspects, ranging from the formation of laws, law enforcement, to the understanding and awareness of the law among the public. A strong and effective legal system is the key to creating a civilized and just society. Legal development is a continuous process to create a fair, effective, and accountable legal system. A good legal system is the foundation for the creation of an orderly, fair, and prosperous society. Legal development covers various aspects, such as the formulation of fair and responsive legislation, strengthening law enforcement institutions, increasing access to justice, and strengthening legal culture. Legal development begins with the formation of good laws. Laws are important instruments for regulating the behavior of society and resolving
conflicts. Good laws must be clear, fair, and easily understood by everyone. In addition, laws must also be relevant to the needs and conditions of society today.

Legal development in Indonesia still faces various challenges and obstacles, such as the gap between formal and informal law, weak law enforcement, lack of access to justice, and weak legal culture. The gap between formal and informal law occurs because there are still informal legal practices that contradict formal law. Weak law enforcement is caused by corruption, collusion, and nepotism that still hinder law enforcement. Lack of access to justice occurs because poor and marginalized communities still have difficulty accessing justice. Weak legal culture occurs because many people do not know and understand the law (Hamzani et al., 2020).

However, the formation of laws alone is not enough. Laws must be enforced fairly and transparently. Strong law enforcement is the key to preventing legal violations and providing justice for all. Fair law enforcement can also increase public trust in the justice system. The government has made various efforts to build law in Indonesia, such as legal reform, building legal infrastructure, improving the quality of human resources, and conducting legal education. Legal reform aims to improve the quality and effectiveness of the legal system (Emilia et al., 2022). The government also builds legal infrastructure such as court buildings and correctional institutions. In addition, the government improves the quality of human resources in the legal field through education and training. The government also conducts legal education to increase public awareness and understanding of the law.

In addition, legal development also involves the understanding and awareness of the community about the law. The community must understand their rights and obligations, as well as know how to fight for their rights. Education and awareness about the law are the key to creating a law-abiding society. The community also has an important role in legal development, such as obeying the law, conducting social control, participating in the law-making process, and increasing awareness and understanding of the law (Widyawati, 2020). The community must obey the laws and regulations in force. The community can also conduct social control over the performance of law enforcement agencies. In addition, the community can participate in the law-making process through the delivery of aspirations and inputs. The community can also increase awareness and understanding of the law through education and training.
However, legal development also faces challenges and obstacles. One of the main challenges is corruption. Corruption can damage the legal system and hinder effective legal development. In addition, unequal access to the law is also a serious challenge. Many people do not have the same access to the legal system, making it difficult for them to fight for their rights. The future of legal development in Indonesia is full of hope and challenges. With the commitment and cooperation of all parties, Indonesia can build a fair, effective, and accountable legal system. Legal development is a continuous process and requires commitment from all parties. By overcoming various challenges and obstacles, and through appropriate efforts and strategies, Indonesia can build a fair, effective, and accountable legal system.

A previous study conducted by an independent research institution indicated that legal development in Indonesia still faces various challenges and obstacles. This study highlighted the gap between formal and informal law, which leads to informal legal practices that contradict formal law. Additionally, the study found that weak law enforcement, particularly related to corruption, collusion, and nepotism, remains a barrier to legal development in Indonesia. The study also highlighted the lack of access to justice for poor and marginalized communities. Many people still struggle to access justice for various reasons, such as high costs, long distances, and a lack of understanding of the legal process. Furthermore, the study found that legal culture in Indonesia is still weak. Many people do not know and understand the law, making it difficult for them to fight for their rights (Prasetyo, 2019).

However, the study also found that the government has made various efforts to develop law in Indonesia. The government has carried out legal reform, built legal infrastructure, improved the quality of human resources in the legal field, and conducted legal education. However, the study also found that these efforts are still not enough to overcome the various challenges and obstacles in legal development in Indonesia. From the results of this study, greater efforts are needed to improve legal development in Indonesia. Strengthening legal institutions, fair and transparent law enforcement, and education and awareness about the law are key to creating a more just and prosperous society. With the commitment and cooperation of all parties, Indonesia can build a fair, effective, and accountable legal system (Suwondo, 2023).

In facing these challenges, greater efforts are needed to improve legal development. Strengthening legal institutions, fair and transparent law enforcement, and
education and awareness about the law are key to creating a more just and prosperous society. With the commitment and cooperation of all parties, we can create a world where everyone enjoys their rights and freedoms. The overarching idea for the future towards solid legal development in Indonesia is to create a legal system that is fair, effective, and accountable. A fair legal system will provide equal protection to every individual, regardless of their social, economic, or political status. An effective legal system will be able to enforce the law quickly and accurately, so that the public does not feel oppressed by slow and complicated legal processes. An accountable legal system will ensure that legal institutions are responsible for their actions and decisions, so that the public can trust the legal system.

To achieve this goal, greater efforts are needed from all parties. The government must carry out legal reforms aimed at improving the quality and effectiveness of the legal system. The government must also build adequate legal infrastructure, such as court buildings and correctional institutions. Additionally, the government must improve the quality of human resources in the legal field through education and training. The government must also conduct legal education to increase public awareness and understanding of the law.

However, the government cannot do all of this alone. The community must also play an active role in legal development. The community must obey the laws and regulations in force. The community can also conduct social control over the performance of law enforcement agencies. In addition, the community can participate in the law-making process through the delivery of aspirations and inputs. The community can also increase awareness and understanding of the law through education and training. With the commitment and cooperation of all parties, Indonesia can build a fair, effective, and accountable legal system. With a solid legal system, Indonesia will become a fairer and more prosperous country.

4.3 SOCIAL JUSTICE

Social justice is a fundamental principle for the creation of a fair and prosperous society. Social justice ensures that every individual has the same rights to obtain equal opportunities and access to resources and services needed for a decent life. Social justice also ensures that every individual has the same rights to be treated fairly and equally by
the law and the justice system (Hartanto et al., 2018). The concept of social justice has long been a pillar in various legal and political systems around the world. This concept is closely related to the principles of justice, equality, and freedom. Social justice emphasizes the importance of addressing inequality and discrimination in society, and ensuring that every individual has the same rights to obtain equal opportunities and access to resources and services needed for a decent life. Although the concept of social justice has been universally recognized, achieving it remains a major challenge (Latif & Ramli, 2020). Many countries still face significant inequalities in terms of income, access to health and education services, and economic opportunities. These challenges are often caused by structural injustice, discrimination, and inequality in legal and political systems.

Social justice plays a crucial role in sustainable development. The enforcement of social justice can help reduce poverty and inequality, promote peace and security, and improve health and education for everyone (Makateng, 2022). Social justice also ensures that every individual has the same rights to be treated fairly and equally by the law and the justice system. The government has an important role in realizing social justice. The government must take concrete steps to address inequality and discrimination in society, and ensure that every individual has the same rights to obtain equal opportunities and access to resources and services needed for a decent life. The government must also ensure that every individual has the same rights to be treated fairly and equally by the law and the justice system.

The future of social justice is full of hope and challenges. With the commitment and cooperation of all parties, we can create a world where every individual has the same rights to obtain equal opportunities and access to resources and services needed for a decent life (Lucca-Silveira, 2016). We can also create a world where every individual has the same rights to be treated fairly and equally by the law and the justice system. Social justice for the people of Papua has a unique and complex context. Papua, especially West Papua and Papua, has a history and characteristics of social, cultural, and political that are different from other parts of Indonesia. Social justice for the people of Papua includes various aspects, such as the right to land and natural resources, the right to education and health, as well as the right to political participation and freedom of speech.

First, the right to land and natural resources. The people of Papua have a close relationship with the land and natural resources in their region. However, their rights to
land and natural resources are often overlooked or violated by companies that exploit natural resources in the area. Social justice for the people of Papua also includes protection of their rights to land and natural resources (Ogar & Bassey, 2016). Second, the right to education and health. The people of Papua also often face challenges in accessing quality education and health care. Many areas in Papua are still difficult to reach and have limited education and health facilities. Social justice for the people of Papua also includes their right to quality and affordable education and health care.

Third, the right to political participation and freedom of speech. The people of Papua also often experience restrictions on political participation and freedom of speech. They are often prohibited from expressing their opinions on political or cultural issues that are important to them (Rochman, 2020). Social justice for the people of Papua also includes their right to free and open political participation, as well as freedom of speech. In the context of social justice for the people of Papua, it is important to understand and appreciate their cultural, historical, and political uniqueness and complexity. Efforts to achieve social justice for the people of Papua should be directed towards recognizing and protecting their rights, as well as ensuring that they have equal access to the resources and services needed for a decent life.

Some of the key principles of social justice are equality, fairness, equal opportunities, solidarity, and non-discrimination. Equality refers to equal rights and fair treatment for every individual. Fairness emphasizes that everyone gets what they deserve based on their contributions and needs. Equal opportunities mean that every individual has the same chance to achieve their full potential. Solidarity is the involvement of the community in helping each other achieve common goals. Non-discrimination ensures that there is no discrimination based on race, ethnicity, religion, gender, or social status (Abdullah & Wijaya, 2020). Although social justice is a noble goal, there are still many challenges and obstacles that need to be overcome. High poverty and inequality can create social injustice. Discrimination against minority groups can hinder their access to opportunities and public services. Lack of access to education and health can limit people's opportunities to achieve their full potential. Conflict and violence can disrupt social order and hinder efforts to achieve social justice. Developing pro-people policies and programs is one of the efforts that can be made. Government policies and programs should focus on helping the poor and marginalized groups. Enforcing the law fairly and consistently is also important. Fair and consistent law enforcement can help reduce
discrimination and protect everyone's rights. Improving access to education and health is another strategy that can be pursued. Quality education and health can help people achieve their full potential. Promoting tolerance and dialogue is also important. Tolerance and dialogue can help resolve conflicts and build a peaceful social order.

Society needs to be aware of and understand social justice issues and their impact on the lives of others. The community can also participate in the decision-making process to ensure that their voices are heard. Taking action and advocating is also important. The community can take action and advocate for change and achieve social justice. With the commitment and cooperation of all parties, we can build a fair and prosperous society for everyone. Social justice is a noble goal and important for achieving a fair and prosperous society. Although there are still many challenges and obstacles to overcome, with the right efforts and strategies, we can achieve social justice for everyone.

4.4 SPECIAL AUTONOMY FOR PAPUA

Special autonomy for Papua (Otsus) is a concept introduced by the Indonesian government in 2001 as an effort to provide greater recognition of the uniqueness and needs of the Papua community. This concept aims to give more authority to the Papua regional government in managing natural resources and development in the region. However, special autonomy for Papua also faces various challenges and controversies that need to be addressed. Special Autonomy for Papua is a policy implemented in 2001 to give special authority to Papua in managing natural resources and governing itself. Special Autonomy for Papua aims to improve the welfare of the Papuan people and accelerate development in Papua. The main goal of Special Autonomy for Papua is to improve the welfare of the Papuan people, accelerate development in Papua, and prevent conflicts. Special Autonomy for Papua was first introduced by the Indonesian government as part of efforts to end armed conflicts in Papua. This concept is regulated in Law No. 21 of 2001 concerning Special Autonomy for Papua. This law gives authority to the Papua regional government in various fields, including education, health, and the environment (Bauw, 2018).

The benefits of Special Autonomy for Papua for the Papuan people include increased Special Autonomy Funds, increased political participation, and cultural recognition. The Special Autonomy Funds allocated for Papua are expected to be used to
finance various development and community empowerment programs. Special Autonomy for Papua provides space for the Papuan people to participate in politics and decision-making. Special Autonomy for Papua also recognizes and protects the culture and customs of the Papuan people. Despite the noble goals of Special Autonomy for Papua, there are still many challenges and obstacles that need to be overcome. Lack of transparency and accountability, development disparities, conflict and violence, and weak human resource capacity are some of the challenges that need to be addressed. The government and the Papuan people can take various measures to improve the effectiveness of Special Autonomy for Papua, such as improving transparency and accountability, strengthening oversight, increasing community participation, and strengthening human resource capacity (Hasibuan, 2022).

Special Autonomy for Papua faces various challenges and controversies that need to be addressed. One of the main challenges is the disagreement from some Papuan people and separatist groups who want full independence for Papua. They feel that Special Autonomy for Papua does not provide enough recognition of the uniqueness and needs of the Papuan people. Additionally, Special Autonomy for Papua also faces challenges in terms of law enforcement and human rights protection. There are many reports of human rights violations in Papua, including cases of violence and discrimination against indigenous Papuan communities. The Indonesian government has made various efforts to address the challenges of Special Autonomy for Papua. One of the efforts is to launch development programs aimed at improving the welfare of the Papuan people. These programs include infrastructure development, education, health, and the economy. Additionally, the government has also increased law enforcement and human rights protection in Papua. However, these efforts are still not enough to overcome all the challenges faced by Special Autonomy for Papua.

The Indonesian government has made various efforts to address the challenges of Special Autonomy for Papua. One of the efforts is to launch development programs aimed at improving the welfare of the Papuan people. These programs include infrastructure development, education, health, and the economy. Additionally, the government has also increased law enforcement and human rights protection in Papua. However, these efforts are still not enough to overcome all the challenges faced by Special Autonomy for Papua. The evaluation of Special Autonomy for Papua conducted in 2021 indicates that there is still much to be done to achieve the goals of Special Autonomy for Papua. The
government needs to reform and improve the governance of Special Autonomy for Papua to maximize its benefits for the Papuan people. Special Autonomy for Papua is an important policy to improve the welfare of the Papuan people and accelerate development in Papua. Despite the many challenges and obstacles that need to be overcome, with the right efforts and strategies, Special Autonomy for Papua can be an effective instrument to achieve its goals.

4.5 RESTORATIVE JUSTICE

Restorative justice has become an important subject in discussions about the modern legal system in Indonesia, especially in Papua. Restorative justice is an approach that focuses on recovery, reconciliation, and crime prevention, rather than just punishment. This is different from the traditional approach, which emphasizes punishment and retribution. In the context of Papua, where conflict and human rights violations have become serious issues, the restorative justice approach can be an effective tool for building a fairer and more inclusive legal system (Wahyudi, 2021).

One important aspect of the restorative justice approach is community involvement in conflict resolution processes. In the context of Papua, where many conflicts occur between the government, companies, and indigenous communities, community involvement in conflict resolution processes can help build trust and promote reconciliation. It can also help ensure that the solutions produced meet the needs and interests of all parties involved (Gavrielides, 2017). Additionally, the restorative justice approach emphasizes the importance of paying attention to the needs and interests of victims. In the context of Papua, where many human rights violations have occurred, it is important to ensure that victims receive the support and assistance they need to recover and restart their lives. This can also help ensure that victims feel valued and heard, which can help build trust and promote reconciliation.

The restorative justice approach also emphasizes the importance of addressing the underlying causes of conflict and crime. In the context of Papua, where many conflicts are triggered by inequality, injustice, and dissatisfaction, it is important to understand and address the root causes of conflict (Zainuddin et al., 2022). This may involve efforts to improve access to basic services, reform the criminal justice system, and promote human rights. By addressing the underlying causes of conflict, we can reduce the likelihood of
future conflicts. In Papua, the restorative justice approach can provide more effective solutions than traditional approaches. This is because traditional approaches often fail to repair the relationship between perpetrators and victims, as well as the affected communities. In the context of Papua, where conflicts between local communities and security forces often occur, the restorative justice approach can help repair damaged relationships and build trust.

The restorative justice approach also emphasizes the importance of addressing the needs and interests of the perpetrators. In the context of Papua, where many perpetrators of crime are indigenous people or human rights activists, it is important to ensure that they receive fair and decent treatment (Garcia et al., 2020). This may involve efforts to reduce inequality in the legal system and improve conditions in prisons. By addressing the needs and interests of the perpetrators, we can help ensure that they do not re-offend in the future. The restorative justice approach also emphasizes the importance of addressing the needs and interests of the community as a whole. In the context of Papua, where many communities have experienced trauma and loss due to conflict and human rights violations, it is important to ensure that they receive the support and assistance they need to recover and rebuild their lives. This may involve efforts to improve access to health, education, and employment services. By addressing the needs and interests of the community as a whole, we can help ensure that they receive the support they need to build a better future.

The restorative justice approach also emphasizes the importance of considering the needs and interests of the government. In the context of Papua, where many conflicts and human rights violations have occurred, it is important to ensure that the government receives the support and assistance they need to recover and rebuild their lives. This may involve efforts to improve governance systems, strengthen legal institutions, and promote transparency and accountability. By considering the needs and interests of the government, we can help ensure that they have the resources they need to build a fairer and more inclusive legal system (Qomarullah et al., 2023).

The restorative justice approach also emphasizes the importance of considering the needs and interests of companies. In the context of Papua, where many companies have been involved in conflicts and human rights violations, it is important to ensure that they receive the support and assistance they need to recover and rebuild their lives. This may involve efforts to improve corporate social responsibility, strengthen regulations and
oversight, and promote cooperation with local communities. By considering the needs and interests of companies, we can help ensure that they have the resources they need to build better relationships with communities and promote sustainable development (Akbar et al., 2023).

However, the implementation of a restorative justice approach in Papua also presents its own challenges. One of the main challenges is the lack of understanding and support from the parties involved, including the local community and security forces. Nevertheless, with the right approach and adequate education, the restorative justice approach can be a highly effective tool in building a more inclusive and fair legal system in Papua. Papua is one of the areas in Indonesia that often attracts international attention due to human rights violations (Ingratubun & Ingratubun, 2023). The restorative justice approach can help address this issue by giving victims the opportunity to speak and get the justice they need. This can also help improve relations between the community and the government, which are often tense due to human rights issues.

In addition, the restorative justice approach also requires support and cooperation from all parties involved, including the government, the community, and NGOs. Without support from all parties, the implementation of this approach may not succeed. However, if the restorative justice approach can be implemented effectively in Papua, it can bring many benefits to the community and the government. It can help reduce crime rates, improve relations between the community and the government, and give crime victims the opportunity to get the justice they need. Therefore, the restorative justice approach can be a bridge to better justice in Indonesia, especially in Papua. However, to achieve this, support and cooperation from all parties involved are needed. Some key principles of restorative justice are focusing on recovery, active participation, open dialogue and communication, and forgiveness. The benefits of restorative justice are restoring relationships, preventing relapse, increasing a sense of justice, and strengthening the community. The restorative justice approach has great potential to be applied in Papua, considering the cultural values of Papua that prioritize deliberation and consensus. Some examples of the application of restorative justice in Papua are the Wamena Peace and the settlement of cases in the village.

Although it has great potential, the implementation of restorative justice in Papua also faces several challenges and obstacles, such as lack of understanding, human resource capacity, and conflict complexity. Efforts and strategies to improve the
implementation of restorative justice in Papua include socialization and education, human resource capacity development, and government support. The restorative justice approach offers an alternative in building a modern legal system in Indonesia, especially in Papua. This approach is in line with Papua’s cultural values and has great potential to resolve conflicts and build peace. Although there are still some challenges, with the right efforts and strategies, restorative justice can be a bridge to a more humane and sustainable justice in Papua.

5 CONCLUSIONS

In order to build a modern legal system in Indonesia, the restorative justice approach offers an interesting alternative. This approach focuses on restoring relationships and balance between victims, perpetrators, and the community, rather than punishing the perpetrators. The principles of restorative justice, such as focus on restoration, active participation, open dialogue and communication, as well as forgiveness, offer a more humane and sustainable approach. The benefits of restorative justice, such as restoring relationships, preventing recidivism, increasing the sense of justice, and strengthening the community, also demonstrate the great potential of this approach in building a fair and sustainable legal system. Although there are still some challenges, such as lack of understanding, human resource capacity, and conflict complexity, efforts and strategies to improve the implementation of restorative justice can help overcome these obstacles.

The restorative justice approach has great potential to be applied in Papua, considering the cultural values of Papua that prioritize deliberation and consensus. Although it has great potential, the implementation of restorative justice in Papua also faces several challenges and obstacles, such as lack of understanding, human resource capacity, and conflict complexity. Efforts and strategies to improve the implementation of restorative justice in Papua include socialization and education, human resource capacity development, and government support. The restorative justice approach offers an alternative in building a modern legal system in Indonesia, especially in Papua. This approach is in line with the cultural values of Papua and has great potential to resolve conflicts and build peace. Although there are still some challenges, with the right efforts
and strategies, restorative justice can be a bridge to a more humane and sustainable justice in Papua.

6 RECOMMENDATIONS

Based on the analysis and conclusions that have been presented, here are some suggestions and recommendations that can be taken to improve the legal system in Indonesia, especially in Papua: (1) The government can conduct socialization and education to the public, law enforcement officers, and NGOs about the concept and benefits of restorative justice. This can help improve understanding of this approach and strengthen support from all parties involved; (2) The government can develop the capacity of trained human resources to facilitate the restorative justice process. This can be done through training and education focused on the concepts and practical skills in managing the restorative justice process; (3) The government needs to support the implementation of restorative justice through policies and funding. This can include the establishment of special institutions or units responsible for handling cases with a restorative justice approach, as well as the allocation of funds for training and education; (4) The government can collaborate with NGOs and the community to identify and resolve cases with a restorative justice approach. This can be done through the establishment of forums or participatory mechanisms involving all parties involved in the case resolution process; and (5) The government can conduct evaluations and monitoring of the implementation of restorative justice to ensure that this approach is running well and providing the expected results. This can be done through data collection and information gathering, as well as the establishment of a team or working group tasked with monitoring and evaluating the implementation of restorative justice.

By implementing the above suggestions, it is hoped that the legal system in Indonesia, especially in Papua, can become fairer, more sustainable, and humane. The restorative justice approach can serve as a bridge to better justice for all parties involved. Restorative justice can be a bridge to more humane and sustainable justice in Papua. With the cooperation and commitment of all parties, restorative justice can help build a more fair and peaceful modern legal system in Papua.
7 RESEARCH LIMITATIONS

The limitations of this study are as follows: (1) This research focuses on the restorative justice approach in the context of developing a modern legal system in Indonesia, especially in Papua; (2) This research does not delve deeply into the technical and legal aspects related to the implementation of restorative justice, but rather focuses more on conceptual analysis and comparison with traditional legal approaches; (3) This research does not directly involve case studies, but rather relies on literature analysis and conceptual frameworks to support the arguments presented; (4) This research also does not consider external factors that may influence the implementation of restorative justice in Indonesia, such as politics, culture, and society; (5) This research does not take into account the differences in context and conditions in each region of Indonesia, so the results may not be directly applicable in all areas; and (6) This research does not consider the differing views and opinions of various parties involved in the legal system in Indonesia, so it may not cover all relevant perspectives. Considering these limitations, this research is expected to make a significant contribution to understanding and developing the restorative justice approach in the context of developing a modern legal system in Indonesia.
REFERENCES


