



## THE ROLE OF HUMAN RIGHTS IN THE CONTINUATION OF NATIONAL AND INTERNATIONAL LAW INTEGRATION

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### Abstrac

Human Rights (HAM) are the moral and legal foundation in the formation of a just and sustainable legal system. In the era of legal globalization, the integration of national and international law is important to maintain the consistency of universal human rights values. This study analyzes how human rights principles act as drivers and balancers in the process of legal integration, both at the national and international levels. play a fundamental role in forming a just and sustainable legal order, both at the national and international levels. In the context of legal integration, human rights function as universal norms that serve as a meeting point between different legal systems. This research was conducted using a systematic literature review approach with the aim of proposing a human rights law paradigm based on human rights obligations. From a legal research perspective, the nature of this research is categorized as prescriptive research. The data in this study are sourced from laws and regulations, books, and scientific articles from national and international journals related to the concept of human rights and human rights law. This study aims to examine how human rights principles can bridge the differences between national and international legal systems, and encourage the formation of legal harmony that is oriented towards justice, equality, and protection of human dignity. The research method used is normative juridical with a comparative approach to various Human Rights instruments such as the Universal Declaration of Human Rights, as well as national regulations such as Law Number 39 of 1999 concerning Human Rights. The results of the study indicate that the sustainability of legal integration can only be achieved if human rights are used as the main pillar in the preparation, harmonization, and implementation of law. By making human rights the foundation, the legal system will be more adaptive to global dynamics as well as responsive to national needs.

**Keywords:** *Sustainability, Human Rights, and National Legal Integration.*

### 1. Introduction

In the era of globalization, marked by increasingly close interconnectedness between nations, human rights (HAM) issues have become a key pillar in the formation of legal norms at both the national and international levels. Human rights, as inherent rights inherent to every individual regardless of race, religion, nationality, or social status, have become the primary benchmark for assessing the legitimacy of a country's legal system. Therefore, are not only the internal responsibility of the state but also part of a global commitment outlined in various international legal instruments. (Arief., 2011).

The integration of national and international law is a complex and ongoing process, in which human rights principles often serve as a bridge between the two. Countries, including Indonesia, are faced with the demand both through ratification of conventions and adjustment of legal norms. In this context, the role of human rights (Asshiddiqie, J, 2005) is highly strategic in ensuring that legal integration is not merely formal, but also substantial and oriented towards justice and humanity.

However, this integration process also faces various challenges, such as differences in legal systems, domestic political interests, and the socio-cultural dynamics of local communities. Therefore, a holistic and collaborative approach is needed to ensure that human rights values are not only accommodated but also internalized in national legal practice. This paper aims to examine in depth how human rights can be a driving force in the sustainable integration of national and international law, as well as to examine the challenges and opportunities that accompany it. Amidst the dynamics of globalization that are increasingly strengthening relations between nations, the issue of human rights (HAM) has become a crucial element in developing a just, inclusive, and sustainable legal system. Human rights are not only natural rights inherent to every individual, but have also become a universal moral and legal standard accepted internationally. In this context, the integration of national and international law is not



merely an option but a necessity to ensure that human rights principles can be consistently applied across jurisdictions.

Indonesia, law that upholds humanitarian values, has demonstrated its commitment through the ratification of various international human rights corresponding national regulations. However, challenges remain, particularly in the process of harmonizing international norms with domestic legal systems, which are still influenced by local values, institutional structures, and political dynamics. Within this framework, the role of human rights becomes increasingly important as a normative foundation and ethical bridge in establishing synergy between national and international law.

## **2. Literature and Hypothesis Development**

### **a. Human Rights (HAM) in National and International Dimensions**

Human rights are internationally grounded in the Universal Declaration of Human Rights (1948) and two key UN conventions of 1966 (ICCPR and ICESCR). In Indonesia, commitment to human rights was strengthened through amendments to the 1945 Constitution, particularly Articles 28A–28J, and the enactment of Law Number 39 of 1999 concerning Human Rights. Indonesia's acceptance of international human rights instruments, such as the ratification. The integration of national and international law will be sustainable if human rights principles serve as the basis for legislation and legal implementation at the national level.

### **b. Integration of National and International Law**

This integration involves two substantive aspects: the alignment of norms, standards, and principles and oversight mechanisms that support the sustainable implementation. The integration of national and international law is a dynamic process aimed at creating harmony between applicable domestic norms, principles, and legal instruments with globally recognized international legal provisions. In the modern context, this integration is not merely a matter of technical legislation, but concerns the substance of universal values, particularly human rights (HAM), which serve as a benchmark for the legitimacy of a country's legal system.

Legal integration can occur through various forms, such as the ratification of international conventions the adoption of global norms into national regulations, and the harmonization of sectoral regulations with international instruments. In Indonesia, this process is evident in the ratification of various international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and (Pure theory of law. The Lawbook Exchange., 2005).

However, this integration faces various structural and cultural challenges. Structurally, legal dualism persists in the Indonesian system, where international norms do not automatically apply until they are enacted into national law. On the other hand, there is social and political resistance to some international norms perceived as contradicting local or religious values. For example, issues of gender equality and religious freedom often generate debate in the legislative process and policy implementation.

The success of legal integration depends heavily on political commitment, the capacity of state institutions, and the participation of civil society. Institutions, although their effectiveness is often hampered by limited authority and resources. Furthermore, international pressure through mechanisms such as the Universal Periodic Review (UPR) also contributes to encouraging states to align their legal policies with international standards. Therefore, sustainable integration of national and international law can only be achieved if human rights principles are a central pillar in all legislative and legal implementation processes. A holistic, inclusive approach based on global justice values is necessary to ensure that national laws are able to respond to transnational challenges without neglecting local identities and needs.

### **c. Challenges in Indonesia**

Although Indonesia has shown progress, several challenges remain, including, weak implementation and oversight of human rights (for example, in addressing past gross human rights violations), and cultural and political resistance to certain human rights norms (for example, on issues of religious



freedom and sexual orientation). Indonesia's ratification of international human rights conventions is positively correlated with the adjustment of human rights regulations at the national level. The effectiveness of the National Commission on Human Rights institution has influenced the strengthening of human rights norms in national legal practice. Civil society participation and international pressure (UNHRC, NGOs) have accelerated the integration of international human rights norms into the Indonesian legal system.

### **3. Theory**

#### **a. Transnational Legal Theory**

According to Harold Koh, transnational law encompasses rules governing transnational actions, including human rights. Koh emphasizes the importance of norm internalization—the process by which international norms are internalized into domestic law and practice.

#### **b. Good Governance and Human Rights Theory**

This theory explains that the proper implementation of human rights at the national level is an indicator of healthy governance and a prerequisite for sustainable legal integration. Transparency, participation, and accountability are key.

#### **c. Neo-Institutionalism Theory**

Emphasizes that state institutions (both legislative, judicial, and executive) have a crucial role in adopting and adapting national laws to international norms through a process of institutional adaptation.

### **4. Methodology**

The Normative Juridical approach used in this research emphasizes the analysis of legal documents, particularly bibliographic references, including secondary sources. The primary focus is on issues related to the conformity of Regional Regulations with Human Rights (HAM) principles. This method has been explained in detail by Heni Muchtar (2015) and is adopted in the context of aligning Regional Regulations with Human Rights. This research adopts a Normative Juridical approach, or legislative approach, which involves analytical descriptive juridical analysis. In data collection, the researcher used primary, secondary, and tertiary legal materials, as well as primary data to support qualitative analysis within the legal context. This qualitative approach allows the researcher to deeply investigate the legal implications and conformity of regional regulations with human rights standards.

### **5. Research Results and Discussion**

#### **A. The Role of Human Rights in the Integration of National and International Law**

Based on the research results, it was found that human rights principles are the main axis in the integration process between national and international law. Human rights not only serve as a normative reference but also as an ethical and moral bridge connecting two structurally distinct legal systems and as a source of legitimacy. Human Rights as a Normative Reference: Indonesian National Legislation has demonstrated its commitment to human rights principles by ratifying international conventions, with international human rights standards. This demonstrates that national law has formally adopted human rights norms as part of the national legal system. However, this adoption has not been fully equitable across all sectors. This research also found that the implementation of human rights principles in practice still faces various challenges:

- a. Past gross have not been fully resolved through judicial
- b. freedom of religion continue to face restrictions inconsistent with the ICCPR.
- c. Discriminatory practices against vulnerable groups such as women, children, and religious minorities persist.

This means that, although there has been progress in normative integration, the internalization of human rights principles in legal practice and policy is still partial and inconsistent.

The Role of Institutions in Maintaining Sustainable Integration However, the effectiveness of this institution is often limited by Limited judicial authority (cannot force the implementation of recommendations) and Limited budget and resources Political resistance to sensitive findings or reports. International Pressure and and support from local civil society contribute to strengthening the



sustainability of human rights-based legal integration. Some concrete results and Encouragement of ratification of additional human rights instruments such as the Convention on the Protection of Persons with Disabilities (CRPD) Increased transparency and accountability in national human rights reports and Collaboration of civil society with legislative institutions to push for pro-human rights bills.

## **B. Obstacles and Imbalances in the Process of Integrating National and International Law**

The integration of national law with international human rights-based law is not a linear and smooth process. In practice, various obstacles and imbalances exist that cause this integration to progress unevenly, even stagnating in some aspects. The following are some of the main factors:

### **1. Differences in Legal Systems and Paradigms**

National legal systems in many countries, including Indonesia, are still heavily influenced by the principles of legal positivism and state sovereignty, which often conflict with international human rights norms, which are universal and transcend national borders. In some cases, national courts are reluctant to refer directly to international conventions, arguing that they have not been explicitly adopted into national law (non-self-executing treaties).

### **2. Social, Cultural, and Religious Resistance**

Many international human rights norms, such as the right to sexual freedom, gender equality, or the rights of minority groups, are still considered to conflict with local cultural and religious values. This social resistance is often reinforced by political or religious elites who view international human rights norms as a form of Western "legal imperialism."

### **3. Weak Institutions and Law Enforcement**

The National Commission on Human Rights and other oversight bodies often face limitations in judicial authority and resources. As a result, their recommendations are often not seriously followed up by the government or law enforcement agencies. Past impunity for gross human rights violators is also a major obstacle to establishing consistency between international human rights norms and national legal practice. Many national laws are inconsistent with each other, even contradictory. For example, some laws recognize freedom of religion, while others restrict the freedom of worship of certain groups. This lack of harmonization creates conflicting applications of human rights at the national and regional levels.

States often only integrate human rights-based laws when under diplomatic pressure or during international evaluations, such as the UN's Universal Periodic Review (UPR). Afterward, this commitment is discontinued. Domestic political interests, such as maintaining stability or accommodating majority groups, are often used as an excuse to ignore or obstruct the implementation of international human rights principles. The lack of human rights education in schools, universities, and state apparatus training contributes to a low understanding of the importance of integrating human rights law into the national system. Many law enforcement officers do not yet understand that human rights are not just international norms, but are also part of the constitution and national law (for example, Article 28 of the 1945 Constitution).

### **4. Imbalance of Political Pressure and Interests**

Despite significant progress, the integration of human rights between national and international law is not yet fully sustainable due to: Conflicts between local cultural and religious values and international human rights principles (e.g., on LGBT issues and the rights of religious minorities); inconsistencies in central and regional government policies on human rights issues; and political and economic influence in legal decision-making, which often overrides human rights principles. Based on the above findings, it can be concluded that the sustainability of the integration of national and international law in Indonesia depends heavily on a strong political commitment to human rights principles; increased capacity of human rights implementing institutions; and active involvement of civil society and the international community. Human rights principles are not only a prerequisite for legal integration but



also the foundation for national legal reform that is fair, participatory, and oriented towards universal justice.

## **5. Conclusion**

### **5.1 Conclusion**

Based on the results of the study and analysis, it can be concluded that human rights (HAM) play a central role in supporting the sustainable integration of national and international law. Human rights serve as the moral and legal basis that enables the harmonization of universal principles and domestic legal sovereignty. Indonesia, as a country that has ratified various international human rights instruments, has demonstrated a normative commitment to integrating human rights principles into its national legal system. This is reflected in its constitution, legislation, and the establishment of independent institutions such as the National Commission on Human Rights (Komnas HAM).

However, the sustainability of this integration still faces several serious challenges, including gaps between norms and practices, cultural resistance to global human rights values, policy fragmentation and weak law enforcement, and limited institutional capacity and inconsistent legal policies. Therefore, the role of human rights in the integration of national and international law requires not only normative strengthening but also structural reform, paradigm shifts, and the active participation of all legal actors and society.

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### **5.2 Study Limitations**

This research has several limitations that need to be acknowledged, including:

- a. The normative and qualitative approaches used do not quantitatively describe the level of success of human rights-based legal integration nationally.
- b. This study focuses on the Indonesian context, so the findings cannot be generalized to all countries without comparative studies.
- c. Direct empirical data such as in-depth interviews, field observations, or case studies have not been comprehensively conducted, so the study is more conceptual and documentary in nature.

### **5.3 Recommendations**

To strengthen the sustainability of human rights-based national and international law integration, the following are recommended:

#### **a. For the Government and Legislators**

Systematically harmonize national regulations with ratified international human rights instruments and ensure public participation in the legislative process to avoid regulations that are counterproductive to human rights values.

#### **b. For Law Enforcement and Judicial Institutions**



Improve the understanding and capacity of officials in applying human rights principles in case handling and legal interpretation and ensure judicial independence in cases involving human rights violations, including resolving unresolved cases of gross human rights violations.

**c. For the National Commission on Human Rights and Related Institutions**

Improve the effectiveness of human rights monitoring, advocacy, and education in the community and state institutions and encourage stronger cooperation between national human rights institutions and international human rights mechanisms (such as the UPR and the UN Human Rights Committee).

**d. For Academics and Researchers**

Conduct further research based on empirical data to measure the real impact of legal integration on human rights protection in the field. And develop comparative studies of law and human rights across countries to enrich global insights and contextualize solutions.

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