

**PENERIMAAN INDONESIA ATAS PROSEDUR HUKUM HAK ASASI
MANUSIA INTERNASIONAL TERKAIT KOMUNIKASI INDIVIDUAL:
POLITIK HUKUM DAN IMPLIKASI POTENSIAL**

INTISARI

Oleh:

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Penelitian Tesis ini bertujuan untuk menelaah politik hukum HAM Pemerintah Indonesia terhadap prospek penerimaan prosedur komunikasi individual melalui ratifikasi/aksesi Protokol Opsional ICCPR Pertama dan Protokol Opsional ICESCR, juga menganalisis implikasi potensial dari penerimaan tersebut. Penelitian Tesis ini mengandalkan metode penelitian hukum normatif dengan pendekatan interdisipliner dan konseptual. Selain mengkaji bahan-bahan hukum, wawancara kepada beberapa pihak turut dilakukan untuk memperdalam analisis. Penelitian Tesis ini menunjukkan bahwa tidak terdapat indikasi kehendak politik Pemerintah Indonesia untuk menerima prosedur komunikasi individual karena adanya tendensi penghindaran terhadap mekanisme akuntabilitas HAM internasional yang berkarakter adjudikasi serta penghindaran akan kemungkinan ongkos kepatuhan berupa beban finansial, reputasi dan politik. Penelitian Tesis ini pun mendemonstrasikan bahwa penerimaan prosedur komunikasi individual secara potensial berimplikasi pada terbukanya akses terhadap keadilan bagi korban, tersedianya sarana litigasi strategis, dan terfasilitasinya interaksi antara badan perjanjian dan sistem peradilan nasional berkenaan pengembangan interpretasi norma HAM melalui dialog yudisial. Pemerintah Indonesia perlu mempertimbangkan ratifikasi/aksesi Protokol Opsional ICCPR dan ICESCR demi memperkuat infrastruktur perlindungan HAM nasional, juga meningkatkan reputasi sebagai promotor HAM.

Kata Kunci: Prosedur Komunikasi Individual; Hukum Hak Asasi Manusia Internasional; Politik Hukum HAM.

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***INDONESIA'S ACCEPTANCE OF INTERNATIONAL HUMAN RIGHTS
LAW PROCEDURES ON INDIVIDUAL COMMUNICATIONS: LEGAL
POLITICS AND POTENTIAL IMPLICATIONS***

ABSTRACT

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This Thesis aims to analyze the Indonesian Government's human rights legal policy toward accepting individual communications procedures through the ICCPR First Optional Protocol and the ICESCR Optional Protocol ratification or accession, as well as explore the potential implications of such acceptance. This Thesis employs a normative legal methodology with interdisciplinary and conceptual approaches. Beyond analyzing legal materials, interviews with several stakeholders were conducted to deepen the analysis. The findings reveal the Government's lack of political will to accept individual communications procedures, attributed to a tendency to avoid adjudicatory human rights accountability mechanisms and potential compliance costs, such as financial, reputational, and political burdens. Furthermore, this Thesis demonstrates that accepting these procedures' has potential implications for opening access to justice for victims, providing strategic litigation channels, and facilitating interaction between treaty bodies and the national judiciary regarding the development of interpretations of human rights through judicial dialogue. The Government should consider ratifying or acceding the ICCPR and ICESCR Optional Protocols to strengthen the domestic human rights protection infrastructure and enhance its reputation as a promoter of human rights.

Keywords: Individual Communications Procedures; International Human Rights Law; Human Rights Legal Policy.

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