

Book Review 'Human Rights Law' (Indonesian Version)

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Introduction

Writing this human rights textbook is a recommendation from the Human Rights Curriculum Formulation Seminar Humans at the Faculty of Law at various universities throughout Indonesia held on 30 May – 2 June 2005 in collaboration between the Study Center Human Rights at the Islamic University of Indonesia with the Norwegian Center for Human Rights (NCHR) University of Oslo, Norway. The recommendation appeared in response to the scarcity of comprehensive books reviewing human rights and the difficulties of lecturers teaching courses human rights because there is no agreed curriculum standard to be taught to law faculty students at various universities throughout Indonesia. Step by step process of preparing this book is ongoing, starting from workshops on syllabi preparation and writing models to determining which writers will be asked to write the manuscript required. After the workshop was finished, approximately twelve names emerged who has sufficient capacity to write human rights material including Rhona K.M. Smith, Njål Høstmælingen, Christian Ranheim, Satya Arinanto, Enny Soeprapto, Ifdhal Kasim, Rudi M. Rizki, Suparman Marzuki, Fadillah Agus, Agung Yudhawanata, Andrey Sudjatmoko, Eko Riyadi.

The selection of the authors above is based on the competence and experience they has with the expectations of the textbook. This can be written comprehensively and be useful for the rights dissemination process of human rights in Indonesia. The authors of this book provide one advantage at once weakness. The advantage is that this textbook text will be very rich and comprehensive, considering that the authors are experts, competent and experienced. The first three names are human rights experts at several leading universities in Europe, while the other authors from Indonesia are key people in upholding human rights in Indonesia, starting from members of KOMNAS HAM, judge ad hoc human rights, human rights professor, human rights activist and researchers at centers

for human rights studies at various universities. The weakness is that each writer has a language style who are different and have different tendencies of thought. However to bridge this problem, the editor has attempted necessary editing so that this textbook manuscript can be read comfortably and there is no difference in excessive use of the term. This is the most difficult process, because each author often uses terms different things to say the same thing. Hopefully the editing process that has been done is able to make things easier for readers.

The teaching of human rights in universities in Indonesia is still dominated by philosophical and cultural approaches. In such an approach, human rights teaching is emphasized more in discussions regarding basic issues of the concept of human rights, its origins and justification (both legal and cultural) cannot be separated from the political context developing at that time. Besides, the lecture is given or taught by a philosophy lecturer or constitutional law lecturer. This means that the teaching is more focused on the search for values within the country, rather than talking about them as an “international code” to regulate relations between countries after the Second World War. The discourse developed in such teaching is to contrast the cultural values that exist within the country with external (foreign) values, thereby obscuring the discourse on human rights developing in the political-legal history of Indonesia as it will explained in a sub-chapter of this book.

Before the teaching of human rights stood alone as an independent course, at the law faculty human rights teaching was given as part of a constitutional law course, not as part of international law courses. Because it is given as part of the state administration law, it is inevitable that the material taught is also limited as an accessory to constitutional law, that is, it is taught as an important element from the concept of the rule of law (rechtsstaat). What's worrying is when there is a process of reviving the idea of the Soepomo integralistic state in constitutional law is considered the realm of the Indonesian statehood mind. This process then leads to teaching human rights in law faculties are put into perspective.

This integralistic state puts human rights into the equation the term "rights of the citizen". The approaches and orientations of human rights teaching that outlined has been changed, because the external conditions have also changed, namely the political system in Indonesia which is moving in a democratic direction. Currently the term human rights have become everyday language widely accepted, no longer seen as a dirty word. In line with this change also calls for changes to the approach and orientation of teaching human rights in higher education in Indonesia, or to the human rights education paradigm as a whole. Moreover, currently there are many faculties at various universities in Indonesia incorporate human rights courses into their curriculum and is no longer exclusively taught in law schools. The next question is where the paradigm shift will lead the education or teaching of human rights?

Reference

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