

REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA
NUMBER 24 OF 2017
ON
GUIDANCE OF HUMAN RIGHTS SUBSTANCE IN LEGISLATION MAKING
BY THE BLESSINGS OF ALMIGHTY GOD

MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

Considering : a. that values and principles of human rights must be contained in legislation substance and are guided by every institution or authorized officials in the making of legislation;

b. that the additional of human rights substance in legislation is not yet arranged comprehensively;

c. that based on the consideration as referred to in point a and b, it is necessary to issue a regulation of the Minister of Law and Human Rights on Guidance of Human Rights Substance in Legislation Making.

Observing : a. Law of the Republic of Indonesia Number 39 of 1999 on Human Rights (State Gazette of the Republic of Indonesia of 1999 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 3886);

b. Law of the Republic of Indonesia Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);

- c. Regulation of the Minister of Law and Human Rights Number 29 of 2015 on Organization and Structure of Ministry of Law and Human Rights as amended by the Regulation of the Ministry of Law and Human Rights Number 6 of 2016 on Amendment to the Regulation of the Minister of Law and Human Rights Number 29 of 2015 on Organization and Structure of Ministry of Law and Human Rights (State Bulletin of the Republic of Indonesia of 2016 Number 186).

HAS DECIDED:

To issue : REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA NUMBER 24 OF 2017 ON GUIDANCE OF HUMAN RIGHTS SUBSTANCE IN LEGISLATION MAKING.

Article 1

Guidance of Human Rights Substance in Legislation Making are intended as a reference for institutions or authorized officials on making legislation.

Article 2

The Guidance of Human Rights Substance as referred to in Article 1 consists of:

- a. preface;
- b. guidance of human rights substance; and
- c. closing statement.

Article 3

The Guidance of Human Rights Substance as referred to in Article 2 is listed in the Annex as an integral part of this Ministerial Regulation.

Article 4

This Ministerial Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Ministerial Regulation by its placement in State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 14 November 2017

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

YASONNA H. LAOLY

Promulgated in Jakarta
on 24 November 2017

DIRECTOR GENERAL OF LEGISLATION
OF MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE BULETTIN OF THE REPUBLIC OF INDONESIA OF 2017 NUMBER 1690

Jakarta, 22 Agustus 2019

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA

ANNEX

REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

NUMBER 24 OF 2017

ON

GUIDANCE OF HUMAN RIGHTS SUBSTANCE IN LEGISLATION MAKING

A. PREFACE

Article 28I section (4) of 1945 Constitution of the Republic of Indonesia asserting/emphasizing that the protection, promotion, enforcement and fulfillment of human rights are the responsibility of the state, especially the government. The government is obliged and responsible to respect, protect, fulfill, enforce and promote human rights that are also regulated in Article 7 section (2) Law Number 39 of 1999 on Human Rights and legislation on human rights as well as international instruments of human rights received by the Government of the Republic of Indonesia.

Indonesian Government has ratified international instruments on human rights which has consequences for the implementation of human rights, because the Indonesian state has legally bound itself and the Government has undertake the obligation to adopt the approved instrument in to national legislation, both designed and implemented as an Laws.

Furthermore, the Government has a binding obligation to take various steps and policies in carrying out the obligation to respect, protect and fulfill human rights. This obligation is also followed by other Government obligations, namely to submit reports periodically with legal adjustments, steps, policies and actions taken.

In the frame of national law, the international human rights instruments above are contained in the 1945 Constitutional of the Republic of Indonesia, Law Number 39 of 1999 on Human Rights, International Covenant on Rights of Economic, Social, and Culture as legalized by the Indonesian Government through Law Number 11 of 2005, International Covenant on Rights of Civil and Politic as ratified through Law Number 12 of 2005, and principles of human rights which cover non discrimination, equality, universal, indivisible, inalienable, interdependent, inclusive, participative, transparent, acountability, and sustainable.

The fulfillment of civil and political rights will be fulfilled if the role of the state is limited or reduced. In civil and political rights, there are limitations between non derogable rights with derogable rights. Non derogable rights are absolute rights, which cannot be reduced by the state, based on the Constitution Article 28I section (1) namely the right to life, the right not to be tortured, the right to freedom of mind and conscience, religious rights, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on a retroactive basis is a human right that cannot be reduced under any circumstances. Derogable rights are rights that may be reduced or limited by the state. Based on the provisions in the Constitution Article 28J section (2) that is, in exercising their rights and freedoms, each person must submit to the restrictions stipulated by laws with the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with moral considerations, religious values, security and public order in a democratic society.

In fulfilling economic, social and cultural rights, the state must play an active role and take positive steps to ensure the fulfillment of these rights. Economic, social and cultural rights are closely related to the Government's commitment in overcoming the problem of poverty. This commitment demands a fundamental change in development policy as a policy of poverty reduction and the realization of economic, social and cultural rights into a central policy in the implementation of development. All structures and processes that affect the distribution and redistribution of income, including employment availability, differences in wages and salaries, tax structure and allocation of economic resources, including land distribution, control over productive resources, markets and price structures, macroeconomic policies, availability and access to public services and social security is considered and regulated in the framework of fulfilling economic, social and cultural rights. In international legal disciplines human rights are known to the principle "minimum core obligation" the minimum that the state must adhere to and implement in accordance with the characteristics of progressive economic, social and cultural rights. Thus, the Government is obliged to make every effort by using all its resources to carry out its main obligations in fulfilling economic, social and cultural rights.

One basis for the Government of Indonesia in its efforts to implement state obligations is to implement provision Article 72 Law Number 39 of 1999

on Human Rights that is to carry out effective implementation steps in the fields of law, politics, economy, social, culture, state defense and other fields. The fulfillment of human rights based on the state obligations which in this case is the Government, needs to be stated in state policies, especially at the national level. But in its implementation, it does not mean that the fulfillment of human rights is carried out in absolute terms. The fulfillment of guaranteed human rights in a national policy needs to be limited in view of the rights of others who would be a limitation in the enjoyment of human rights. In Article 73 the Law also contains provisions concerning restrictions on human rights which state that the rights and freedoms set forth in this law can only be limited by and based on law. This is based on ensuring the recognition and respect for human rights and other people's basic freedoms, morality, public order and the interests of the nation.

Restrictions on human rights certainly need to be determined by legislation by looking at the principle of proportionality as a relevant factor in determining the proportional or feasible restrictions which include:

- a. the nature of human rights affected;
- b. the importance of legitimate goals of restrictions;
- c. nature and range of restrictions;
- d. relationship between restrictions and objectives; and
- e. other methods or methods available are less restrictive to achieve the desired goals.

The limitation of human rights in the legislation making is carried out by referring to the guidance of human rights substance, especially at the stage of planning, drafting, harmonizing, rounding and strengthening the conceptions, stipulations and promulgations of legislation. Restrictions on the fulfillment of rights must be stipulated by legislation for the purpose of guaranteeing the recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with moral considerations, religious values, security and public order in a democratic society. Thus, especially at the stage of harmonization, rounding up and strengthening the draft concept of legislation requires material guidance on human rights issues which become a reference in the framework of regulation and limitation of human rights.

The guidance of material human rights substance in this Regulation of the Minister of Law and Human Rights is not only as an effort to integrate material on human rights, but also provides a reference in determining the restrictions on material content of human rights to be applied in a statutory

regulation. The limitations mentioned are in the General Comment of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in order to limit the interpretation of the articles contained in the two Covenants.

In its implementation, this Regulation of the Minister of Law and Human Rights is in accordance with Article 51 Presidential Regulation Number 87 of 2014 on Implementing Regulation of Law Number 12 of 2011 on Legislation Making. The guidance of human rights substance that strengthen the objectives of harmonization, rounding up and strengthening the conception of legislation draft, particularly in harmonizing the draft Government Regulations, Presidential Regulations, Ministerial Regulations, and other Legislation with:

- a. vertically higher legislation;
- b. horizontally, and similar and the same level legislation;
- c. principles of establishing good legislation; and
- d. techniques of drafting legislation as stipulated in Annex II of Law Number 12 of 2011 on Legislation Making.

B. (GUIDANCE OF HUMAN RIGHTS SUBSTANCES)

No	Human Rights Substances	Reference	Adjustment	Limitation
1.	A right to live	a. Article 28A the 1945 Constitution of the Republic of Indonesia states that everyone has the rights to live and the rights to maintain their life and its existence. b. Article 9 Law Number 39 of 1999 on Human Rights states that every person has the rights to live, sustain his life and to improve his/her	a. Only applies to the most serious crimes and only as the last option. b. Prevent arbitrary killings by Government officials	a. Not valid for children and pregnant women b. Non derogable under any circumstances, and by anyone

No	Human Rights Substances	Reference	Adjustment	Limitation
		standard of living; every person has the rights to live peacefully, safely, in peace, happily, physically and spiritually; and everyone has the rights to a good and healthy environment. c. Article 53 Law Number 39 of 1999 on Human Rights states that every child has the rights to live since in the pregnancy, the rights to survive and improve his/her standard of living. d. Article 6 International Covenant on Civil and Politic Rights 1. Every human being has the rights to live inherent in him/her. This rights must be protected by law. No one can be seized of his rights of life arbitrarily. 2. In countries that have not abolished the death penalty, the decision of death		

No	Human Rights Substances	Reference	Adjustment	Limitation
		penalty can only be imposed on some of the most serious crimes in accordance with the law at the time of the crime takes place, and not contrary to the provisions of the Covenant and Convention on Prevention and Genocide Law. This penalty can only be carried out on the basis of the final decision imposed by an authorized court. 3. If a deprivation of life is a crime of Genocide, it must be understood that nothing in this Article gives authority to the State which is a Party to the Covenant, to reduce any obligation imposed by the provisions of the Convention on the Prevention and Punishment of Genocide Crimes.		

No	Human Rights Substances	Reference	Adjustment	Limitation
		4. Every person who has been sentenced to death has the right to request forgiveness or compensation. Amnesty, remission or substitution to death penalty can be given in all cases. 5. The death penalty may not be imposed for crimes committed by someone under the age of eighteen and may not be carried out against a woman who is pregnant. 6. Nothing in this Article may be used to delay or prevent the abolition of the death penalty by the State which is a Party in this Covenant. e. General Comment Number 6 Article 6 International Covenant on Civil and Political Rights f. General Comment Number 14 Article 6 International Covenant		

No	Human Rights Substances	Reference	Adjustment	Limitation
		on Civil and Political Rights		
2.	Free from torture or perpetration or other despicable sentences, inhuman or degrading	a. Article 28G section (2) of the 1945 Constitution of the Republic of Indonesia states that every person has the right to be free from torture or degrading and deprivation of the right to obtain political asylum in other countries. b. Article 1 section (4) of Law Number 39 of 1999 on Human Rights defined as any act carried out intentionally, causing great pain or suffering, both physically and spiritually, to someone to obtain recognition or information from someone or from a third person, by punishing him for an act that has been committed or alleged to have been committed by a third person or person, or threatens or forces a third person or person, or for a reason based on	a. Accessibility to various information on places of detention/prison (increasing improvement in conditions of detainees) as well as access to information relating to prohibitions on torture b. Treated humanely and respectfully due to human dignity inherent in them c. Adhering to the principle of non-refoulment d. Monitoring of places that have potential or suspected acts of torture or actions that can cause physical and mental suffering	nonderogable

No	Human Rights Substances	Reference	Adjustment	Limitation
		any form of discrimination, if the pain or suffering is caused by, for incitement from, with consent, or the knowledge of anyone and or a public official. c. Article 5 section (3) of Law Number 39 of 1999 on Human Rights states that every person who is part of a vulnerable group has the right to better treatment and protection related to their specificity. d. Article 7 of International Covenant on Civil and Political Rights states that no person can be subjected to torture or perpetrator or despicable sentences, inhuman or condescend. In particular, no one can be an object of medical or scientific experimentation without freely given consent. e. General Comment Number 7 Article 7 International Covenant	and supervision of the law enforcement process e. Not only protects people who are in custody or imprisoned, but also students in educational institutions and medical patients	

No	Human Rights Substances	Reference	Adjustment	Limitation
		on Civil and Political Rights f. General Comment Number 20 Article 7 International Covenant on Civil and Political Rights		
3.	Prohibition of slavery	a. Article 28I section (1) the 1945 Constitution of the Republic of Indonesia recognizes that the right to be free from slavery b. Article 20 Law Number 39 of 1999 on Human Rights states that no one should be in slavery or servitude c. Article 8 International Covenant on Civil and Political Rights 1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. 2. No one shall be held in servitude. (a) No one can be obliged 3. (a) No one shall be required to perform forced or compulsory	a. Prohibiting people from doing forced labor, including prison work, compulsory labor, forced labor for work discipline, to punish workers for involvement in strikes or for the purpose of discrimination on the basis of racial, social, national or religious grounds. b. Prevent and handle trafficking practices	Non derogable under any circumstances, and by anyone

No	Human Rights Substances	Reference	Adjustment	Limitation
		labour; (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court; (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include: (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of		

No	Human Rights Substances	Reference	Adjustment	Limitation
		a person during conditional release from such detention; (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors; (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations.		
4.	Freedom and personal	a. Article 28G section (1) of the 1945 Constitution of the Republic of Indonesia	a. Valid for people subject to criminal charges	a. Cannot be reduced under any

No	Human Rights Substances	Reference	Adjustment	Limitation
	security	states that every person has the right to personal, family, honor, dignity and property under his control, and has the right to security and protection from the threat of fear of doing or not doing something which is a human rights b. Article 4 of Law Number 39 of 1999 on Human Rights which states, among other things, that the right to be recognized as a person and equality before the law, and the right to be free from retroactive prosecution. c. Article 34 of Law Number 39 of 1999 on Human Rights states that every person will not be arrested, detained, tortured, ostracized, exiled or disposed of arbitrarily. d. Article 9 of the International Covenant on Civil and Political Rights 1. Everyone has the	b. Applies to all deprivation of liberty both in criminal cases and in other cases such as mental illness, vagrancy, drug dependence, educational goals, immigration control etc. c. Responsible for compliance and ensuring compliance d. The right to control the court through legal remedies for the legality of the arrest or detention for all those deprived of their independence e. Take appropriate actions to protect the right of one's freedom to seizure carried	circumstances, and by anyone b. Oral notification of reasons for arrest meets the requirements in accordance with the legislation c. The reason must be given in the language understood by the person who was arrested or detained

No	Human Rights Substances	Reference	Adjustment	Limitation
		right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule	out by third parties f. Availability of compensation in the event of a violation	

No	Human Rights Substances	Reference	Adjustment	Limitation
		that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. e. General Comment No. 8		

No	Human Rights Substances	Reference	Adjustment	Limitation
		Article 9 of the International Covenant on Civil and Political Rights f. General Comment No. 35 Article 9 of the International Covenant on Civil and Political Rights		
5.	Treatment of people deprived of their liberty	a. Article 28G section (2) of the 1945 Constitution states that every person has the right to be free from torture or treatment which demeans human dignity b. Article 17 of Law Number 39 of 1999 on Human Rights which states that every person without discrimination has the right to obtain justice by submitting a complaint, and a claim, both in criminal, civil and administrative cases and being tried through a free and impartial judicial process, in accordance with the procedural law guarantee objective examination by an	a. Providing information, explanations and legal assistance to someone who is detained b. Supervision and training of state apparatus working in facilities that eliminate one's freedom c. Differences in treatment between child prisoners and adults according to age and covenant d. The removal of freedom is not in retaliation for	a. Separated between adults and young ones b. Separated suspects/defendants from inmates. c. Only can be done by State Institutions such as Prisons, Hospitals. d. Treating someone humanely and with dignity by eliminating torture or cruel punishment, and other degrading treatment

No	Human Rights Substances	Reference	Adjustment	Limitation
		honest and fair judge to obtain a fair and correct decision. c. Article 10 of the International Covenant on Civil and Political Rights 1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. 2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons; (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary	violations but rather the reform and rehabilitation of a person, must provide assistance to those detained	

No	Human Rights Substances	Reference	Adjustment	Limitation
		system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status. d. General Comment No. 9 Article 10 of the International Covenant on Civil and Political Rights e. General Comment No. 21 Article 10 of the International Covenant on Civil and Political Rights		
6.	Freedom of opinion and expression	a. Article 28 and 28E section (2) and (3) of the 1945 Constitution guarantees the right to think, believe, and argue without any interference, and the freedom to express thoughts, beliefs and opinions.	a. The right to have an opinion without being disturbed. b. Applicable law may not violate non-discrimination provisions.	a. Based on legislation and insofar as it is necessary to respect the rights or good name of others and protect national

No	Human Rights Substances	Reference	Adjustment	Limitation
		Furthermore, Article 28F states that every person has the right to communicate and obtain information to develop their personal and social environment, and has the right to seek, obtain, possess, store, process and convey information using all types of available channels. b. Article 28F of the 1945 Constitution states that every person has the right to communicate and obtain information to develop their personal and social environment, and has the right to seek, obtain, possess, store, process and convey information by using all available channels. c. Article 23 section (2) Law Number 39 of 1999 on Human Rights states that every person has the freedom to own, convey and disseminate their beliefs orally or in writing in print and electronic	c. Ensure freedom of expression, including the right to seek, receive and share information and ideas about all things without exception. d. Protect people from other people or private parties who will interfere with freedom of expression or opinion. e. Protection of the right to freedom of expression, including not only freedom to freedom to seek and receive information and ideas, without regard to the media and in any form, whether verbally, in writing or in printed form, in the form of art or	security, public order, health, or general morals. b. Allowed if it relates to the interests or rights of other people or the interests of society in general by pouring into legislation. c. Must meet the proportionality requirements in accordance with the legislation. d. Can limit political polling before election announcements in order to protect the integrity of the electoral process.

No	Human Rights Substances	Reference	Adjustment	Limitation
		media. d. Article 25 of Law No. 39 of 1999 on Human Rights states that every citizen has the right to express his opinion in public, including the right to strike, in accordance with applicable legislation. e. Article 19 of the International Covenant on Civil and Political Rights 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the	through other media, according to his choice. f. All forms of coercion to someone to argue or not argue are prohibited. Freedom of opinion also includes the freedom not to argue.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals. f. General Comment No. 10 of Article 19 of the International Covenant on Civil and Political Rights g. General Comment Number 34 Article 19 of the International Covenant on Civil and Political Rights		
7.	The right to	a. Article 28D section (1) of	a. There is	

No	Human Rights Substances	Reference	Adjustment	Limitation
	a fair trial process	the 1945 Constitution stipulates that every person has the right to recognition, guarantee, protection and fair legal certainty and equal treatment before the law. b. Article 3 section (2) and (3) Law Number 39 of 1999 on Human Rights states that everyone has the right to recognition, guarantee, protection and fair legal treatment and will obtain legal certainty and equal treatment before the law, and that everyone has the right to the protection of human rights and basic human freedoms, without discrimination. c. Article 17 of Law Number 39 of 1999 on Human Rights stipulates that everyone, without discrimination, has the right to obtain justice by submitting an application. complaints, and claims, both in	compensation regulated by legislation in the event of an error in applying the law. b. Assume a presumption of innocence. c. The right of every person to be immediately notified in detail in easy-to-understand language, about the nature and reasons for the allegations imposed on him. d. The right to have adequate time and facilities for the preparation of defense and for communication with self-selected legal counsel. e. Ensure equality before the court, including equal	

No	Human Rights Substances	Reference	Adjustment	Limitation
		criminal, civil and administrative cases and tried through a free and impartial judicial process, in accordance with the procedural law which guarantees an objective examination by an honest and fair judge to obtain a fair and correct decision. Article 18 of this Law also regulates the principles of the presumption of innocence (section 1), legal representation (section 4) and ne bis in idem (section 5). d. Article 14 of the International Covenant on Civil and Political Rights 1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and	access to the courts, as well as competent, impartial and independent courts established by law and guaranteed in practice. Entitled to a fair and open examination in accordance with the nature of the case being examined by the court.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings		

No	Human Rights Substances	Reference	Adjustment	Limitation
		concern matrimonial disputes or the guardianship of children. 2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. 3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;		

No	Human Rights Substances	Reference	Adjustment	Limitation
		(c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it; (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his		

No	Human Rights Substances	Reference	Adjustment	Limitation
		behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; (g) Not to be compelled to testify against himself or to confess guilt. 4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation. 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. 6. When a person has by		

No	Human Rights Substances	Reference	Adjustment	Limitation
		a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him. 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each		

No	Human Rights Substances	Reference	Adjustment	Limitation
		country. e. General Comment No. 13 Article 14 of the International Covenant on Civil and Political Rights f. General Comment No. 18 International Covenant on Civil and Political Rights g. General Comment No. 32 Article 14 of the International Covenant on Civil and Political Rights		
8.	Guarantee free from discrimination between citizens and non-citizens (foreigners)	a. Article 27 section (1) of the 1945 Constitution states that every citizen must be in the same position in law and government and is obliged to uphold the law and government with no exception. b. Article 28G section (2) of the 1945 Constitution states that every person has the right to be free from torture or treatment which undermines human dignity and has the right to obtain	Prioritizing the application of the principle/treatment of non-discrimination and preventing discrimination and abuse of non-citizens (foreigners) in the territory of the Republic of Indonesia.	a. Can be done in accordance with the legislation. b. Must pay attention to basic rights such as the treatment of non-discrimination, equality of rights and obligations under the law, and freedom from torture

No	Human Rights Substances	Reference	Adjustment	Limitation
		political asylum from other countries. c. Article 28I section (1) of the 1945 Constitution states that the right to life, the right not to be tortured, the right to freedom of mind and conscience, religious rights, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive laws are human rights which cannot be reduced under any circumstances. d. Article 28I section (2) of the 1945 Constitution states that everyone has the right to be free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment. e. Article 3 section (2) Law Number 39 of 1999 on Human Rights states that everyone has the		and ill-treatment.

No	Human Rights Substances	Reference	Adjustment	Limitation
		right to recognition, guarantee, protection and fair legal treatment and to obtain legal certainty and equal treatment before the law. f. Article 3 section (3) Law Number 39 of 1999 on Human Rights states that the state guarantees everyone the right to the protection of human rights and basic human freedoms, without discrimination. g. Article 4 of Law Number 39 of 1999 on Human Rights guarantees the right to life, the right not to be tortured, the right to personal freedom, mind and conscience, religious rights, the right not to be enslaved, the right to be recognized as a person and equality before the law, and the right not to be prosecuted on legal grounds retroactive is human rights which cannot be reduced under		

No	Human Rights Substances	Reference	Adjustment	Limitation
		any circumstances and by anyone. h. Article 5 section (1) Law Number 39 of 1999 on Human Rights guarantees that everyone is recognized as a person who has the right to claim and obtain the same treatment and protection in accordance with the dignity of humanity before the law. i. Article 5 section (2) Law Number 39 of 1999 on Human Rights guarantees that everyone has the right to receive assistance and fair protection from an objective and impartial court. j. Article 2 of the International Covenant on Civil and Political Rights. 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject		

No	Human Rights Substances	Reference	Adjustment	Limitation
		to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant. 3. Each State Party to the present Covenant		

No	Human Rights Substances	Reference	Adjustment	Limitation
		undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the		

No	Human Rights Substances	Reference	Adjustment	Limitation
		possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted. k. Article 9 of the International Covenant on Civil and Political Rights 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be		

No	Human Rights Substances	Reference	Adjustment	Limitation
		promptly informed of any charges against him. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment. 4. Anyone who is deprived of his		

No	Human Rights Substances	Reference	Adjustment	Limitation
		liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. 1. Article 10 section (1) of the International Covenant on Civil and Political Rights which guarantees that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. m. Article 13 of the International Covenant on Civil and Political		

No	Human Rights Substances	Reference	Adjustment	Limitation
		Rights guarantees that An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority. n. Article 12 section (3) of the International Covenant on Civil and Political Rights which guarantees rights that the above-mentioned rights shall not be subject to any restrictions except those		

No	Human Rights Substances	Reference	Adjustment	Limitation
		which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. o. Article 12 section (4) of the International Covenant on Civil and Political Rights guarantees that no one shall be arbitrarily deprived of the right to enter his own country. p. Article 26 of the International Covenant on Civil and Political Rights which guarantees that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective		

No	Human Rights Substances	Reference	Adjustment	Limitation
		protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. q. General Comment Number 15 of the International Covenant on Civil and Political Rights.		
9.	Freedom from arbitrary/illegal interference (no interference can be done except in matters determined by law)	a. Article 28G section (1) of the 1945 Constitution states that every person has the right to the protection of himself, family, honor, dignity and property, and has the right to feel safe and be protected from the threat of fear of doing or not doing something. In this case, privacy is recognized as a comprehensive concept, including family, honor, dignity and property. b. Article 31 section (1), (2), and Article 32 of Law Number 39 of 1999 on	a. Eligible to be protected from interference and attacks originating from state authorities or ordinary people or law in their personal, family, home or correspondence issues and unauthorized attacks on their honor and reputation. b. Guaranteed by legislative, administrative or	a. Searching for someone's home must be limited to searches for evidence that is needed and not allowed to be harassed b. Competent public authorities can only request information relating to the individual's personal life to the extent necessary for

No	Human Rights Substances	Reference	Adjustment	Limitation
		Human Rights. Article 31 section (1) states that no one will be subject to arbitrary interference at his home. Furthermore, Article 31 section (2) states that no one will set foot on or enter the fence of the house or enter the house without the permission of the person who lives there, except for reasons stipulated by applicable legislation. Meanwhile, Article 32 states that no one will be the subject of arbitrary interference with his correspondence, including electronic communications, except by order of the court or other legitimate authority under applicable legislation. c. Article 17 of the International Covenant on Civil and Political Rights. 1. No one shall be subjected to arbitrary or unlawful	judicial authority and in general by competent bodies established in the country. c. The integrity and confidentiality of the correspondence must be guaranteed as de jure and de facto. d. Ensure that information relating to one's personal life does not fall into the hands of people who do not have legal authority to receive, process and use it and may not be used. e. Personal and body searches of a person must be guaranteed to have effective measures against searches.	the benefit of the community in accordance with relevant regulations. c. Body searches can only be checked by people of the same sex.

No	Human Rights Substances	Reference	Adjustment	Limitation
		interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks. d. General Comment No. 16 Article 17 of the International Covenant on Civil and Political Rights		
10.	Child protection	a. Article 28B section (2) of the 1945 Constitution states that every child has the right to live, grow and develop, and has the right to protection from violence and discrimination. b. Article 34 section (1) of the 1945 Constitution states that abandoned children are administered by the State. c. Law Number 39 of 1999	a. Children who are under the age of 18 who are accused must be separated from adults and have the right to immediately undergo legal proceedings, and those who have obtained court decisions must be subject to punishment	a. The right to publication of court decisions or criminal cases, where exceptions can be made when the interests of underage children need it b. Abuse in political activities that make children threatened by

No	Human Rights Substances	Reference	Adjustment	Limitation
		on Human Rights also regulates children's rights for example, Article 52 section 1 states that all children have the right to be protected by their parents, family and community. d. Article 53 as of Article 66 of Law Number 39 of 1999 on Human Rights e. Article 24 of the International Covenant on Civil and Political Rights 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. 2. Every child shall be registered	systems that are separate from adults and appropriate for their age and legal status, aiming for rehabilitation social. b. The death penalty should not be imposed on crimes committed by children. c. Ensure that children are not involved in armed conflict. d. Ensure prevention of child exploitation such as forced labor, prostitution, use in trafficking in illegal drugs, or in other ways. e. Ensure obtaining an identity (birth certificate) to reduce the	safety, playing time, and interacting with the theme c. Engagement in social conflict

No	Human Rights Substances	Reference	Adjustment	Limitation
		immediately after birth and shall have a name. 3. Every child has the right to acquire a nationality. f. General Comment No. 17 Article 24 of the International Covenant on Civil and Political Rights.	danger of kidnapping, selling or trafficking in children, or other types of special treatment and protection including the right to citizenship status. f. Protect from discrimination on any basis such as race, color, gender, language, religion, national or social origin, and ownership or birth status.	
11.	Family protection	a. Article 28B section (1) of the 1945 Constitution states that everyone has the right to form a family through a legal marriage. b. Article 10 section (1) and (2) Law Number 39 of 1999 on Human Rights states that every person has the right to form a family and have children	a. Ensuring equality of rights and obligations of husband and wife during the marriage period. b. It does not determine the age of marriage for both men and women, but that	Adapted to the applicable legislation.

No	Human Rights Substances	Reference	Adjustment	Limitation
		through a legitimate marriage that can only take place at the free will of a prospective husband and wife in accordance with relevant provisions of legislation without discrimination. c. Article 23 of the International Covenant on Civil and Political Rights 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. 2. The right of men and women of marriageable age to marry and found a family shall be recognized. 3. No marriage shall be entered into without the free and full consent of the intending spouses. 4. States Parties to the present Covenant	age must enable every party who wants to get married to give free and full consent in the form and condition that is in accordance with the law.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and as its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children. d. General Comment Number 19 Article 23 of the International Covenant on Civil and Political Rights.		
12.	The right to freedom of thought, belief and religion and the freedom to practice worship according to religion, belief and culture	a. Article 28 section (1) of the 1945 Constitution guarantees full respect for the rights of traditional communities. b. Article 28E section (1) and (2), and Article 29 section (1) and (2) of the 1945 Constitution reaffirm the principle of religious freedom and the obligation of the State to guarantee the freedom of the people to choose and	a. Protect the rights of individuals from minority groups, to be able to enjoy their rights both in society and with other members in the group to enjoy their own culture, apply their own religion and culture and	Regulated according to the legislation and is needed to protect security, public order, health or moral community

No	Human Rights Substances	Reference	Adjustment	Limitation
		practice their religion and belief. c. Article 28 I section (3) of the 1945 Constitution states that cultural identity and the rights of traditional communities are respected in accordance with the development of times and civilizations. d. Article 28J of the 1945 Constitution stipulates the obligation of everyone to respect the human rights of others in an orderly manner in society, nation and state. In exercising their rights and freedoms, all people must be subject to restrictions set by law solely for the purpose of guaranteeing the recognition and respect for the rights and freedoms of others and to fulfill the demands of justice in accordance with moral considerations, religious values, security and	their own language. b. Protect the right of every person to change the religion or belief he adheres to with another religion or belief. c. Protect the rights of everyone by giving permission that every public school teaches religious and ethical subjects, with neutral and objective principles. d. Protect all religious people and people who adhere to any belief that exists. e. Not forced to express thoughts or loyalty to a religion or belief. f. Protect everyone to freely practice other religions or beliefs both	

No	Human Rights Substances	Reference	Adjustment	Limitation
		public order in a democratic society. e. Article 32 section (1) and (2) of the 1945 Constitution guarantees the promotion of Indonesian people by guaranteeing their freedom in maintaining and developing their cultural values. f. Article 4 of Law Number 39 of 1999 on Human Rights states that the right to embrace religion is one of the non-derogable rights. g. Article 22 of Law Number 39 of 1999 on Human Rights provides protection to choose and practice religion and belief. h. Article 23 section (2) Law Number 39 of 1999 on Human Rights regulates restrictions for everyone in expressing and disseminating opinions, verbally or in writing, print and electronic media. This limitation	individually and together with other people, whether public or closed. g. Ensure and prohibit propaganda for fighting or advocating national, racial or religious hatred.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		must consider the values of religion, morality, public order, public interest, and the integrity of the nation. i. Article 55 of Law Number 39 of 1999 on Human Rights, the State also guarantees the promotion and protection of children's rights to have freedom of thought, conscience and religion. j. Article 18 of the International Covenant on Civil and Political Rights. 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.		

No	Human Rights Substances	Reference	Adjustment	Limitation
		2. No one shall subject to coercion which would impair his freedom to have to or adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. k. General Comment Number 11 Article 20 of the International		

No	Human Rights Substances	Reference	Adjustment	Limitation
		Covenant on Civil and Political Rights. 1. General Comment Number 22 Article 18 of the International Covenant on Civil and Political Rights. m. General Comment Number 23 Article 27 of the International Covenant on Civil and Political Rights.		
13.	Right of participation in government	a. Article 28D section (3) of the 1945 Constitution states that every citizen has the right to equal opportunities in the government. b. Article 22E of the 1945 Constitution on General Elections. 1. General elections are held in a direct, public, free, confidential, honest and fair manner every five years. 2. General elections are held to elect members of the People's Legislative Assembly, Regional	All citizens, regardless of race, ethnicity, and religion, are equal before the law and they have the same political opportunity.	Does not provide exceptions, regardless of position in the government.

No	Human Rights Substances	Reference	Adjustment	Limitation
		Representative Council, President and Vice President and Regional People's Representatives Council. 3. Participants in the general election to elect members of the House of Representatives and members of the Regional People's Legislative Assembly are political parties. 4. Participants in the general election to elect members of the Regional Representative Council are individuals. 5. General elections are held by an electoral commission that is national, permanent and independent. 6. Further provisions regarding general elections are regulated by law. c. Article 18 section (3) and		

No	Human Rights Substances	Reference	Adjustment	Limitation
		(4) of the 1945 Constitution indicate that the provincial government and district / city governments have DPRDs whose members are elected through elections, and Governors, Regents, Mayors are the heads of provincial and regency / city governments which are democratically elected . d. Article 43 and 44 of Law Number 39 of 1999 on Human Rights guarantees the right of citizens to participate in elections, which are part of the right to participate in government. e. Article 25 of the International Covenant on Civil and Political Rights guarantees that every citizen shall have right and opportunity, without any of distinctions as referred to in Article 2 and without inreasonable restrictions: a) To take part in the		

No	Human Rights Substances	Reference	Adjustment	Limitation
		conduct of public affairs, directly or through freely chosen representatives; b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; c) To have access, on general terms of equality, to public service in his country. f. General Comment Number 25 Article 25 of the International Covenant on Civil and Political Rights.		
14.	Freedom of movement	a. Article 28E section (1) of the 1945 Constitution states that everyone is free to choose a place to live in the territory of the country and leave it, and has the right to return. b. Article 27 of Law Number 39 of 1999 on Human	a. Free to leave the territory of a country including the right to obtain the required travel documents (passport). b. Entitled to reside	a. Free to leave the territory of a country except by order of legislation and /or an authorized official. b. In accordance

No	Human Rights Substances	Reference	Adjustment	Limitation
		Rights which regulates the promotion and protection of the right to freedom of movement and freedom to choose a place to live. c. Article 12 of the International Covenant on Civil and Political Rights 1. Everyone lawfully within the territory of the State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (<i>ordre public</i>), public health or morals or the rights	legally in an area of the country and enjoy the area, has the right to move freely and choose his place of residence. c. The right to enter his own country, this right includes not only the right to return after leaving his own country, but also gives the right for someone to come to a country for the first time if they are born outside the country. d. Does not distinguish between citizens and foreign nationals.	with legislation to protect national security and public order, public health or morals, or the rights and freedoms of others, and in accordance with other recognized rights. c. Cannot use free discretion and steps must be proportional.

No	Human Rights Substances	Reference	Adjustment	Limitation
		and freedoms of others, and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of his right to enter his own country. d. General Comment No.27 Article 12 of the International Covenant on Civil and Political Rights.		
15.	Equal rights between men and women	a. Articles 20, 38, 41, and 45 S. 51 Law Number 39 of 1999 on Human Rights specifically mentions and emphasizes women's rights and equality of rights between men and women. b. Article 3 of the International Covenant on Civil and Political Rights which states that the States Parties to the present Covenant undertake to ensure the	a. Guaranteed civil and political rights including the right to life, the same legal position, equal rights in marriage, inheritance, citizenship, the right to information, the right to expression and political rights. b. Guarantees	Temporary special actions on women's rights, namely on special conditions and conditions of pregnancy for women (maternity leave and menstruation leave).

No	Human Rights Substances	Reference	Adjustment	Limitation
		equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant. c. Article 3 of the International Covenant on Economic, Social and Cultural Rights which states that the States Parties to the Covenant promise to guarantee equal rights between men and women to enjoy all the economic, social and cultural rights contained in this Covenant. d. General Comment Number 28 Article 3 of the International Covenant on Civil and Political Rights. e. General Comments Number 16 Article 3 of the International Covenant on Economic, Social and Cultural Rights.	economic, social and cultural rights including; the right to adequate housing, the right to adequate food, the right to education, the right to the highest standard of health that can be achieved, and the right to water directly and indirectly.	
16.	Decent houses	a. Article 28H section (1) of the 1945 Constitution states that everyone has	a. A decent aspect of residence: 1) guarantee of	a. May not cause damage to the environment

No	Human Rights Substances	Reference	Adjustment	Limitation
		the right to live in physical and spiritual prosperity, to live, and to get a good and healthy environment and the right to receive health services. b. Article 28H section (4) of the 1945 Constitution states that every person has the right to have personal property rights and such ownership rights must not be taken arbitrarily by anyone. c. Article 28G section (1) of the 1945 Constitution states that everyone has the right to personal, family, honor, dignity and property under his control, and has the right to security and protection from the threat of fear of doing or not doing something which is rights. d. Article 29 section (1) Law Number 39 of 1999 on Human Rights states that every person has the right to the protection of	ownership legality; 2) availability of various services; 3) affordability of costs; 4) habitable 5) accessibility 6) location; and 7) cultural feasibility b. Access information on development / spatial planning that impacts housing and settlements. c. Guaranteeing to everyone without basing on income and access to economic resources. d. Providing access for people in affordable areas to manage land ownership documents. e. Providing	b. It is not established in polluted locations, which can threaten the right to healthy living of its inhabitants.

No	Human Rights Substances	Reference	Adjustment	Limitation
		his personal, family, honor, dignity and property rights. e. Article 31 section (1) Law Number 39 of 1999 on Human Rights states that the residence of anyone may not be disturbed. f. Article 36 section (2) Law Number 39 of 1999 on Human Rights states that no one may be deprived of his property arbitrarily and illegally. g. Article 36 section (3) Law Number 39 of 1999 on Human Rights states that property rights have social functions. h. Article 40 of Law Number 39 of 1999 on Human Rights states that everyone has the right to live and live a decent life. i. Article 11 section (1) of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to an adequate standard of	facilities for low-income communities to manage and produce documents on land ownership. Including easy and inexpensive fees for low income people. f. Providing facilities and/or financial assistance for the construction and acquisition of public houses and self-help houses for low-income communities. g. Provision of access to all natural and public resources, healthy drinking water, lighting, sanitation, garbage disposal, and drainage sites.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		living for him and his family, including food, clothing and housing, and for the improvement of living conditions continuously. The State Party will take adequate steps to ensure the realization of this right by recognizing the importance of international cooperation based on voluntary agreement. j. General Comment Number 4 Article 11 section (1) of the International Covenant on Economic, Social and Cultural Rights.	h. Provision of access to jobs, health services, schools and other public facilities. i. Provision of programs and document management services for land ownership. j. Provision of facilities and infrastructure Waste/waste management by the government. k. Provision of subsidized housing for affordable low-income communities, but still by paying attention/implementing a decent and healthy home. l. Housing provision and service program	

No	Human Rights Substances	Reference	Adjustment	Limitation
			for people in remote areas.	
17.	People with disabilities	a. Article 20 section (1) of the 1945 Constitution, the Government is responsible for efforts to improve the social welfare of persons with disabilities, both mentally disabled, physically disabled and mentally and physically disabled. b. Article 41 section (2) Law Number 39 of 1999 on Human Rights states that every person with a disability, an elderly person, pregnant women, and children, has the right to obtain facilities and special treatment. c. General Comment No. 5 International Covenant on Economic, Social and Cultural Rights	a. Increase awareness in the community of the rights of persons with disabilities, their needs, the potential they have and all their contributions b. Increase awareness in the community of the rights of persons with disabilities, their needs, the potential they have and all their contributions c. Taking positive action to reduce structural losses and provide better treatment for persons with disabilities in order to achieve the goals of full participation and equality in society for every	The policy for persons with disabilities must guarantee access for persons with disabilities to each community / public service.

No	Human Rights Substances	Reference	Adjustment	Limitation
			person with disabilities.	
18.	Elderly	a. Article 5 section (3) Law Number 39 of 1999 on Human Rights states that everyone who is included in the vulnerable community groups has the right to receive more treatment and protection with regard to their specificity. b. General Comment No. 6 International Covenant on Economic, Social and Cultural Rights	Ensure independence, participation, care, fulfillment of desires, and dignity for the elderly group. 1. Independence Including access to food, water, shelter, clothing and proper health care, opportunities for paid employment and access to education and training. 2. Participation Actively participate in the formulation and implementation of policies that affect their destiny 3. Care Elderly people must get family care, health care	Determined by applicable legislation.

No	Human Rights Substances	Reference	Adjustment	Limitation
			and be able to enjoy and have fundamental freedom when settling in a medical or nursing facility. 4. Fulfillment of Needs Opportunity to develop the full potential of the elderly through access to educational, cultural, spiritual and recreational services in the community. 5. Dignity Must be able to live in dignity and have guarantees and be free from exploitation and physical or mental abuse, must be treated fairly regardless of age, sex, race	

No	Human Rights Substances	Reference	Adjustment	Limitation
			or ethnic background, disability, financial or other status and their contributions must be respected independently.	
19.	Forced eviction	a. Article 37 section (1) Law Number 39 of 1999 on Human Rights states that revocation of property rights on an object in the public interest is only permitted by compensating for reasonable and immediate losses and its implementation in accordance with the provisions of the legislation. b. Article 37 section (2) Law Number 39 of 1999 on Human Rights states that if something based on legal provisions in the public interest must be destroyed or not empowered for good or for a while, then it is	a. Adjusted and harmonized with the concept of allotment, spatial planning and spatial planning, as well as being given the widest access to the community to get balanced information about it. b. If the eviction cannot be avoided, it must ensure that there are alternatives as a form of recovery or compensation c. Having certainty of position that	a. Can be done for public interest and the feasibility of the residential area itself. b. It is only determined by law to the extent that this limit is consistent with the characteristics of economic and social rights and is only intended to improve public welfare in a democratic society

No	Human Rights Substances	Reference	Adjustment	Limitation
		done by compensating in accordance with the provisions of legislation unless otherwise specified. c. Article 11 section (1) of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to an adequate standard of living for him and his family, including food, clothing and housing, and for the improvement of living conditions continuously. The State Party will take adequate steps to ensure the realization of this right by recognizing the importance of international cooperation based on voluntary agreement. d. General Comment Number 7 Article 11 section (1) of the International Covenant on Economic, Social and Cultural Rights.	guarantees legal protection from forced evictions, violence and other threats. d. Providing all appropriate measures, to maximize available resources, to ensure that housing, housing or alternative access to productive land is available e. Make a positive impact on the people affected by eviction. f. The implementation of land acquisition for the public interest is carried out by prior notification to the citizens and conducting a dialogue to agree	

No	Human Rights Substances	Reference	Adjustment	Limitation
			on the plan for the transfer of residents' land and by replacing proper losses.	
20.	Food worthy	General Comment Number 12 Article 11 of the International Covenant on Economic, Social and Cultural Rights.	a. Ensure accessibility and availability of proper and nutritious staple food for all communities in the region. b. Monitor the availability of staple food and nutrition in the region of the country. c. Form a strategy and coordinate the fulfillment of materials from production to distribution and ensure that private businesses and the community are in line with efforts to fulfill food rights.	a. Ban embargo on foodstuffs with political and economic objectives. b. Prohibition of limiting discriminatory food. c. Giving food assistance to other countries must not harm the market and local producers, besides that it must be acceptable in accordance with the culture of the local community.

No	Human Rights Substances	Reference	Adjustment	Limitation
			d. Establishment of institutions that handle food, nutrition and food feasibility. e. Directly providing food and ensuring food availability for victims of emergency events: conflicts, natural disasters, and so on.	
21.	Education	a. Article 31 of the 1945 Constitution states that every citizen has the right to education and every citizen is obliged to attend basic education and the government is obliged to finance it. b. Article 13 of the International Covenant on Economic, Social and Cultural Rights 1. The States Parties to the Covenant recognize the right of everyone to education. They agreed that education must be	a. Progressive implementation of the right to get the basic education needed, which is free of charge from everyone, in a realistic time period. b. Provide access to basic education for children and the prohibition of gender discrimination in access to education	a. More protective of individual rights b. For national security or general stability c. The application of physical punishment is the result of indiscipline

No	Human Rights Substances	Reference	Adjustment	Limitation
		directed at the development of the whole human personality and awareness of self-esteem, and strengthening respect for fundamental human rights and human freedoms. They further agree that education must enable all people to participate effectively in a free society, enhance understanding, tolerance and friendship among all nations and all groups, races, ethnicities or religions, and further promote the activities of the United Nations for maintain peace. 2. The States Parties to the Covenant recognize that in order to exercise this right in full: a) Basic education	c. Education must be adequate in quality, suitable for children and must promote the realization of other children's rights. d. Involvement of all community components in the preparation of action plans for basic education. e. Develop an action plan on the grounds that resources are not available. f. All forms of education, state and private, formal and non-formal must be directed at the goals and objectives contained in the Universal Declaration of Human Rights.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		must be compulsory and available free of charge to everyone; b) Continuing education in its various forms, including advanced technical and vocational education in general, must be available and open to all people in all reasonable ways, and in particular through the provision of free education in stages; c) Higher education must also be available to everyone equally on the basis of ability, in all feasible ways, especially through the provision of free education in stages; d) Basic education should be encouraged or enhanced as far as possible for people	g. Educational rights include availability, access, acceptance and adaptability that are common in all forms of education at all levels (basic education, secondary education, technical and vocational education, higher education). h. Develop a comprehensive development strategy for schooling systems at all levels. i. Respect the freedom of parents and guardians in determining moral and religious education for	

No	Human Rights Substances	Reference	Adjustment	Limitation
		who have not received or have not completed their basic education; e) Development of a school system at all levels must be actively pursued, an adequate scholarship system must be established and the material conditions of the teaching staff must be continually improved. 3. The States Parties to the Covenant promise to respect the freedom of legitimate parents and guardians, if any, to choose schools for their children other than those established by government institutions, insofar as they meet the minimum education standards as stipulated or approved by the country concerned, and to	their children according to their own beliefs. j. De facto equality for men and women and disadvantaged groups (non discrimination). k. The existence of academic freedom and educational institutional autonomy in accordance with legislation concerning national education standards. 1. Establish and maintain a transparent and effective system.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		ensure that the religious and moral education of their children is consistent with their beliefs. 4. None of the provisions in this Article can be interpreted as justification for interfering with the freedom of individuals and bodies to establish and administer educational institutions insofar as the principles laid down in section 1 of this Article are always respected, and on the condition that education is provided in these institutions meet the minimum standards set by the State. c. General Comments No.11 Article 14 of the International Covenant on Economic, Social and Cultural Rights. d. General Comment No.13		

No	Human Rights Substances	Reference	Adjustment	Limitation
		Article 13 of the International Covenant on Economic, Social and Cultural Rights.		
22.	High health standards	a. Article 28H section (1) of the 1945 Constitution states that everyone has the right to obtain health services. b. Article 34 section (3) of the 1945 Constitution states that the state is responsible for providing adequate health care facilities. c. Article 12 of the International Covenant on Economic, Social and Cultural Rights states that: 1. The States Parties to the Covenant recognize the right of everyone to enjoy the highest standards that can be achieved for physical and mental health. 2. The steps to be taken by the States Parties to this Covenant in order to achieve the	a. Fulfillment of various health care facilities, goods and health services, programs are also important conditions for the realization of adequate and affordable health standards for everyone. b. Covering a wide area not economic and social factors that influence the creation of conditions where the community can achieve a healthy life, but also includes health determinants such as food, shelter, access to	

No	Human Rights Substances	Reference	Adjustment	Limitation
		full realization of this right must include the things needed to strive for: a) Provisions for reducing the rate of birth and death of children and the development of healthy children; b) Improvement of all aspects of environmental and industrial health; c) Prevention, treatment and control of all infectious, endemic, other diseases related to work; d) Creation of conditions that will guarantee all medical services and attention in the case of one's illness. d. General Comment Number 14 of the International Covenant on Economic, Social and Cultural Rights	drinking and adequate sanitation, safe conditions and a healthy environment c. Enjoy the highest health standards (physical and mental) that can be reached and conducive to human life with a degree	

No	Human Rights Substances	Reference	Adjustment	Limitation
23.	Reproduction health	General Comment Number 22 Article 12 of the International Covenant on Economic, Social and Cultural Rights	a. Access to various reproductive health information, goods, facilities and services to enable everyone to make free and responsible decisions, covering all aspects of sexual and reproductive health, including maternal health, contraception, family planning, sexually transmitted infections, HIV prevention, safe abortion and post-abortion care, options for fertility and infertility, and reproductive cancer. b. Cannot be shared and related to other human rights.	Freedom to make decisions and choices and be responsible, free from elements of violence, coercion and discrimination, which are related to one's body and sexual and reproductive health.

No	Human Rights Substances	Reference	Adjustment	Limitation
			This is closely related to civil and political rights that underlie individual physical and mental integrity and autonomy, such as the right to life; freedom and security of people; freedom from torture and other cruel, inhuman or degrading treatment; privacy and respect for family life; and non-discrimination and equality.	
24.	Water	a. Article 33 section (3) of the 1945 Constitution states that the earth, water and natural resources contained therein are controlled by the state and are used for the greatest prosperity of the people.	a. Water must be treated as a social and cultural property, not only as an economic good and its fulfillment must be sustainable, it	

No	Human Rights Substances	Reference	Adjustment	Limitation
		b. Article 9 section (3) Law Number 39 of 1999 on Human Rights states that everyone has the right to a good and healthy environment. c. Article 40 of Law Number 39 of 1999 on Human Rights states that everyone has the right to live and live a decent life. d. General Comment Number 15 of the International Covenant on Economic, Social and Cultural Rights.	can continue to be fulfilled b. Feasibility of water is fulfilled if the water supply is adequate, quality, and accessible, both economic access, non-discrimination and accessibility of information. c. The quality and quantity of water available to everyone must be adjusted to WHO guidelines. d. Prevent third parties from interfering with all means of fulfilling rights to water. e. Providing adequate, safe, acceptable, physically accessible and easily obtained	

No	Human Rights Substances	Reference	Adjustment	Limitation
			rights to water for personal and domestic use. f. Give special attention to individuals or groups who traditionally face difficulties in enjoying this right, including women, children, minority groups, and indigenous peoples. g. Ensure that water is affordable for everyone; and facilitate good and sustainable access to water, especially in rural areas and urban poor areas. h. The water supply for each person must be adequate and sustainable for personal and	

No	Human Rights Substances	Reference	Adjustment	Limitation
			domestic use.	
25.	Everyone has the right to get protection for moral interests and material obtained from scientific, literary or artistic creation in terms of him as the creator	a. Article 28C section (1) of the 1945 Constitution states that everyone has the right to develop themselves through meeting their basic needs, having the right to education and to benefit from science and technology, art and culture, to improve their quality of life and for the welfare of mankind. b. General Comment No. 17 International Covenant on Economic, Social and Cultural Rights	a. Eligible for adequate compensation or redemption. b. Protecting the moral and material interests of the author can be based on the principle of accountability, transparency and independence of the judiciary. c. Have equal access to effective mechanisms to protect the moral and material interests resulting from any scientific, literary or artistic production where he is the creator. d. Have clear national indicators and benchmarks in identifying and monitoring	a. In certain circumstances, restrictions may be accompanied by the provision of adequate compensation b. Stipulated by law in a manner that is in accordance with the nature of this right, must see a legitimate goal, and must be absolutely necessary to improve the general welfare of a democratic society; c. Proportionally carried out, where the least limitation must be made if there are several types of restrictions imposed.

No	Human Rights Substances	Reference	Adjustment	Limitation
			copyright. e. Have access to appropriate and adequate recovery for every person whose copyright is violated	
26.	Social security	a. Article 28 H section (3) of the 1945 Constitution guarantees that everyone has the right to Social Security which enables his full development as a dignified human being. b. .Article 34 section (2) of the 1945 Constitution states that the State must develop a system of social security for all people and empower people who are weak and unable to comply with human dignity. c. Article 34 section (1) of the 1945 Constitution requires the State to maintain the poor and neglected children. d. Article 9 of the International Covenant on Economic, Social and	a. Social security schemes include: 1. Health services 2. Persons with disabilities security 3. Old age security 4. Work accidents security 5. Health insurance 6. Unemployment security 7. Survivors of accidents security 8. Family security 9. Childbirth security b. Accessibility of	a. Do not discriminate and discriminate in the provision of social security for minority groups, rural communities, non-nationalities (migrants, refugees, etc.). b. It is not permissible to take actions that prevent the right to get social security both directly and indirectly. c. It is not permissible to commit direct

No	Human Rights Substances	Reference	Adjustment	Limitation
		Cultural Rights states that the States Parties to the Covenant recognize the right of everyone to social security, including social insurance. e. General Comment No.19 Article 9 of the International Covenant on Economic, Social and Cultural Rights	social security provided by the State. c. Coverage of the entire community. d. Eligibility of social security is sufficient and transparent. e. Affordable fees. f. Information and participation in social security. g. Physical access from social security to be distributed to remote areas and conflict areas. h. Adopt and form strategies, policies, and regulations that regulate the fulfillment of the right to social security for citizens. i. Protecting the fulfillment of social security,	commission or omission that hinder the fulfillment of social security rights to the community.

No	Human Rights Substances	Reference	Adjustment	Limitation
			especially from third parties (individuals, companies, etc.), and overseeing the fulfillment of social security rights for companies that carry out social security functions under the state.	
27.	The right of everyone to participate in cultural life	General Comment Number 21 International Covenant on Economic, Social and Cultural Rights	a. Laws, policies, and other government programs related to cultural practices must be formulated so that they can be accepted by individuals and communities. b. Laws, policies, and other government programs must respect the culture and cultural diversity that exists in	a. Can adhere to the principle of a culture but may not obstruct or eliminate human rights in practice b. Practices in culture must not eliminate or obstruct the human rights of a person or group that is in accordance with the covenant c. Learning

No	Human Rights Substances	Reference	Adjustment	Limitation
			these community areas. c. Must respect and acknowledge the cultural diversity in their area d. Helps stimulate and grow children's talents, especially related to the culture that exists in society e. Protect and provide access to equal participation in cultural activities or traditions for women, children, lower economic groups, migrants, and isolated communities. f. Do not see culture as only a matter of material value.	programs that are managed by the state must normalize and provide educational programs for several types of cultures for people with cultural diversity in the region. d. Do not interfere in negative matters in cultural practices access to cultural goods, and must promote or be positive towards the culture e. It should not preclude the practice and discriminate against a group because of their culture and guarantee

No	Human Rights Substances	Reference	Adjustment	Limitation
				access to their culture as long as it does not conflict with human rights.
28.	The right to decent working conditions	a. Article 27 section (2) of the 1945 Constitution stipulates that each citizen has the right to work and a decent living for humanity. b. Article 28D section (2) of the 1945 Constitution states that everyone has the right to work and receive fair and proper rewards and treatment in employment relations. c. Article 7 of the International Covenant on Economic, Social and Cultural Rights states that the States Parties to the Covenant recognize the right of everyone to enjoy fair and favorable working conditions, and in particular guarantee: a) Payments that give all workers, at least: 1. Fair wages and	a. The same salary for work of the same value without differences in any form, especially women in the same work conditions as men, with equal pay for equal work. b. The same opportunity for everyone to be promoted in their work to a higher level, without consideration other than seniority, competence and compliance with professional ethics and / or offices.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		rewards that are in accordance with decent work without distinction in any form, especially for women who must be guaranteed working conditions that are not lower than those enjoyed by men with equal pay for the same work. 2. A decent life for them and their families, in accordance with the provisions of this Covenant; b) Safe and healthy working conditions; c) The same opportunity for everyone to be promoted to a higher level, without any consideration other than seniority and ability. d) Rest, holidays and restrictions on reasonable working hours, and periodic	c. Implement an adequate monitoring and accountability framework by ensuring access to justice or other effective remedies.	

No	Human Rights Substances	Reference	Adjustment	Limitation
		holidays with salaries and other benefits on public holidays. d. General Comment Number 23 Article 7 of the International Covenant on Economic, Social and Cultural Rights		

C. CLOSING

The Guidelines for Content of Human Rights in the Establishment of Legislation are expected to be used by every institution in the formation of legislation so that the values and principles of human rights can be implemented properly.

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

signed

YASONNA H. LAOLY