

# Good Governance and Human Right:

## The Experience Of Indonesia As The Biggest Muslim Country In The World

Dede Rosyada

Syarif Hidayatullah

State Islamic University Jakarta, Indonesia

**Abstract**—The political leaders of Indonesia have given a great attention to human rights since early of the national movement for independence. The first national movement was Budi Utomo, the organization that was promoted by Indonesian academicians with the main effort was an education for indigenous Indonesia. And so, when Indonesia was proclaimed, the constitution was emphasized a lot of human rights for the people of Indonesia, education, religious and belief, and also the people rights to get prosperity. Now, human rights in Indonesia has been regulated by the bill number 39 the year 1999 about human rights, and the bill number 26 the year 2000 about the court for a human right violation. or maintaining human rights among the society, the government has established “the National Commission of Human Rights” in the year 1993. Promoting human rights is in line with the enhancing good governance because good governance needs to be supported by protecting human rights, and protecting human rights needs to be supported by good governance. All these efforts can be developed harmoniously in the democratic country.

**Keywords**—Good Governance; Budi Utomo; Indonesia; Human Rights;

### I. INTRODUCTION

Based on the result of the census year 2010, Indonesian Muslim were estimated 207,176,162 people from 237,641,326 people. It meant that Indonesian Muslim until the year 2010, have been achieving 87.18 % of all Indonesia citizens [Badan Pusat Statistik]. Accordingly, Muslim can take a position as the ruling group in the country and can take a decision which a better system to be implemented. However, since early in the Independence, the founders of the country never thought exclusively to establish the country for Muslim, but for all Indonesian people with several different religious followers. The people of Indonesia, since early of Independence, have been following five religions, Islam, Christian, Catholic, Hinduism, and Buddhism. Perhaps all those political leaders from the early period of Islam really wanted to follow what have done by Muhammad when he established Medina as the new diverse city- and was inhabited by some different religious followers: Muslim, Jews, Arab paganism and also Christian. Muhammad never declared Medina as the city for Muslim only, but the new city-state for all different citizens. Under the command of Muhammad, they approved to defend the city together and help each other between all citizens. And

they also agreed to collaborate on business and n other social issues.

Indonesia was proclaimed under the philosophy of *unity in diversity*, and all citizens were unified by Five Principles: divinity, humanity, unity, democracy, and prosperity. These all five principles, actually the universal human needs, regardless the difference of ethnic, religion and culture. The spirit of unifying the difference of a lot of primordial aspects, religion, ethnic and culture implied the country to acknowledge, respect, recognize and appreciating all citizens to implement each religious tradition, cultural exhibition and also to have ethnic solidarity. On the other hand, Indonesia is also influenced by overseas cultural behavior, Chinese, Indian, Arab and also Dutch. The only one way to unify the nation under the philosophy of unity in diversity is promoting the country for being multiculturalism nation (Gina Lestari:,31). It means that the country is developed by the differences, and it will strongly upright as long as all citizens are respecting for each basic right to implement their religious traditions, developing business, getting a good job, and to have the same opportunity to earn their living. Hence, the country should be well managed to respect each other in satisfying their basic needs and to strengthen relationship for developing collaboration in improving the country. That is the essence of democracy. The paper will explain the relationship between good governance and respect the human right for all citizens.

### II. HUMAN RIGHT IN INDONESIA

Human rights are commonly understood as being rights which are inherent to the human being. The concept of human rights acknowledges that every single human being is entitled to enjoy his or her human rights without distinction as to race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status (Mary, 2). Human rights are the basic rights and dignity inherent to every human being in the world and should be respected by other people. For instance, everyone is born equal and has the same right to embrace a certain religion, to get a job for earning his/her life. Hence, all people should respect others to do as they want to do, as long as it doesn't harm other people.

There are some characteristics of human rights:

- 1) Human rights are founded on respect for the dignity and worth of each person;
- 2) Human rights are universal, meaning that they are applied equally and without discrimination to all people;
- 3) Human rights are inalienable, in that no one can have his or her human rights taken away other than in specific situations. For example, the right to liberty can be restricted if a person is found guilty of a crime by a court of law;
- 4) Human rights are indivisible, interrelated and interdependent, for the reason that it is insufficient to respect some human rights and not others. In practice, the violation of one right will often affect the respect of several other rights. All human rights should, therefore, be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person (Mary: 3).

Human rights are very essential for everybody in the world because these rights are the main capitals for everyone to develop. How is someone able to improve the quality of life if his/her rights to get an education is restricted? And how someone is able to earn life if his/her right to reach the opportunity to work is closed? For those reasons, the members of the United Nation were aware to protect the universal rights from every people in the world, by issuing Universal Declaration of Human Rights (UDHR), the year 1948. Ban Ki Moon, the Secretary General of United Nation period of 2007-2016, stated in a foreword of the book of Universal Declaration of Human Rights, that the Universal Declaration of Human Rights remains as relevant today as it was on the day in 1948 that it was proclaimed and adopted by the United Nations General Assembly. The extraordinary vision and resolve of the drafters produced a document that, for the first time, articulated the rights and freedoms to which every human being is equally and inalienably entitled (Ban Ki Moon: 2015: iv). There were several reasons underlain the United Nation to issue such Universal Declaration of Human Rights, the first that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and then disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind (Benedek: 2012:522).

The most important rights for human being, and were noticed by the members of the United Nation since year 1948, were; that all human beings are born free and equal in dignity and rights, and, everyone is entitled to all the rights without distinction of any kind, such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, and birth. Then, everyone has the right to own property alone as well as in association with others. Then, everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance. And among

others, also issued that everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection (Benedek: 2012:524).

These are some of the human rights that the members of a United Nation have given a great concern to promote and to encourage all governments of the world to legalize by issuing the specific bill of human rights, to protect all citizens from the harmful action that will hurt them from others. Indonesia, actually, as Adnan Buyung Nasution asserted, that the consciousness toward human rights has been arising since early of the twentieth century, by appearing some patriotic movements, and was shown by youth and academician people. For instance, Budi Utomo the movement organization that was initiated by well-educated Indonesian youth, and always struggled to get equal dignity with the other nations in the world, by promoting educational participation among indigenous people from all islands in Nusantara (Nasution, 2003:2). Hence, Adnan concluded, that all efforts to uphold human rights in Indonesia, wasn't influenced by human rights movement in some western countries, but, it was originally coming from the hearts of Indonesian leaders, since early of struggling to get independence from Dutch colonialism, and then followed when they approved the constitution of the Republic of Indonesia Year 1945 (Nasution, 2003:4). A lot of human rights have been regulated since the year 1945, far before the Universal Declaration of Human Rights year 1948 was declared in the United Nations. Indonesia constitution has been regulating about the people right to embrace a certain religion that is asserted in the article 29 number 2; then the article 31 is regulating about the people right to get an education. Now, after amendment, all those rights have been explicitly asserted in the constitution chapter 28 A, B,C,D,E,F,G,H, I and J. All those articles are regulating about protecting the human rights for all people in Indonesia (Constitution, 1945).

Indonesia has been giving a great attention to maintain human rights among all citizens because Indonesia is a country with diversity, whether in religious followers, ethnics or culture, and language. For maintaining the unity between all those facets of diversities the constitution stated that Indonesia is the unitary state (Constitution, 1945), and all diversities are united by a slogan *Bhineka Tunggal Ika* "Unity in Diversity". That is why, since early of the independence, Indonesia has given a great attention to maintain human rights that were inserted in the constitution, whether in citizenship aspect, the right to get an education or a freedom to embrace a certain religion. For those purposes, Indonesia issued bill number 39 the year 1999, about human rights, those are a set of rights that are inherent to the nature and existence of human beings as the creature of God Almighty and as a grace that must be respected, upheld and protected by the state, the law, the Government, and every person for the honor and protection of the human dignity (The Bill, 1999:1). All aspects of human rights are stipulated in the bill comprehensively. Actually, the

bill is regulating about maintaining all aspects of human rights, the obligations of the citizens, and the obligations of the government. All facets of the regulated human rights in the bill are as follows;

- 1) The rights for living
- 2) The rights to marry and reproduce
- 3) The right to self-development
- 4) The right to justice
- 5) The right to personal freedom
- 6) The right to security
- 7) The right to get prosperity
- 8) The right to participate in the government
- 9) The right for woman
- 10) The right for children (Haryanto, 2008:143)

These are the facets of human life and are protected by bill number 39 the year 1999, about human rights. Violation toward one or more aspects of all above mentioned basic human rights will imply dealing with the law because all the people are protected by the bill of human rights. For those purposes, the government has issued the bill number 26 the year 2000, about human rights court. It is regulated in the bill that human rights court as a specific court of the district court (Bill, 199:). The bill was issued because the government is obliged to respect and protect, uphold and maintain human rights among the people of Indonesia (Bill, 199:). Some deeds which are against human rights and harm to the other people, the doers will be dealt with the law.

On the other hand, the government is also obliged to develop community service for human rights consulting, supervising and giving some opinions or legal advice for human rights cases. For this purpose, the government has established the Human Rights Commission since the year 1993. What is the Human Rights Commission? The elaborations are as follows;

- 1) Human Rights Commission is the institution that was established just to ensure that everybody is respecting the other basic rights, fulfilling and upholding human rights among the society.
- 2) The position of the institution is the same as the other state own institutions with the function to develop research and supervise the implementation of human rights among the society.
- 3) Receiving a complaint about human rights violation
- 4) The commission also has the authority to give recommendations toward government or the other institution to make sure that everyone is protected, and respected to uphold their human rights.
- 5) The commission also has the additional task to investigate the gross human rights violation, for instance, genocide crime, and other humanities violation (Abidin, 2013:14).

All those mentioned facts above showed us that implementation of protecting the people from human rights harassment is being the responsibility of the government. And for guaranteeing, the government has already issued the bill number 26 year 2000, about human right court, and also has established the commission of human right to give services for the people, whether consulting, supervising, guiding and also helping the law enforcement apparatus to know about human rights, improving the consciousness of the citizens to respect the other people, regardless the different of religious followers, ethics and culture.

### III. BETWEEN HUMAN RIGHTS AND GOOD GOVERNANCE

Governance is a process of every organization including the government at all levels as the organization, from the national level, province or district, and even in the lowest level of government.. Governance is also done in a business corporation, social organization, education, and political party. So, what is it? John Graham, Bruce Amos, and Tim Plumptre explained that governance is a process of whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render an account (Graham, 203:1). Governance is about a process to take a decision, whatever the organization, precisely should take a decision to improve productivity and to develop the result of the organization, whether service organization that is done by the government of the country or business working that is done by a corporation. Governance, actually, isn't new, it was stated by Yap Kioe Sheng that it is old as human civilization. It can be simplified that governance is the process of decision-making and the process by which decisions are implemented (or not implemented). Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance (Sheng). The other perspective is coming from another expert with a different context, for instance, world bank defines governance as the use of power in the management of a country's economic and social resources for development (Ali, :67).

So, what is good governance? Apparently, good governance now in the modern management is requesting participation, openness, and accountability. These requirements are commonly the indicators of democratic management and also the democratic country. Hence, good governance is identified by democratic management, as it is emphasized by Etoungue Manguella, as cited by Muhammad Ali: "Good governance implies the presence of rule of law, safeguard of human rights, and the existence of honest and efficient government, accountability, transparency, predictability, and openness (Ali, 67). All those requirements are the democratic criteria. Relevance to such definition, John Graham, Bruce Amos and Tim Plumptre concluded that there are five principles of Good governance as it was formulated by UNDP;

- 1) Legitimacy and voice mean that the legitimacy of the decision depends on the participation of voice, all participants of the meeting should participate in

brainstorming and make a decision. Good governance is always trying to mediate the difference to make the consensus decision.

- 2) Direction; Strategic vision – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.
- 3) Performance; Responsiveness – institutions and processes try to serve all stakeholders. Effectiveness and efficiency – processes and institutions produce results that meet needs while making the best use of resources.
- 4) Accountability – decision-makers in government, the private sector, and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external. Transparency – Transparency is built on the free flow of information. Processes, institutions, and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them. Equity – all men and women have opportunities to improve or maintain their wellbeing. Rule of Law – legal frameworks should be fair and enforced impartially, particularly the laws on human rights (Graham, 3).

These are the criteria of good governance according to UNDP, while AsDB is requesting four criteria for good governance: accountability, participation, predictability, and transparency (Executive Board, 1999:4). Looking at the characteristics of good governance, it has a lot of requirements that need to be fulfilled by the government of the country and behavior of the political leaders in all levels of the nation. Almost all of those characteristics are needed in protecting human rights of the people of the country. For instance, participation; in enhancing good governance, it is very principle, because the democratic country will not be a success without the participation of the people, while in the same time participation is one of the human rights of the people that the government should protect. Then, good governance is also requesting rule of law, means that managing the country by system, by regulation instead of regulating by people with his/her authoritarianism, because people need to enhance their life, they need to work for business, and for these reasons they need fairness, justice of the law, far from discrimination and the bureaucratic leaders can behave fairly among all citizens, avoiding injustice due to religious, ethics and culture. So, the efforts to protect human rights are in the same ways to enhance good governance by a democratic government.

#### IV. CONCLUSION

Human rights are the basic rights of all people as a grace of God and should be respected by the government and all people each other. Indonesia actually has started struggling to uphold human rights among the people since early of independence movement at the period of Budi Utomo. This genuine organization strived to promote education for all Indonesian people because they were aware that without education, Indonesia needs a long time to get independence. The, at the end of the century, Indonesia issued the bill number 39 the year 1999 about Human Rights, and was followed by issuing the Bill number 26 the year 2000 about the human right court to help the people understand about human rights, and providing service to solve the problem of violations of human right. For this purpose, Indonesian government established “the National Commission of Human right” with the main tasks to help the society understand human rights, and helping them investigating human rights violations to be escalated or not to be escalated to the human rights court.

Human rights can be maintained as well in democratic governance, because implementing human rights for every citizens in a certain country needs the openness of all country leaders, in all levels to invite all citizens for participating in developing the country, in making decision, controlling the government apparatus in implementation of all country planning, and also strengthening the law to rule the country by law not by the authority of the people. Almost all of the qualifications for being a good governance are parts of the human rights that were regulated in the bill to protected by the government and also by the people each other. So, the relation between human rights and good governance is symbiosis mutualistic. Developing good governance needs efforts to enhance respects for human rights of the people. In addition, protecting human rights needs supports from the government by strengthening the model of good governance.

#### REFERENCES

- [1] Abidin, Zainal, *Perlindungan Hak Asasi Manusia di Indonesia*, Makalah disampaikan pada pelatihan HAM di Sumatra Barat, 2013, p. 14.
- [2] Ali, Muhammad, *Governance and Good Governance: A Conceptual Perspective*, *The Dialogue*, Vol X Number 1, p. 67
- [3] Badan Pusat Statistik, *Penduduk Berdasarkan Wilayah dan Agama yang Dianut*, Hasil Sensus Penduduk Tahun 2010, [www.bps.go.id](http://www.bps.go.id).
- [4] Benedek, Wolfgang, (ed), *Understanding Human Rights*, manual on Human Rights Education, Austrian Development Agencies, 2012, p. 522.
- [5] Bill Number 39 the Year 1999 about Human Rights, article number 5, Chapter 71, paragraph 1.
- [6] Bill number 26 the Year 1999, about the Court of Human Rights. Article 2, chapter 2, paragraph number 1.
- [7] Constitution of the State of the Republic of Indonesia, the Year 1945. chapter 28 A, B, C, D, E, F, G, H, I and J.
- [8] Executive Board, *Good Governance; an Overview*, International Fund for Agricultural Development, Rome, 1999, p. 4
- [9] Graham, John, Bruce Amos and Tim Plumptre, *Principles for Good Governance in the 21st Century*, Policy Brief No. 15 - Institute On Governance, Ottawa, Canada, 2003, p. 1

- [10] Haryanto, Tenang, et al., Pengaturan Tentang Hak Asasi Manusia Berdasarkan Undang-Undang Dasar 1945 Sebelum dan Sesudah Amandemen, *Jurnal Dinamika Hukum* Vol 8 Nomor 2, tahun 2008, h. 143.
- [11] Lestari, Gina, Bhinneka Tunggal Ika; Khasanah Multikultural Indonesia di Tengah kehidupan Sara, *Jurnal Pendidikan Pancasila dan Kewarganegaraan*, Th. 28, Nomor 1, Pebruari 2015, p. 31
- [12] Moon, Ban Ki, Foreward of the Book of the United Nation, *Universal Declaration of Human Rights*, United Nation, 2015, p.iv.
- [13] Nasution, Adnan Buyung, Implementasi Perlindungan hak Asasi Manusia dan Suoermasi Hukum, Makalah disampaikan pada seminar Pembangunan Hukum Nasional ke VIII, De[artemen Kehakiman dan Hak Asasi Manusia, Denpasar Bali, 2003, p. 2.
- [14] Robinson, Mary, Human Right, A Basic Handbook for UN Staff, United Nation Staff College Project, Office of the High Commissioner for Human Right, UN., p. 2.
- [15] Sheng, Yap Kioe, What is Good Governance, United Nations Economic and Social Commission for Asia and the Pacific,