

## Legal Problems In The Protection of Human Rights Defenders In National Human Rights Commission Regulation Number 5 of 2015

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### Abstract

*Human rights are fundamental rights inherent to every individual and are guaranteed in Indonesia through Articles 28A–28J of the 1945 Constitution and Law No. 39/1999. Despite this framework, human rights defenders (HRDs) continue to face increasing threats, including criminalization, intimidation, and violence, as demonstrated in national and global reports. In response, the National Commission on Human Rights (Komnas HAM) issued Regulation No. 5 of 2015 concerning the Protection of Human Rights Defenders; however, its effectiveness remains limited due to weak legal authority, non-binding mechanisms, unclear definitions, and inadequate coordination with law enforcement and other state institutions. This study employs normative legal research, employing both legislative and conceptual approaches, to evaluate the authority of Komnas HAM and the legal status of the regulation. The research findings reveal that existing laws do not explicitly mandate Komnas HAM to protect HRDs, resulting in significant regulatory gaps. The study concludes that stronger and more binding national policies are needed to ensure effective and sustainable protection for human rights defenders in Indonesia.*

**Keywords:** Human Rights Defenders, Komnas HAM Authority, and Legal Protection Framework

### Abstrak

Hak asasi manusia adalah hak-hak dasar yang melekat pada setiap individu dan dijamin di Indonesia melalui Pasal 28A–28J Undang-Undang Dasar 1945 dan Undang-Undang Nomor 39 Tahun 1999. Meskipun demikian, pembela hak asasi manusia (HRDs) terus menghadapi ancaman yang semakin meningkat, termasuk kriminalisasi, intimidasi, dan kekerasan, seperti yang tercatat dalam laporan nasional dan global. Sebagai tanggapan, Komisi Nasional Hak Asasi Manusia (Komnas HAM) menerbitkan Peraturan Nomor 5 Tahun 2015 tentang Perlindungan Pembela Hak Asasi Manusia; namun, kefektivitasnya tetap terbatas akibat otoritas hukum yang lemah, mekanisme yang tidak mengikat, definisi yang tidak jelas, dan koordinasi yang tidak memadai dengan penegak hukum dan lembaga negara lain. Studi ini menggunakan penelitian hukum normatif, dengan pendekatan legislatif dan konseptual, untuk mengevaluasi kewenangan Komnas HAM dan status hukum peraturan tersebut. Temuan penelitian menunjukkan bahwa undang-undang yang ada tidak secara eksplisit mewajibkan Komnas HAM untuk melindungi pembela hak asasi manusia, mengakibatkan celah regulasi yang signifikan. Studi ini menyimpulkan bahwa kebijakan nasional yang lebih kuat dan mengikat diperlukan untuk menjamin perlindungan yang efektif dan berkelanjutan bagi pembela hak asasi manusia di Indonesia.

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)**Kata Kunci:** *Pembela Hak Asasi Manusia, Otoritas Komnas HAM, dan Kerangka Perlindungan Hukum*

## **INTRODUCTION**

Human rights are essential rights that naturally belong to all individuals and are applicable to everyone without exception. Thus, these rights should be safeguarded, honored, maintained, and should never be overlooked, undermined, or revoked by anyone. As a result, every individual possesses human rights and also has the duty and accountability to honor the human rights of others.<sup>1</sup> The Indonesian Constitution affirms this guarantee through Articles 28A to 28J of the 1945 Constitution of the Republic of Indonesia, which serve as a strong foundation for the state's obligation to safeguard, fulfill, and protect the rights of all.

The 1945 Constitution of the Republic of Indonesia guarantees the protection of human rights, and Law Number 39 of 1999 further regulates this. In addition to overseeing human rights protection, the Human Rights Law also regulates the National Human Rights Commission, often referred to as Komnas HAM. Based on Presidential Decree Number 50 of 1993, which regulates the National Human Rights Commission, the National Human Rights Commission was actually established in 1993.

To ensure this commitment is implemented, the government established the National Human Rights Commission (Komnas HAM) through Law Number 39 of 1999. This institution is given a broad mandate from reviewing policies and providing public education to monitoring violations, to conducting mediation and investigations. Komnas HAM is expected to serve as a bridge between human rights principles in law and the realities experienced by the public.<sup>2</sup>

However, although Indonesia's legal framework regarding human rights appears quite advanced, practice on the ground shows a different reality. The case of Munir, who was killed by poisoning on a Garuda flight, is one such case that has attracted attention. The murder of human rights activist Munir demonstrates that in addition to victims, human rights violators also target human rights activists. Human rights defenders face various violations such as criminalization, violence, and so on. In recent years, civil society reports have shown increasing threats against human rights defenders. Those who vocally advocate for the environment, labor rights, indigenous peoples' rights, and civil liberties have become targets of intimidation, criminalization, and violence. According to data from the Institute for Policy Research and Advocacy (Elsam), between January and

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<sup>1</sup> Suparman Marzuki, 'The Constitutional Court's Perspective on Human Rights', *Judical Journal*, Vol. 6.No. 3 (2013), 189–206.

<sup>2</sup> Ken Setiawan, 'From Hope to Disillusion: The Paradox of Komnas Ham, the Indonesian National Human Rights Commission', *Bijdragen Tot de Taal-, Land- En Volkenkund* (2016), 1–32.

April 2020, Elsam documented at least 22 cases of violence and violations against human rights defenders.<sup>3</sup>

In addition, based on data released by Front Line Defenders Global Analysis, in 2019 at least 304 human rights defenders were killed worldwide. According to the report, 85% of the human rights defenders killed had previously experienced threats, either individually or as part of the community/group in which they worked. Furthermore, 75% of previous attacks had been carried out against the killed human rights defenders or targeted colleagues or fellow human rights defenders in their region. Furthermore, 13% of the human rights defenders reported killed were women. Furthermore, Front Line Defenders data shows that 40% of the human rights defenders killed worked on issues related to land, indigenous peoples, and environmental rights. Based on both data from Front Line Defenders, throughout 2019, at least three human rights defenders from Indonesia were killed.<sup>4</sup>

Human rights defenders play a crucial role in safeguarding democratic space. They monitor public policy, report violations, and act as a link between citizens and the state. When they are targeted, not only are individuals harmed, but also the mechanisms of social and democratic control that are supposed to operate. Under international law, states have an active obligation to ensure their safety.<sup>5</sup>

The numerous violations against Human Rights Defenders then became the basis for the National Commission on Human Rights to create the National Commission on Human Rights Regulation Number 5 of 2015 concerning the Procedures for the Protection of Human Rights Defenders. Article 1 paragraph 4 of the regulation explains that Protection is a series of actions carried out by the National Commission on Human Rights, with or without cooperation with other agencies, with the aim of providing protection to human rights defenders whose rights have been violated by individuals, community groups or private or state institutions.

However, these regulations do not fully address all the challenges on the ground. Various reports from civil society organizations indicate that existing protection mechanisms are inadequate to address the increasingly diverse patterns of attacks from criminalization based on explicit articles to digital intimidation to physical threats perpetrated by both state and non-state actors.

One issue that frequently arises is the limited authority of the National Commission on Human Rights (Komnas HAM) in the protection process. Komnas HAM lacks coercive law enforcement instruments, so protection recommendations often depend on the willingness of other institutions to follow up. Consequently, the response is not always effective or swift enough to prevent escalation of threats.

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<sup>3</sup> Mohammad Azka, 'Derap Perlawana Amid Pandemic: Situation Report on Environmental Human Rights Defenders 2020', *Elsam*, 2021.

<sup>4</sup> the International Foundation for the Protection of Human Rights Defenders Front Line, *FRONT LINE DEFENDERS GLOBAL ANALYSIS 2019* (Dublin: Front Line Defenders, 2020).

<sup>5</sup> Niken Savitri, Dyan Franciska, and Dumaris Sitanggang, 'Legal Status and Protection for Women Human Rights Defenders in Indonesia', *FLAT JUSTISIA: Jurnal Hukum*, 16.4 (2022), 293–314 <<https://doi.org/10.25041/flatjustisia.v16no4.2455>>.

Furthermore, Indonesia does not yet have a national policy that comprehensively regulates the protection of human rights defenders. In many countries, such a framework serves as the primary reference point for ensuring effective coordination between agencies. The absence of such a policy umbrella has resulted in sporadic and unintegrated protection in Indonesia. This situation highlights the gap between the growing need for protection in society and the ability of existing regulations to respond to it. Academic studies on the effectiveness of Komnas HAM Regulation No. 5 of 2015 have also been scarce, leaving ample room for further exploration of how this regulation operates, its challenges, and how its role can be strengthened.

Based on this situation, this study focuses on the main question: to what extent is Komnas HAM's authority sufficient to provide protection to human rights defenders under Komnas HAM Regulation No. 5 of 2015, and how this authority can be optimized in the face of evolving threat patterns. By examining this, the research is expected to contribute to strengthening the protection of human rights defenders in Indonesia.

## **METHOD**

Normative legal research is what this study is. In order to find answers to legal questions, normative legal research is a sort of study that aims to identify legal rules, legal doctrines, and legal principles.<sup>6</sup> The approaches used in this research include a conceptual approach and a legislative approach.<sup>7</sup> In legal research, an approach method is required. The approaches used in this study include the statute approach and the conceptual approach. The legislative approach used in this research involves examining all laws and regulations related to the legal issue being discussed. Meanwhile, the conceptual approach is based on established views and doctrines within legal science. This conceptual approach is used in this research to find answers to questions related to the authority of Komnas HAM.<sup>8</sup>

## **DISCUSSION**

### **1. The Authority of the National Commission on Human Rights in Providing Protection for Human Rights Defenders**

With the amendment of the 1945 Constitution of the Republic of Indonesia, changes occurred in the Indonesian state structure. One of these changes was the establishment of independent agencies and other structural institutions, as well as executive branch agencies. As a result, many laws have created new state commissions, such as in this case Komnas HAM. These autonomous state organizations, which can be boards, committees, commissions, or councils, are an example of institutional

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<sup>6</sup> Peter Marzuki, *Legal Research* (Jakarta: Kencana, 2010). p. 35

<sup>7</sup> Ibid, p. 93.

<sup>8</sup> Ibid, p. 95.

experimentation. These new organizations may be known as auxiliary institutions or governmental auxiliary organs.<sup>9</sup>

Komnas HAM, when viewed in terms of the theory of state institutions and the chart described above, it can be said that Komnas HAM is classified as a state auxiliary organ that functions to support the main state institutions. Komnas HAM is included in the second tier of state institutions whose establishment is based on the Law and its position is at the same level as other state institutions (other auxiliary state institutions). Komnas HAM's position as an independent state commission in the constitutional structure is still positioned under the state's higher institutions.

The theory of authority, which discusses the various forms and sources of authority, is inextricably linked to the National Human Rights Commission's jurisdiction to safeguard human rights defenders. Both binding and discretionary authority are examples of these kinds of authority. Attribution, delegation, and mandate are the sources of authority in the meantime. "Rechtsmacht" is the definition of authority in the context of constitutional law. There is a little distinction in public law between competence (bevoegdheid), which only addresses a particular "onderdeel" (portion) of that power, and formal authority, which comes from legislation.<sup>10</sup>

Authority is legitimate since it is founded on the laws that are now in effect. These sources of authority aid officials in their decision-making. Government officials' or institutions' authority is separated into: First, authority is legitimate since it is founded on the laws that are currently in effect. These sources of authority aid officials in their decision-making. The first type of authority is attributive authority, which is the legislative delegation of government power to government organs (attributie: toekenning van een bestuursbevoegheid by een wetgever aan een bestuurorgaan). Such authority is granted to officials or government organs (institutions). As long as it is subject to legal regulation, this attributive authority is fixed or permanent. Stated differently, it is the power that comes with a job. Second, authority acquired through delegation from other officials is known as non-attributive authority. When the authorized official revokes this power, it ceases to exist. Giving a subordinate portion of a superior's power enables them to perform their autonomous acting responsibilities. Authority delegation is not particularly governed by applicable rules and regulations; rather, it is meant to facilitate efficient task execution and orderly communication.

The establishment of Komnas HAM as an independent organization is based on Article 28I Paragraph 4 of the 1945 Constitution of the Republic of Indonesia, which states that the state, particularly the government, is responsible for defending, promoting, enforcing, and fulfilling human rights. Komnas HAM was established through Presidential Decree No. 50 of 1993 concerning the National Commission on Human Rights, and was later strengthened through Law No. 39 of 1999 concerning Human Rights.

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<sup>9</sup> Gunawan Tauda and Fajrul Falaakh, 'The Position of Independent State Commissions in the State Structure', *Alumni Journal of Master of Law Sciences UGM, Pranata Hukum*, Vol. 6.No. 2 (2011), 178.

<sup>10</sup> Philipus M. Hadjon, 'On Authority'.

According to various legislation, Komnas HAM has attributive authority in performing its responsibilities. These statutes are Law No. 40 of 2008, Law No. 39 of 1999, and Law No. 26 of 2000 on Human Rights Courts.

### **1.1. The Function of Komnas HAM in Law Number 39 of 1999**

In Article 76 of Law Number 39 of 1999, Komnas HAM has the functions of assessment and research, outreach, monitoring, and mediation. To carry out these functions, Komnas HAM is tasked with and authorized to conduct:<sup>11</sup>

- Reviewing international human rights regulations with the aim of advising governments on possible accession and/or ratification.
- Reviewing legislation to provide recommendations for the formulation, amendment, and repeal of human rights-related laws.
- Publishing assessment.
- Conducting literature studies, as well as field studies and comparative studies in other countries regarding human rights.
- Referring about different cases pertaining to the defense, upholding, and advancement of human rights.
- Collaborate on human rights research projects with other institutions and organizations at the national, regional, and worldwide levels.

To carry out the function of Komnas HAM in counseling as referred to in Article 76, Komnas HAM is tasked and authorized to conduct:

- Dissemination of knowledge regarding the protection of human rights to the Indonesian people;
- Carrying out initiatives to raise public awareness through formal and non-formal educational institutions, as well as various other groups; and
- Establishing cooperation with organizations, institutions, or other parties at the national, regional, and international levels in efforts to fulfill human rights..

To carry out the function of Komnas HAM in mediation as referred to in Article 76, Komnas HAM is tasked and authorized to conduct:

- peace between the two parties;
- case settlement through consultation, negotiation, mediation, conciliation, and expert judgment;
- advising parties to resolve disputes through the courts;
- providing recommendations regarding a human rights violation case to the Government for further action; and
- providing recommendations regarding a human rights violation case to the House of Representatives of the Republic of Indonesia for further action.

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<sup>11</sup> See Article 89 paragraph (1) of *Law Number 39 of 1999 on Human Rights* (Indonesia, 1999).

National Human Rights Commission in Law No. 26/2000 on Human Rights Courts

The authority of Komnas HAM in Law No. 26 of 2000 is as an investigator in cases of gross human rights violations. This is stipulated in Article 18 of Law No. 26 of 2000, which reads: "Investigations into gross human rights violations shall be conducted by the National Human Rights Commission".<sup>12</sup>

Investigators are authorized to: receive reports or complaints from individuals or groups regarding serious human rights violations; conduct investigations and examine incidents in society that, due to their nature or scale, are believed to involve serious human rights violations; and collect information and evidence necessary for fulfilling the investigative responsibilities outlined in Article 18. The National Commission on Human Rights (Komnas HAM) has the authority to summon witnesses for testimony, request statements from the complainant, victim, or accused party, examine and collect information at the scene of the incident and other relevant locations, invite relevant parties to provide written statements, or submit essential documents in their original form. Upon request by an investigator, tasks such as reviewing correspondence, conducting searches, seizing property, inspecting residences, yards, buildings, and other locations belonging to specific individuals, and calling on experts to assist in the investigation may also be carried out.

## **1.2. Functions of the National Human Rights Commission in Law No. 40/2008**

Law No. 40 of 2008, which outlines Komnas HAM's power, clarifies that Komnas HAM oversees all initiatives aimed at eradicating racial and ethnic prejudice. The following are included in the supervision mentioned: a. The authority to monitor and assess national and local policies that may potentially result in racial and ethnic discrimination, b. The authority to investigate and assess individuals, community organizations, or public or private entities suspected of engaging in racial and ethnic discrimination, c. The authority to provide recommendations to the government and local authorities based on the results of monitoring and evaluating actions involving racial and ethnic discrimination, d. The authority to oversee and assess the actions of the government, local authorities, and the community in implementing measures to eliminate racial and ethnic discrimination and e. The authority to recommend that the House of Representatives of the Republic of Indonesia hold the government accountable for ignoring Komnas HAM's findings.<sup>13</sup>

Komnas HAM has attributive jurisdiction in accordance with Law No. 39 of 1999, Law No. 26 of 2000, and Law No. 40 of 2008 about the Elimination of Racial and Ethnic Discrimination. J.G. Brouwer defines attributive authority as power that an independent legislative body grants to a state agency or government organ (institution).

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<sup>12</sup> Sri Hastuti Puspitasari, 'Komnas HAM Indonesia's Position and Role in the Indonesian Constitutional Structure', *Journal of Law*, Vol. 9.No. 21 (2002), 103–18.

<sup>13</sup> See *Law Number 40 of 2008 on Elimination of Racial and Ethnic Discrimination* (Indonesia, 2008).

This authority is unique and not based on any previously established authority.<sup>14</sup> This authority is a direct authority granted by law to Komnas HAM, not a delegated authority from other institutions.

However, there are no regulations regulating Komnas HAM's ability to provide human rights protection in accordance with the statutes that govern its function or jurisdiction, specifically Law Number 39 of 1999, Law Number 26 of 2000, and Law Number 40 of 2008. Only the four (four) functions or authority of Komnas HAM are provided by Law No. 39/1999 on Human Rights. The four roles are mediation, monitoring, counseling, and assessment and research. Komnas HAM is authorized to investigate instances involving egregious human rights abuses under Law No. 26/2000 on Human Rights Courts. The investigative file must subsequently be turned over to the investigator, in this case the Attorney General, by Komnas HAM in its capacity as an investigator.

In the meanwhile, Komnas HAM is empowered by Law No. 40/2008 to oversee all initiatives aimed at eradicating racial and ethnic prejudice. As part of its supervisory role, Komnas HAM can keep an eye on and evaluate government policies, gather information in cases of racial and ethnic discrimination offenses, and advise the government.

Therefore, according to the Regulation on Procedures for the Protection of Human Rights Defenders, it can be concluded that Komnas HAM lacks the legal authority to protect human rights defenders. Laws such as Law Number 40 of 2008 on the Elimination of Racial and Ethnic Discrimination, Law Number 26 of 2000 concerning Human Rights Courts, and Law Number 39 of 1999 on Human Rights do not grant such authority. As a result, the establishment of Komnas HAM's own authority, without a legal framework to support it from the outset, cannot be justified.

## **2. Legal Problems of the National Human Rights Commission Regulation Number 5 of 2015 concerning Procedures for the Protection of Human Rights Defenders.**

The National Commission on Human Rights (Komnas HAM) Regulation No. 5 of 2015 was drafted in response to increasing threats against human rights defenders in Indonesia. Human rights defenders, including environmental activists, journalists, students, legal aid workers, and indigenous communities, frequently face criminalization, violence, public stigma, and other forms of intimidation. In this context, Komnas HAM Regulation No. 5/2015 was created to provide internal guidelines for Komnas HAM in responding to reports of threats and providing recommendations for protection. However, this regulation raises a number of legal issues.

The first issue relates to the status of Perkom 5/2015 within Indonesian regulations. As an internal regulation of an independent state institution, Perkom is not included in the hierarchy of laws and regulations as stipulated in Law Number 12 of 2011

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<sup>14</sup> Nandang Alamsyah, *Theory and Practice of Government Authority* (Bandung: Unpad Press, 2019).

concerning the Formation of Legislation.<sup>15</sup> Consequently, this Perkom lacks external binding force and cannot create legal obligations for other state institutions, such as the police, prosecutors, local governments, or ministries. This lack of binding force weakens the capacity of Komnas HAM to ensure follow-up on recommendations for the protection of human rights defenders.

Another problem that arises is the unclear definition of human rights defenders in Perkom 5/2015. The definition used tends to refer to the UN Declaration on Human Rights Defenders without being translated into operational criteria. As a result, there are two risks: first, many individuals who are actually human rights defenders are not protected because they do not meet the narrowly interpreted definition; second, there is the potential for abuse of the claim as a "human rights defender" by parties who do not actually carry out substantial human rights defense. This definitional issue also hampers the effectiveness of the initial assessment by Komnas HAM. Without clear qualification parameters, the case identification process can potentially take longer, resulting in delayed protection. The HRWG report (2022) emphasized that this definitional weakness is one of the reasons why many human rights defenders' cases do not receive an adequate response.<sup>16</sup>

In fact, Article 1 of the UN Declaration on Human Rights Defenders states that Human Rights Defenders are everyone who has the right, individually and in association with others, to promote and fight for the protection and fulfillment of human rights and fundamental freedoms at the national and international levels. Furthermore, Article 12 paragraph (1) of the Declaration on Human Rights Defenders states that: "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms."<sup>17</sup>

Furthermore, Komnas HAM Regulation 5/2015 still leaves procedural ambiguities. This regulation does not specify a detailed risk assessment mechanism, even though international standards such as the OHCHR guidelines require that threat levels be determined systematically through low, medium, and high categories.<sup>18</sup> The absence of these parameters makes the implementation of protection inconsistent and dependent on the interpretation of Komnas HAM personnel handling the case. Another procedural weakness lies in the slow response. Perkom 5/2015 does not stipulate a time limit for emergency responses, even though most threats to human rights defenders are urgent. When responses are delayed, the potential for harm or escalation of threats is much greater. This situation is exacerbated by budget and human resource limitations within Komnas HAM, resulting in the lack of a unit specifically addressing the rapid and standardized protection of human rights defenders.

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<sup>15</sup> See Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 concerning the formation of statutory regulations.

<sup>16</sup> Human Rights Working (HRWG), *Policy Brief on Human Rights Defenders in Indonesia* (Jakarta: HRWG, 2022).

<sup>17</sup> Firdaus, 'Human Rights Defender on Natural Resource Issues in South Central Timor Regency, East Nusa Tenggara Province', *Human Rights Journal*, Vol. 8.No. 2 (2017). p 87.

<sup>18</sup> OHCHR, *Human Rights Defenders: Guidelines and Risk Assessment* (Geneva: United Nations, 2018).

Another problem is the lack of an inter-agency coordination mechanism. Regulation 5/2015 does not establish a clear framework linking Komnas HAM with the National Police, the Witness and Victim Protection Agency (LPSK), the Prosecutor's Office, or local governments. Yet, protecting human rights defenders almost always requires a multi-sectoral approach. Without a formal coordination mechanism, such as a coordination team for the protection of human rights defenders, follow-up protection becomes uncertain. In international practice, the protection of human rights defenders is generally carried out through national mechanisms that integrate various state institutions. Countries such as Mexico, Guatemala, Colombia, and the Philippines have adopted binding laws on the protection of human rights defenders that outline roles between agencies.<sup>19</sup> Indonesia lacks a similar framework, so Regulation 5/2015 operates without stronger regulatory support at the national level.

The next problem is the weak integration of Perkom 5/2015 with the state's international obligations. Indonesia is a state party to the ICCPR and regularly undergoes the Universal Periodic Review (UPR) mechanism, which emphasizes the state's obligation to ensure the protection of human rights defenders.<sup>20</sup> However, Perkom 5/2015 does not explicitly link the protection mechanism to the state's obligations to prevent, investigate, punish, and remedy the four main principles of state due diligence in international human rights law. Furthermore, Perkom 5/2015 does not regulate a crucial aspect: the evaluation and follow-up mechanism for protection recommendations. The absence of a monitoring system makes it difficult to monitor the implementation of recommendations. This situation results in the lack of comprehensive data on the success rate of protection, thus minimizing efforts to improve policies.

## **CONCLUSION**

The analysis of Komnas HAM's authority demonstrates that although the institution was established as an independent *state auxiliary organ* with attributive powers derived from Law No. 39/1999, Law No. 26/2000, and Law No. 40/2008, none of these statutes explicitly confer authority to provide protection for human rights defenders (HRDs). Komnas HAM's formal mandates—assessment and research, monitoring, human rights education, mediation, and investigation of gross human rights violations—do not include the power to issue binding protective measures. As a result, Komnas HAM's actions in safeguarding HRDs rely solely on discretionary internal initiatives rather than statutory authorization, creating a structural limitation in fulfilling the state's constitutional obligation to respect, protect, and fulfil human rights.

The examination of Komnas HAM Regulation No. 5 of 2015 further reveals significant legal weaknesses that undermine its effectiveness as a protection mechanism. The Regulation lacks binding force because it stands outside the hierarchy of national legislation, provides no clear operational criteria for defining HRDs, and does not

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<sup>19</sup> International Service for Human Rights (ISHR), *Model National Law on the Recognition and Protection of Human Rights Defenders* (Geneva: ISHR, 2018).

<sup>20</sup> UN Human Rights Committee, 'General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant' (ICCPR, 2004).

establish standardized procedures for risk assessment or urgent protective response. Additionally, the absence of inter-agency coordination mechanisms and its weak integration with Indonesia's international human rights obligations result in fragmented and inconsistent protection practices. These limitations highlight the urgent need for a comprehensive national legal framework preferably through a Presidential Regulation or a dedicated Human Rights Defenders Protection Act to ensure coherent, enforceable, and sustainable protection for HRDs in Indonesia.

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