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The Universality of Human Rights and People Mandate in Indonesia

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ABSTRACT

The universality of human rights has developed virally and became more and more dominant in this disruption era. On the one hand, global political propaganda links the issue of human rights with all areas of the lives of world citizens. On the other hand, the fulfillment of the constitutional rights of citizens is faced with the state's obligation to take into account human rights per se. This research is aimed to study the problems that persisted when applying the concept of human rights in the Indonesian political reform of the law. Using the Critical Legal Studies, it is found that after nearly eight decades of independence, Indonesia's *ius constituendum* requires adaptation of the concept of human rights to support national development goals that are in line with the people's mandate. At least this adaptation provides a space for relaxation and prevents the formation of global opponents in the form of new world order. Public justice should be in synergy with the goals of national development and the goals of global development.

Keywords: *the universality of human rights, ius constituendum, people mandate.*

1. INTRODUCTION

The contemporary development of the human rights concept in the era of disruption is unique. Human rights penetrate all niches of human life in the world. The concept of human rights and all forms of modification spread rapidly. So far, the universal concept of human rights has been relatively easy for various world communities to accept. It's just that we often do not realize that certain political interests have ridden this human rights issue.

National political interest in the jurisdiction of a country, in this case, is better known as the concept of democracy which is a derivative of the concept of human rights. As long as it is still under the authority of the State Government, democracy with all its hustle and bustle can still be understood by all stakeholders. However, the current indicators tend to have a negative impact on the community.

During its development, an understanding of human rights is always attached to democracy. "Human rights are an element of the existence of democracy. The right to freedom (*liberté*), the right to equality (*egalité*), and the right to live in harmony and peace (*fraternité*), are considered human rights which are also the basis of democracy". [1].

Whereas in doctrine, views on human rights and democracy come from different teachings. Democracy is related to the holders and procedures for managing power (from the people, by the people, and for the people). Human rights relate to the conditions of human existence (individually or collectively). As taught by John Locke, the basic foundation of human existence is freedom (humans were created free, as stated in the American Declaration of Independence, 1776). [1].

The area of concern of the above description is the "cherry-picking" fallacy. This qualitative approach seems to lack research to support the argument. However, we should consider this because the argument is aimed at prioritizing Indonesia's National Development Plan. Furthermore, the statements quoted here are from several Indonesian experts. Bagir Manan [1] is a professor of constitutional law, and Andi Mattalatta [2], former Minister of Law and Human Rights of the Republic of Indonesia, is also a senior professor of Indonesian law. Their statements should be accepted and therefore treated as national legal doctrines.

Perhaps this is the reason why government authorities in many independent democracies find it overwhelming to discipline their own citizens. In the name of human rights mixed up with democracy, some civil society groups appear to have a new ideology against the legitimate government. They carry out social movements in developing countries such as Thailand, Uganda, Kazakhstan, Belarus, Kyrgyzstan, Vietnam, Egypt, and others, including in Indonesia. Maybe we should also look at historical facts in the past. Because in its earliest formulation, natural rights or human rights were very anti-democratic. This is because their goal is to empower individuals, which means limiting government authority, regardless of whether the government is democratic or authoritarian.

Some governments are still facing social disorder: widespread famine, political, social, and economic turmoil. People do something that is not allowed according to state law. Many cases reported that they keep breaking the law, behave illegally without feeling guilty. Or run away abroad; do, say, and share whatever they want. A kind of democracy that goes too far. Some people maybe think that the regulations directly clash with their thoughts. It can be said that the harmonious dynamics of human rights have turned into chaos. In other words, the harmony of human rights has been lost.

Meanwhile, international treaties on human rights are not enforceable because of a lack of enforcement mechanism as the weakness of international law in general. The other reason is that the agreement was made not for the noble goal of respecting human rights but as a means of intervention. This means that it is for political purposes, not to protect human rights. [3]. On the other hand, as mentioned earlier, the concept of human rights and democracy as one of its derivatives creates problems for the national government. When heading to the new world order from the harmonious dynamics of human rights, it is suspected there are bad interests in between.

A skeptical liberal would keep wondering. What if the development of human rights conflicts with the interests of civilization? Could it be that kidnappers and extortionists, and other lawbreakers take advantage of the discourse of human rights? Other scholars also said that the notion of human rights emphasizes that there is such a thing as common human nature, where each individual is an expression; such a view treats national, cultural, social, and other differences among humans as secondary considerations. [4].

Perhaps this also means that the development of the concept of universal human rights so far is not in line with the mandate of the Indonesian nation. So the study of the problems persisted when applying the concept of human rights in the Indonesian political reform of the law is a must. We need to know more about the resolution of the concept of human rights as a universal principle and the most prioritized needs of the Indonesian people. The emphasis for this purpose is on the rule of law and national politics and also global politics as distinguished from international politics. Such an analysis is unique in that the differences between international politics and global political mechanisms are rarely compared head-to-head. The hypothesis is that Indonesian political reform of the law faces challenges so that it requires guidance in accordance with the true needs of the Indonesian people.

2. RESEARCH METHOD

This study uses Critical Legal Studies (hereinafter abbreviated to CLS) to analyze various contradictions that have not been realized regarding the development of the concept of universal human rights. In this research, CLS tries to study the related universal assumptions that have been applied globally. The concrete result of such universal principles is that laws and regulations are disharmonious, out of sync, and inconsistent. This situation shows the failure of various legal concepts that are detrimental to the national legal system.

The conceptual analysis of law is conducted both to the genuine legal concepts and legally-related concepts since the human rights principle has been adopted in Indonesian 1945 Constitutions. The analysis will provide philosophically rigorous explications of various concepts that figure prominently in discourse about related law and regulations. [5].

Besides the conceptual approach, to fully understand the universality of human rights, human rights discourse needs to be approached historically. Historical methods are also important for understanding the correlation between law and culture. Synergize with the opinion that illustrating the difference between law and culture requires attention to intellectual and institutional history, which makes law and culture understood as opposing entities separated into distinct domains. Inductive reasoning must be expanded in a dialectical manner through genealogies which regard law and culture not as natural types but as inherited ideas. [6]. Most people will probably

admit that we should have some knowledge of the past to understand the present and that it is necessary to study historical phenomena to see how they arose [7]. In this study, the historical method is used to compare the history of human rights in the world and their development in Indonesia. Then it should be followed by a comparative study of the history of legal and political thought.

Based on the explanation above, the use of CLS is very appropriate. In full, the CLS stage begins with the trashing and genealogy process, then carries out negation, continues with deconstruction, and must end with reconstruction. Unfortunately, the CLS process often only ends in deconstruction. In other words, the resulting criticism is not constructive criticism because it is without solutions and resolutions. This is the toughest challenge.

3. FINDINGS AND DISCUSSION

There are at least four contemporary discourses dealing with the application of human rights in Indonesia's reform of the law. The first discourse is human rights in world history. The second is human rights in national history. The third is the concretization of human rights principles in various legal norms relating to both national and global politics. Finally, the fourth is the correlation between human rights and people's mandate.

1. Human Rights in World History

By examining the origins of human rights, at least three of the earliest documents were recorded, namely the Bill of Rights (England, 1688), the Declaration of the Rights of Man and of the Citizen (France, 1789), and the Bill of Rights (America, 1791).

Then after World War II and the establishment of the United Nations in 1945, human rights became an important topic. Human rights spread from developed countries to developing countries, such as Indonesia. Like it or not, Indonesia must accept it by ratifying international human rights instruments as a member of the United Nations.

Until now, the indication is that human rights have evolved and changed for up to four or even five generations. Meanwhile, as shown in Rahardjo [7], there have been three generations since the emergence of human rights. The first generation only covered civil and political rights. The second generation includes social, economic, and cultural rights. The third generation contains a number of collective rights, such as the right to development or progress, the right to peace, the right to a clean environment, the right to natural resources, and the right to cultural heritage. The fourth or fifth generation will probably cover a lot more like as “pandemic generation” or the “next disruptive generation” of human rights.

In the late 1960s to the late 1980s, the world experienced a phenomenon that was no less interesting, namely the birth of a number of multilateral international agreements that were agreed upon after going through a long series of preparations and negotiations at the conference of the participating countries. These include treaties that established important legislation in the field of human rights in 1966, namely the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social, and Cultural Rights. The point is that the socialist, developing, and Western countries have different interests in attainable outcomes that cannot be separated from their respective political interests. Skeptics think, even with the noble results of human rights, the process is suspected of being ridden by certain political interests, although it is not easy to prove.

Some scholars made a linkage of human rights with other areas of international law. Sands *et al.* [9] said that: “The international legal issues are closely related, as is now reflected in the activities of human rights bodies.” In the international legal process, minimum international standards and the role of individuals and non-government organizations have raised analogous issues to those arising in international human rights law. Kiss and Shelton [10] mentioned that The UN General Assembly reaffirmed the linkage between human rights and environmental protection in Resolution 45/94, stating that all individuals are entitled to live in an environment adequate for their health and wellbeing.

Kubasek and Silverman [11] mentioned that fundamental human right (Principle 1) is one of the 26 principles listed in the Stockholm Declaration at the UN Conference on the Human Environment in Stockholm in 1972. Principle 1 states, "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and wellbeing, and he bears a solemn responsibility to protect and improve the environment for present and future generations."

In full, all these principles are fundamental human rights (Principle 1), management of human resources (Principles 2-7), the relationship between

development and environment (Principles 8-12), planning and demographic policy (Principles 13-17), science and technology (Principles 18-20), state responsibility (Principles 21-22), respect for national environment standards along with the need for state cooperation (Principles 23-25), and the threat of nuclear weapons to the environment (Principle 26). [11]. All of these principles have been referred to as collective rights. This Declaration is relevant to be discussed because many constitutions have explicitly adopted the concept of human rights in countries such as Indonesia.

However, the international community has not defined in practical terms the threshold below which the level of environmental quality must fall before a breach of a person's human rights will have occurred. Nevertheless, some non-binding and widely accepted declarations supporting the individual's right to a clean environment have been adopted. In this regard, many states have adopted national measures linking the environment and individual rights. The constitutions of more than a hundred states expressly recognize the right to a clean environment, varying in their approaches.

Higgins's [12] view is that there is chaos all around us. It is difficult to avoid the thought that international orders today are actually a disorder. However, Higgins emphasizes that this kind of disorder does not just happen but is the result of today's international system. This chaos is an inseparable part of the international system, although this is not a satisfactory description of the contemporary international system.

There is an interesting debate about how we should characterize this contemporary international system. For many people, globalization can become a label. But for others, the term is too narrow and intellectually superficial. It is better if the system we live in is called a liberal international order, which is order without a government structure that supports it while maintaining the diversity of types of countries and political systems [12].

2. Human Rights in National History

The inclusion of human rights norms explicitly in the Indonesian constitution has been a long struggle. Controversy has existed since the inception of the Indonesian state. The conflict arose between Mr. Yamin, on the one hand, and Mr. Soepomo and Soekarno on the other. Mr. Soepomo diplomatically rejected the inclusion of human rights in the 1945 Constitution. From the beginning, he argued that human right is synonymous with liberal-individual ideology. It does not match the nature of Indonesian society, which is based on kinship.

The nature of the kinship is really different from the idea that people may make on others, rather than by their obligations towards them. As the critical approach of human rights that: "The notions of human rights are implying that each individual is largely self-reliant, and also legitimizes egoism and self-interest by implying that these are 'human' traits." [4].

The debate surrounding the BPUPKI sessions (the Investigating Committee for Preparatory Work for Independence) in the "BPUPKI Session Minutes" shows that most Committee members reject ideals that have a liberal flavor. Firdaus understands this because the drafters of the basic law felt the bitterness of living in the colonial period [13].

But because of international campaigns, Soepomo's resistance was challenged. At least two things are of concern, namely the rapid spread of human rights principles and the discourse of internationalization of the state being stateless. Not to mention the concept of neo-tribalism, which is also synergistic with global propaganda.

There are several examples of laws and regulations in Indonesia that have included them as legal norms. In the highest hierarchy, one of them is the second amendment of the 1945 Indonesia Constitutions on August 18 of 2000. The amendment explicitly provides in Chapter XA Human Rights. As Article 28H (1) stipulated the right to a good and healthy environment; also in Article 28A (the right to live and to defend his/her life and existence); Article 28F (the right to access information); and Article 28G (1) (the right to protection of his / herself, family, honor, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right).

Those all additional articles actually have made a serious impact on the national legal system. In accordance with the principle of "*lex superior derogat lex inferior*," the laws and regulations under it must comply with the human rights norms in the 1945 Constitution of the Republic of Indonesia. An example of this law is Law Number 32 of 2009 on Environmental Protection and Management (General elucidation *jo.* Elucidation of Article 2), including state responsibility that the state ensures (the fulfillment of) the right to a good and healthy environment and prevents the use of

natural resources that result in pollution or environmental damage.

There is also a greater focus on Law Number 39 of 1999 concerning Human Rights. For example, article 9 covers the right to live, to maintain life, and to improve the standard of living (paragraph 1); the right to peace, happiness, and wellbeing (paragraph 2); and the right to a good and healthy environment (paragraph 3). In addition, Article 14 includes the right to communicate and obtain information (paragraph 1); and the right to seek, obtain, possess, store, process, and disseminate information using all available facilities (paragraph 2).

According to Suryono [17], the contradiction is in the implementation stage associated with the culture in which human rights are applied. This means that according to him, in addition to a review of the substance and culture components. There is also a need for a moral movement between legislators, stakeholders, and the implementing bureaucrats.

From my perspective, what is worried about is that the substance of human rights arrangements will replace the social system in society. The basic question is whether universal human rights cover all aspects of life and apply without exception? Isn't it necessary to take into account the existing culture in each country? Then what about citizens' priorities: isn't Indonesia's current national priority protecting economic and cultural rights rather than civil and political rights? This reminds us of Mr. Soepomo's refusal at the BPUPKI session at the beginning of the Indonesian independence process in 1945, as previously described.

However, it should also be noted that there are other central contradictions related to legal liberalism in this regard. Could it be that the legal liberalism that is being produced today is a system of thought which is at the same time beset by internal contradictions; and or also by systematic repression of these contradictions.

In this disruptive global era, the relationship between one country and another seems unavoidable. Developed countries are always in a determining position, while Indonesia, as a developing country, is in a determined position. This criticism is because of the term "development," which can be thought of as demeaning. As development also refers to the biological process of growth in an individual or a species, it implies a single, linear process of change. Development, therefore, suggests that 'underdeveloped/developing countries are destined to go through the same stages and phases that developed countries already have. Development thus tends to be linked to a distinctively Western form of modernization [4].

The main central contradiction is whether Indonesia rejects universal human rights values but only adheres to their minimum standards. It declares the moral human rights movement as mere human prestige. The aim is only to create added value in the eyes of the international community. This points to "the contradiction between a commitment to mechanically enforced rules as an appropriate form of dispute resolution ... and a commitment to situation-sensitive ad hoc standards [18]".

Not to mention, there may be other contradictions. For example, when human rights are considered as individual values while facts are objective and universal, it is as if we can know social and ethical truth objectively. Or another example of contradiction is when human rights are seen as a deliberate commitment to a discourse, where all human action is seen as a product of self-determination. Thus deterministic discourse does not receive respect or criticism because human rights are only considered as the result of the existing status quo structure.

These contradictions may be the cause of what is currently dominant and/or viral on social media so far, namely a large amount of news about chaos. Discourse about social disturbances due to the fulfillment of various aspirations of the Indonesian people. Therefore, the government needs guidelines so that it continues to strive for things that are in accordance with the real mandate of the community. This means that understanding the people's mandate benchmarks is crucial to prioritize. However, before discussing the guidelines regarding the people mandate, the following section will first describe the relationship between law and politics—especially the supremacy of international law and global politics, which affects the nature of human rights.

3. Human Rights in Law and Politics

In defining human rights, we have to concern with the individual in global politics instead of international politics.

> "International politics has traditionally been thought of in terms of collective groups, especially states. Individual needs and interests have therefore generally been subsumed within the larger notion of the

> 'national interest'. As a result, international politics largely amounted to a struggle for power between and amongst states with little consideration being given to the implications of this for the individuals concerned. People, and therefore morality (in terms of the happiness, suffering and general wellbeing of individuals), were factored out of the picture. However, this divorce between state policy and the individual, and thus between power and morality, has gradually become more difficult to sustain." [4].

The correlation between law and politics can be described by an equation consisting of the rule of law and political power. In contrast, there are three equations that illustrate the correlation between law supremacy (LS) and political power (PP).

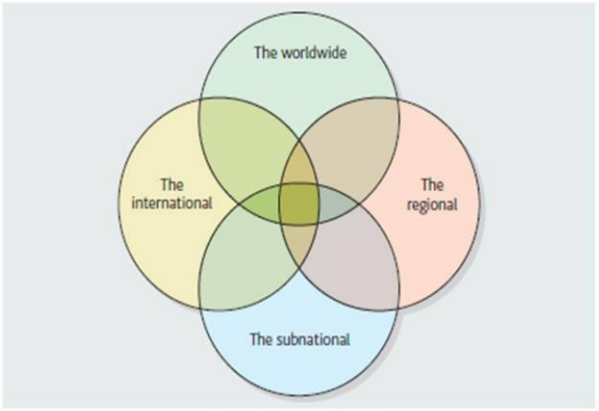
Eo: PP = LS
Ex: PP is low + LS is high = PARALYSIS
Ey: PP is high + LS is low = TYRANNY

The ideal equation (Eo) shows the balance between law and politics. The x equation (Ex) shows that the summation of low political power and high law supremacy will produce paralysis, wishful thinking, or daydreams. Meanwhile, the y equation (Ey) shows that high political power plus low law supremacy equals tyranny.

The fact is the universal human rights nowadays tend to the in Ey but on a global scale. It refers to Hikmahanto Juwana that international law is very weak in its enforcement [3], which means that the equation y (Ey) above can be a suitable analogy. It should say with skeptical thinking that high political power coupled with weak international law constitutes "global tyranny."

The use of global politics for certain interests is more reliable than international politics. Global politics can better penetrate state sovereignty. This can be understood from the global political dimension, which has overlooked the national aspect; changed the concept of state to stateless.

The figure below shows that the global political dimension only consists of four dimensions, namely global, international, regional, and subnational. There is no national dimension left [3]. Therefore, the national dimension should be placed between the regional and subnational dimensions.



Dimensions of Global Politics
(Source: Andrew Heywood. *Global Politics*. New York: Palgrave Macmillan. 2011, p. 3)

This appears to be a testament to Soros' success in realizing the principles of an open society in democratic governance and a market economy. The key to success is implementing it on a global scale by overcoming the main problem, namely state sovereignty [19]. This effort is actually not easy. There needs to be intervention from "global actors," both institutions and individuals. Certain interests are definitely involved. Soros [19] also admitted: "that in most other areas, the sovereignty of states poses insurmountable obstacles to the enforcement of international law." Hopefully, it is not global tyranny that presses Indonesia's process to achieve its national development goals.

State sovereignty in the traditional sense has been penetrated in many ways. In the 1960s, lending to developing countries was often linked to trade preference arrangements with donor countries. Sometimes it is regrettable because it is a form of economic colonization. Indonesia also experienced it in 1997-1998, that loans, both through international financial institutions and bilateral ones - were burdened with requirements for good governance and transparency. This is considered normal, and there is no prejudice on the part of the recipient.

It is closely related to this issue, but actually, what is being put into practice for the first time is the penetration of state sovereignty through the philosophy of human rights. This phenomenon has been going on for a long time and is increasingly dominant in the era of the "internet of things" today. It is common practice to promote consideration of human rights across national borders.

The concept of globalization also precedes the realization that what every country does affects

the environment in which we live. Both human rights law and environmental law are still in their infancy and are considered "not serious." Today every government realizes that governments of other countries can legitimately pay attention to decisions made that have an impact on the environment. A number of declarations, international treaties, protocols, and conferences were issued and held, for example, the United Nations Framework Convention on Climate Change drawn up in New York on May 9, 1992; The Kyoto Protocol to the 1992 United Nations Framework Convention on Climate Change was adopted in Kyoto, Japan on December 11, 1997; The Convention on Biological Diversity which opened for signature in Rio de Janeiro on June 5, 1992.

In the field of human rights, rule-making is long gone. All efforts made today are implementing it. In this case, as Sands *et al.* noted, tackling this problem at a later date in which non-state actors also played an important role - would require an international system of rules to attain a level of complexity we have never seen before [9].

In fact, there has been a paradigm shift that has changed the essence of human rights from individuals to collectives. Meanwhile, other characteristics of human rights, namely universal, fundamental, and absolute, remain the same. This fact can be seen from the “third generation” human rights documents, namely the Stockholm Convention on the Human Environment (1972) and the Rio Declaration on Environment and Development (1992).

These “collective rights shifts” should be further analyzed by looking at documents that are closely related, namely the Millennium Development Goals (2000) and Sustainable Development Goals (2015). All of these documents have been continuously developed. The meta-principle that continues to support them is the principle of sustainable development. [20].

This perception is an inspiration to correlate global development goals with national development goals. The global development goals have been started from the meta-principles of sustainable development established by the Brundtland Commission in 1987 to the Sustainable Development Goals, which have been announced for the 2015 to 2030 period. Indonesia's national development goals began with the establishment of the State of Indonesia as stated in the Preamble to the Constitution of the Republic of Indonesia. Indonesia 1945 until now as described in the various Indonesian national legislation. The following section will explain the issue in-depth as the mandate of the Indonesian people.

4. Human Rights and People Mandate

The perspective of this paper is that contemporary human rights concepts have been developed by new communities and supported by new scientific achievements, professions, and social networks

, in accordance with what Celia de Anca called neo-tribalism as the new communalism. The term tribalism is understood in a neutral, positive way, referring to tribal, clan, or blood relations. Not tribal in its harsh, negative, uncivilized connotations. Communication does not take place verbally and face to face in a hierarchical social structure based on heredity. According to Anca [20], currently, various communities in the world are in the process of loosening traditional tribal ties.

This condition is a challenge for the Indonesian government because the concept is no longer supported by individuals who are immersed in ethnic identity and ideology. In Indonesia, this kind of identity is very narrow; what stands out is the ethnic and religious identity.

However, nowadays, many new identities have been developed, which become people's preferences and choices. Meanwhile, Hidayat [22] linked neo-tribalism with the Indonesian slogan "*Bhinneka Tunggal Ika*," or unity in diversity. The neo-tribalism community may also be linked with the spirit of philanthropy. Ulza [23] said that the millennial generation is the main pillar of philanthropy. In other words, the social impacts of modernization of education, technology, and bureaucracy have formed societies that are more confident and comfortable in introducing new professional identities than primordial ethnic or clan identities.

This challenge is getting heavier in the era of digital technology. Because on the one hand, the new communalism is looser, more rational; its members are free to enter and exit, given their voluntary nature. On the other hand, internet technology supports its nature.

There has been a very fundamental shift in values. Social relations tend to be democratic and contractual. They are grouped by voluntary choice and general professions or hobbies that are generally always economically oriented. [23]. In fact, the economically oriented is the connecting line between the neo-tribalism society and the development goals of the Indonesian society.

Indonesia already has four national development goals to deal with these challenges, as mentioned in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, namely: (1) protect all the

people of Indonesia and all the independence and the land that has been struggled for; (2) to improve public welfare; (3) to educate the life of the people; and (4) to participate toward the establishment of a world order based on freedom, perpetual peace, and social justice.

The four national development goals are quite comprehensive and effective in dealing with the fundamental paradigm shift. Communal characters that tend to be economically oriented are covered by items (1) and (2). In addition, professional-intelligent character and an active role in activities across national jurisdiction are covered by points (3) and (4), respectively.

Technically, for the economic orientation that has been a scourge so far, the task of the government is to fulfill the needs and desires of the majority of neo-tribalism. With regard to financial needs or funding, the government also needs to provide a special budget—for example, funding for scholarships, scientific research, and other millennial philanthropic activities.

Synergistic with Abidin *et al.* [24], who said that in its development, philanthropy is interpreted as an effort to share resources and give in an organized manner for long-term and sustainable strategic interests. Utilization also extends to a more strategic domain, for example, for the purpose of economic empowerment, empowerment of workers, migrant workers, and others.

It must be admitted that currently, Indonesia is still using provisions that do not fit the global context, i.e., Millennium Development Goals (MDGs, 2000) and Sustainable Development Goals (SDGs, 2015). Abidin [25] cited the example of Law Number 9 of 1961 concerning the Raising of Money and Goods [26]. He criticized the fundraising rules, which were troublesome because they had to be renewed every three months. Also, the rules regarding the categorization of local, regional, and national fundraising, which, according to Abidin, is very limiting in today's digital era.

Do not let their funding be obtained from other parties who have certain political interests in this nation. This effort is also to deal with individual tendencies that are gullible and deceptively simple.

In the short-medium term, national authorities must filter various aspects related to human rights principles before applying them to legal norms. However, the term relaxation refers to the adaptation of this universal concept so that it is not frontal to the global mainstream [27]. As President Widodo [28] said, the ideology and noble values of the nation may not be exchanged with economic advancement. Widodo [28] also stated that, in fact, economic advancement clearly requires vigorous national spirit. The advancement must be firmly rooted in Pancasila ideology and the nation's culture.

Regarding the implications of human rights regulation in the constitution on the *ius constituendum* in Indonesia, Firdaus [13] emphasized the impact of several Constitutional Court decisions that annulled a number of laws related to human rights.

Firdaus [13] is of the opinion that from a human rights perspective, the Court decisions are positive steps. This means that the Court has shown how it should operationalize human rights principles into state law. But on the other hand, this backfired on the Government and the House of Representatives, who have made the law a quo.

Criticism of this is how human rights should be socialized, especially in the context of state law. For this reason, the Government and the House of Representatives must be careful in making legal constructs in state law so that it is in line with the ideals or norms of human rights as stipulated in the amended 1945 Constitution of the Republic of Indonesia. [13] This means that the amendment directly or indirectly burdens the legislative process. In other words, efforts in the context of the *ius constituendum* are getting heavier.

It should be noted that about a decade ago, Mattalatta [24] once said that we must believe that one day, what is hoped will come true. With regard to human rights, he argued that humanitarian problems will always arise throughout human life. Therefore, every generation, including the current generation, must do their utmost to solve the existing problems.

This opinion indirectly criticizes the concept of intergenerational justice, which supports the meta-principles of sustainable development. This criticism is smoothed by saying that what has been done by the current generation will be carried on by future generations. Their tasks later are to solve the problems that will arise in their day. Our task is to solve the problems we now face while providing the basis for solving problems that will arise in the

future [2]. In other words, as the former Minister of Law and Human Rights of the Republic of Indonesia for the 2007-2009 period, Mattalatta did differentiate between the interests of present and future generations.

But once again, such a construction of thinking leads to criticism of the national government, which supposedly uses the law as an instrument of power, which is then used for the benefit of the group and its power. It is not surprising that the foundations used in implementing statutory law politics include the vision of legal development, legal unification, post-amendment political legislation, and legal harmonization. [2].

These foundations are not completely wrong because maybe Mattalatta [2] was still referring to the 1998-reform euphoria. However, priorities in this disruptive era are experiencing a rapid shift. What is relevant in this case is that in this conception, the politics of legal reform must constitute the implementation of the ideals of the nation and/or national goals. So that the law generated from the legislative machine can apply nationally, do not overlap, are arranged hierarchically, and lead to the constitution. However, even if any legislation deviates from the norm, it will still constitute the implementation of the national goal for the realization of a welfare state.

With regard to the welfare state, the Preamble to the 1945 Constitution of the Republic of Indonesia has explicitly mandated four national development goals to the government of the State of Indonesia. The mandatory consequence is that national development objectives are translated into laws and regulations in a hierarchical manner. The current Indonesian government has issued Law Number 17 of 2007 concerning the National Long-Term Development Plan 2005-2025 [29]. The law as a quo is complemented by Presidential Regulation Number 18 of 2020 concerning the National Medium-Term Development Plan 2020-2024 [30] as the implementing regulations. Apart from that, various other laws and regulations should also refer to the four points of the national development goals as the Indonesian people mandate.

3. CONCLUSION

Global politics has been a concern during the paradigm shifts in this disruptive era. The application of universal human rights principles in the Indonesian national legal system is more dominant through global political mechanisms than international politics. The global political dimension allows the imposition of a new world order based on intrinsic and cultural values. On the other hand, international politics has limitations in penetrating state sovereignty even though it is a democratic country.

It should be noted that although international politics and global political mechanisms look similar in the level of analysis, they are different in that the latter tends to "internationalize the state." This is illustrated by the global political dimension, which eliminates the nation dimension and changes the concept of state to stateless as well.

Indonesia' *ius constituendum* requires adaptation of the concept of human rights to support national development goals that are in line with the people mandate. At least this adaptation provides a space for relaxation and prevents the formation of global opponents in the form of new world order. Public justice should be in synergy with the goals of national development and the goals of global development. Skeptically this threat would undermine the existing global status quo, where knowledge was controlled by transfrontier elites. The situation is due to the tension from some universal principles, so that Indonesia's government should conduct more transdisciplinary research [31]. At the same time, it is mitigating various justifications for the imposition of the interests of one country on another.

Finally, it is recommended that all national stakeholders of human rights should give concern to global political tension. They should realize that the national development goals are the main guidance so that the priority of law and policy is based on the mandate of the people as our own legal, political reform.

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