



Implementation of the Handling of Alleged Human Rights Violations at the Regional Office of the Ministry of Law and Human Rights of Lampung

Article	Abstract
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INTRODUCTION

The concept of a state based on law, or *rechtsstaat*, emphasizes that a state must be organized and governed according to legal principles rather than mere power, or *machtstaat*. In a legal state, governance derives legitimacy from a constitutional framework and adherence to laws, ensuring predictability, accountability, and protection of fundamental rights.(Kirste, 2014) Conversely, a state based on authority alone allows arbitrary decisions, undermining public trust and the rule of law.(Mecke, 2019) In Indonesia, the principle of a legal state underpins the functioning of government institutions and ensures that the protection of human rights remains a core responsibility of state authorities.(Akmal, 2023)

The Ministry of Law and Human Rights has established formal mechanisms to uphold human rights, particularly through Permenkumham Number 23 of 2022, Article 4, Paragraph 2, which regulates the handling of alleged human rights violations(Munir & Chandra, 2022). This regulation provides structured procedures for receiving, investigating, and resolving complaints, allowing citizens to report violations they

experience personally or observe in their community(Hikmah et al., 2024). By institutionalizing these procedures, the regulation operationalizes the national human rights framework, ensuring that legal principles are not merely theoretical but actively applied in administrative practice(Abimanyu & Latumeten, 2023). The regulation also reflects Indonesia's commitment to international human rights obligations and demonstrates the state's accountability in addressing citizen grievances.

At the Regional Office of the Ministry of Law and Human Rights in Lampung, the regulation is implemented through the Human Rights Complaint Unit. The unit serves as the formal channel for the public to report alleged human rights violations, whether formally communicated or otherwise. Responsibilities under Article 4, Paragraph 2 include receiving complaints, verifying administrative records, investigating the root of alleged violations, providing conclusions in the form of agreements or recommendations, monitoring implementation, reporting results to the Director General, and conducting technical education at service posts. These tasks are designed to ensure systematic handling of complaints and the protection of individual rights, bridging the gap between law and practice.

Despite the institutional mechanisms, public utilization of the Human Rights Complaint Unit remains limited. Many citizens are unaware of the existence of the services or how to access them, resulting in underreporting of violations and incomplete resolution of human rights cases. The limited dissemination of information and insufficient public education hinder the effectiveness of the regulation. Consequently, while the legal framework is robust, practical enforcement and citizen engagement remain challenges, highlighting the need for strategies to enhance awareness and accessibility of human rights services at the regional level.

To analyze the effectiveness of implementation, this study applies Lawrence M. Friedman's Legal System Theory and Public Policy Theory(Flora & Erawati, 2023). Friedman identifies three critical components of a legal system: legal structure, legal substance, and legal culture(Febrian, 2020). Legal structure encompasses the organization of law enforcement institutions and their functions; legal substance refers to statutory provisions, norms, and judicial decisions; legal culture reflects societal beliefs, practices, and attitudes toward law(Halim et al., 2023). Deficiencies in any of these components may hinder enforcement and reduce public trust. Additionally, Thomas R. Dye's Public Policy Theory emphasizes that public policy is the actual actions or inactions of government, shaping societal outcomes(Gambo, 2021). Together, these theories provide a framework to evaluate both institutional and societal factors affecting the implementation of human rights regulations.

Based on this background, this study focuses on two research questions: how Article 4, Paragraph 2 of Permenkumham No. 23 of 2022 is implemented at the Regional Office in Lampung and what obstacles exist in its application. By examining these questions, the study aims to identify gaps between regulatory design and practical outcomes, assess the effectiveness of institutional mechanisms, and explore citizen engagement in reporting human rights violations. This analysis contributes to understanding the operationalization of human rights protections in Indonesia and provides recommendations for improving enforcement, public awareness, and the overall effectiveness of regional human rights complaint mechanisms.

RESEARCH METHODS

The research employed a combination of normative juridical and empirical (socio-legal) approaches to comprehensively examine the implementation of Article 4, Paragraph 2 of Permenkumham Number 23 of 2022 regarding the handling of alleged human rights violations at the Regional Office of the Ministry of Law and Human Rights in Lampung. The normative juridical approach involved analyzing primary legal materials, including the Regulation of the Minister of Law and Human Rights No. 23 of 2022, related legislation, and judicial decisions, as well as secondary legal materials such as scholarly books, journal articles, and reports on human rights. The empirical approach focused on collecting data from the field, where the research was conducted at the Regional Office in Lampung. Informants and respondents included officials responsible for the Human Rights Complaint Unit, legal staff, and selected members of the public who had utilized or attempted to utilize the complaint services. Data collection techniques included document review, structured interviews, and direct observation of service implementation, while legal and empirical materials were systematically analyzed using qualitative content analysis to identify patterns, obstacles, and the effectiveness of regulation implementation. This integrated methodology enabled a thorough understanding of both the legal framework and practical challenges in the enforcement of human rights complaint mechanisms in Lampung.

RESULTS AND DISCUSSION

1. Implementation of Article 4, Paragraph 2 of Permenkumham No. 23 of 2022 at the Regional Office of the Ministry of Law and Human Rights in Lampung

The implementation of case handling for alleged human rights violations carried out by the Regional Office of the Ministry of Law and Human Rights of Lampung is conducted through the establishment of a Task Force for Handling Alleged Human Rights Violations. This task force consists of representatives from Regional Government Work Units (SKPD) within the Lampung Provincial Government. The SKPD members who are part of the Task Force for Handling Alleged Human Rights Violations have been formally appointed through a Decree of the Head of the Regional Office of the Ministry of Law and Human Rights of Lampung.

One of the main duties of the Task Force is to receive complaints from the public, either directly or indirectly (Vanhaecht et al., 2022). However, to date, the Task Force has only resolved human rights cases that were reported directly. The handling of cases received by the Task Force for Alleged Human Rights Violations is carried out through the following procedures:

a) Receipt of Alleged Human Rights Violations

The Regional Office of the Ministry of Law and Human Rights of Lampung, represented by the Task Force for Handling Alleged Human Rights Violations, receives public complaints, whether they have been formally communicated or not. Thus far, the complaints handled by the Task Force are direct in nature, whereby victims of alleged human rights violations submit their cases by completing the provided forms and attaching supporting documents relevant to their cases.

b) Examination of Alleged Human Rights Violations

Once the human rights case file whether formally communicated or not is deemed complete, an examination is conducted from both legal and human rights perspectives, resulting in the following assessments:

- 1) Who
The Task Force identifies and determines who is suspected of committing the human rights violation, who the victim is, and which institution or agency is involved and has the authority to resolve the matter.
- 2) What
The Task Force identifies which rights and fundamental freedoms have been violated and correlates them with relevant government policies and applicable laws and regulations, including specific articles, paragraphs, and explanations. At this stage, it can be determined whether the reported matter falls within the scope of an alleged human rights violation.
- 3) Where
The location where the alleged human rights violation occurred.
- 4) When
The specific time when the alleged human rights violation took place.
- 5) How
The Task Force examines how the alleged human rights violation was committed, including the methods, tools, or means used.
- 6) Why
The Task Force analyzes the reasons or underlying causes of the alleged human rights violation, including the circumstances that led to its occurrence.

c) Coordination and Consultation in Handling Alleged Human Rights Cases

Coordination and consultation are follow-up actions to public complaints regarding alleged human rights violations. This coordination is typically conducted through coordination meetings between the Task Force and relevant governmental or non-governmental institutions to encourage the resolution of alleged human rights violations in accordance with applicable laws and regulations. The outcomes of these meetings are formalized in the form of recommendation letters outlining follow-up actions for handling the alleged human rights cases.

Requirements for Submitting Alleged Human Rights Complaints

The requirements that must be fulfilled by members of the public in submitting alleged human rights violations are as follows:

- 1) A valid national identity card (KTP) or other legal identification;
- 2) Completion of the provided complaint form (attached);
- 3) Supporting documents relevant to the reported case.

If the complainant is unable to fulfill these requirements, they will be requested to do so first. If the requirements cannot be fulfilled, the complaint cannot be followed up. The criteria for public complaints that can be processed by the Regional Office of the Ministry of Law and Human Rights of Lampung are as follows:

- 1) The objective of the complaint does not contradict the principles of the United Nations Charter and other international conventions;
- 2) The complainant has a clear and verifiable identity;

- 3) The reasons for submitting the complaint are reasonable and credible;
- 4) The complaint originates from an individual or group with direct knowledge of the alleged violation and whose information can be trusted;
- 5) The complaint clearly describes the facts, the purpose of submission, and the rights that were violated;
- 6) The complaint is not politically motivated; and
- 7) The complaint is conveyed using proper and appropriate language.

Based on the cases received by the Task Force for Handling Alleged Human Rights Violations during the period from January to July 2024, the importance of human rights protection particularly in handling alleged human rights violations can be analyzed using Lawrence Friedman's Legal System Theory. Lawrence Friedman divides the legal system into three components:

Legal Substance

Legal substance includes all rules, both written and unwritten, encompassing both substantive and procedural law(Anshori, 2024). Written regulations governing the handling of alleged human rights violations include Article 4 paragraph (2) of the Regulation of the Minister of Law and Human Rights No. 23 of 2022 on the Handling of Alleged Human Rights Violations. Furthermore, the definition of human rights violations is stipulated in Article 1 point 6 of Law No. 39 of 1999 on Human Rights, which defines a human rights violation as any unlawful act that reduces, restricts, limits, and/or revokes the human rights of an individual or group, and which does not receive or is feared will not receive fair and proper legal remedies. Meanwhile, the qualification of gross human rights violations namely genocide and crimes against humanity is regulated under Law No. 26 of 2000 on Human Rights Courts.

Legal Structure

Legal structure encompasses legal institutions, law enforcement apparatus, and the law enforcement system. It is closely related to institutional structures operated by law enforcement officers within the criminal justice system, where law enforcement is carried out by investigators, prosecutors, judges, advocates, and correctional institutions(Romdoni et al., 2022).

With the enactment of the Public Information Disclosure Law, the government specifically the Regional Office of the Ministry of Law and Human Rights of Lampung acts as an extension of the Ministry of Law and Human Rights at the central level, carrying out its duties and functions in providing responsible public complaint services. It is increasingly required to deliver services related to reported or unreported human rights cases. As stipulated in Article 2 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 28 of 2014 concerning the Organization and Work Procedures of Regional Offices of the Ministry of Law and Human Rights, the Regional Office is tasked with implementing the main duties and functions of the Ministry of Law and Human Rights within the provincial region, based on ministerial policies and applicable laws and regulations.

Legal Culture

Legal culture refers to expressions of societal values, habits, opinions, patterns of behavior, and ways of thinking that direct social forces within society. The effectiveness of law as a normative system is heavily influenced by the level of legal understanding and legal awareness of the public in absorbing and processing prevailing legal information, including amended or repealed laws.(Fibrianti et al., 2023)

For legal provisions to function effectively within society and in the administration of government and state affairs, the flow of legal information must be secure and well-communicated. Therefore, legal information must not only be disseminated through legal socialization or counseling but must also be supported by the development of modern communication tools and information infrastructure that are easily accessible and affordable to the public.

In relation to the implementation of Article 4 paragraph (2) of the Regulation of the Minister of Law and Human Rights No. 23 of 2022 on the Handling of Alleged Human Rights Violations, the submission of complaints may be made individually or collectively through two methods: direct and indirect. Direct submissions are made by complainants (members of the public) or their authorized representatives by visiting the Regional Office of the Ministry of Law and Human Rights of Lampung, completing the provided forms, and attaching relevant supporting documents. Indirect submissions may be made through written correspondence or facsimile, accompanied by supporting documents.

Overall, it can be concluded that the implementation of Article 4 Paragraph 2 at the Lampung Regional Office is structurally well established but substantively constrained by administrative, informational, and social factors. Strengthening outreach programs, improving coordination among internal divisions, and empowering officers with investigative and communication skills are necessary measures to enhance the impact of the regulation on human rights protection at the regional level.

2. Obstacles in the Implementation of Article 4, Paragraph 2 of Permenkumham No. 23 of 2022

The implementation of Article 4 Paragraph 2 of Permenkumham No. 23 of 2022 in the Lampung Regional Office faces various obstacles that can be categorized into internal and external factors. Internal obstacles relate to institutional capacity, resource availability, and administrative mechanisms, while external obstacles involve public awareness, socio-cultural conditions, and inter-agency collaboration. These factors collectively determine the level of effectiveness in executing the human rights complaint-handling mandate.

Internal Factors at the Regional Office of the Ministry of Law and Human Rights of Lampung

- a) The quality and number of human resources within the Task Force for the Handling of Alleged Human Rights Violations remain insufficient. This condition significantly affects performance and professionalism, particularly in providing public complaint services.
- b) The existence of related institutions or agencies that are less responsive to Human Rights violations, as they fail to provide prompt responses or follow-up as expected.
- c) Limited budget allocation, facilities, and infrastructure.

- d) The high number of activities that must be carried out simultaneously or concurrently with other official duties.
- e) Lack of internal coordination within the Task Force for the Handling of Alleged Human Rights Violations in carrying out actions related to alleged Human Rights violations.

External Factors Affecting the Regional Office of the Ministry of Law and Human Rights of Lampung

- a) The low level of understanding of Human Rights, both among state actors and the general public, constitutes a major obstacle to the advancement of Human Rights and results in the ineffective implementation of public complaint services. This lack of understanding leads to many Human Rights violations occurring within society that are not reported to the Regional Office of the Ministry of Law and Human Rights of Lampung, particularly to the Task Force for the Handling of Alleged Human Rights Violations.
- b) Insufficient public outreach and dissemination of information, especially in remote areas, despite the fact that Human Rights violations frequently occur in regions far from urban centers.
- c) The limited scope of public outreach is strongly influenced by the budget constraints and the availability of human resources at the Regional Office of the Ministry of Law and Human Rights of Lampung.
- d) Public indifference or apathy toward Human Rights violations, resulting in a failure to report incidents and consequently leading to the absence of handling measures (passive neglect).
- e) Incomplete supporting data or evidence submitted with public complaints. Some complainants are unable to provide adequate documentation to support their reports, causing delays in service, as the Regional Office of the Ministry of Law and Human Rights of Lampung cannot follow up on complaints that do not meet the required criteria.

When related to the definition of public policy according to Thomas R. Dye “whatever governments choose to do or not to do” public policy encompasses all actions and inactions of the government. In this context, the handling of alleged Human Rights violations constitutes a public policy undertaken by the government to address Human Rights violations, whether reported or unreported, that occur within society. The Regional Office of the Ministry of Law and Human Rights of Lampung, in collaboration with relevant governmental institutions, plays an active role in resolving Human Rights issues experienced by the public.

CONCLUSION

Based on the results of research and discussion regarding the implementation of Article 4 Paragraph 2 of the Regulation of the Minister of Law and Human Rights No. 23 of 2022 concerning the handling of alleged human rights violations at the Regional Office of the Ministry of Law and Human Rights in Lampung, it can be concluded that the implementation has been carried out according to the formal procedures stipulated in the regulation. The Lampung Regional Office has established a Human Rights Complaint Service Unit as an institutional manifestation of the regulation's mandate, ensuring the reception, verification, and reporting of complaints. However, the implementation has not

yet reached an optimal level, as seen in the limited number of reported cases and the lack of public utilization of the available service mechanisms. This condition indicates that the implementation process still faces substantive and operational barriers, especially in ensuring that the objectives of accessibility, transparency, and accountability in handling human rights complaints are effectively achieved.

Furthermore, obstacles in implementing Article 4 Paragraph 2 of Permenkumham No. 23 of 2022 at the Lampung Regional Office are divided into internal and external factors. Internal barriers include limited human resources, insufficient facilities, and overlapping administrative duties, while external barriers involve low public awareness, weak inter-institutional coordination, and the absence of strong public trust in government complaint mechanisms. These multidimensional obstacles demonstrate that successful implementation of human rights regulations requires not only a solid legal foundation but also supportive institutional capacity and an inclusive legal culture that empowers citizens to report human rights violations confidently.

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