



Human Rights Violation Settlement by Regional Office of Ministry of Law and Human Rights In Maluku Province Through Public Communication Service

Yared Hetharie¹, Yosia Hetharie^{2*}

¹ Regional Office of the Ministry of Law and Human Rights Maluku, Ambon, Indonesia.

² Faculty of Law Pattimura University, Ambon, Indonesia.

 : josephushetharie@gmail.com

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Abstract

Introduction: Currently, there are many human rights violation allegations in Maluku either done vertically by Government or horizontally by the society. High number of complaints received by the People Communication Service (Yankomas) team in the Regional Office of Ministry of Law in Maluku and Human Rights indicates this phenomenon. Yankomas is tool to settle human rights violation allegation that has its legal ground on the Presidential Regulation Number 75 Year 2015 about National Human Rights Action Plan 2021-2022.

Purposes of the Research: The purpose of this study is to examine the procedure for resolving allegations of human rights violations and mapping the handling of cases of alleged human rights violations through the Community Communication Service at the Maluku Kemenkumham Regional Office.

Methods of the Research: This study uses empirical legal research methods related to phenomena and facts that occur in the field, especially those faced by members of the Community Communication Service Team of the Moluccas Kemenkumham Regional Office. The approach used is the statutory approach and the case approach.

Results of the Research: In the year 2021-2022 complaints that enter the Regional Office of the Ministry of Law and Human Rights Maluku in the form of written complaints and verbal complaints, the number of complaints in this period has increased. The role of Yankomas in resolving allegations of human rights violations satisfies the complainants because all incoming complaints are properly resolved or explained. The settlement is carried out by inviting the reported party and other relevant stakeholders in a coordination meeting in which solutions and solutions are sought for the problems complained of. Public Communication Services should continue to be developed considering the high number of public complaints who are starting to realize that there is a role for the state to protect, promote the enforcement of human rights.

A. INTRODUCTION

This human right must be upheld by every State through its Constitution. The Indonesian state specifically regulates in the 1945 Constitution. Human Rights are a set of rights inherent in every individual since the womb as a Gift of God Almighty, universal and eternal so that they must be respected, upheld and protected by the

State, law, government and everyone.¹ Human rights are basic rights that are inherent in human beings, are universal and lasting, therefore they must be protected, respected, maintained, and must not be ignored, diminished, or deprived by anyone. In addition to having Human Rights, each individual also has a Human Obligation.

The protection, enforcement, respect and promotion of human rights are intended to enhance human dignity and dignity. Therefore, Indonesia as a member of the United Nations carries out a moral and legal responsibility to uphold and implement the Universal Declaration on Human Rights established by the United Nations, as well as various other international instruments regarding human rights that have been accepted by the Republic of Indonesia.

In Maluku Province itself, there are many allegations of human rights violations both vertically committed by the Government and horizontally committed by the entire community. This is influenced by 2 main factors, namely internal and external factors. Internal factors include: The nature of individual egoism that causes a person to have a great desire to achieve something desired so as to justify all means so that his rights are fulfilled even though his means may violate the rights of others; The level of human rights awareness is still low where some value human rights very much and some who strongly ignore the existence of these human rights. And the intolerant attitude that results in the emergence of mutual disrespect and respect for the existence of others. It is as if a person's position is demeaned and harassed.

In the end, this attitude will plunge a person into discriminating against others. External factors include abuse of power in the family environment, society or in the environment of the nation and state. Power does not always lead to government power, but in other forms of power one of them is power in a company. Employers who do not care about their workers' rights clearly violate human rights. We can state that any abused power will encourage human rights violations. Indecisiveness of law enforcement officials. Indecisive law enforcement officials will result in many human rights violations that will occur. Cases of human rights violations that are not resolved completely are certainly a trigger for other human rights violations that may be more detrimental. Law enforcement officials who are arbitrary in making decisions are also a form of human rights violations and an example of bad, this can also be a trigger for other forms of human rights violations. High social and economic inequality, imbalance and inequality of lifestyle have begun to appear in the current era. Differences in the level of wealth or position that a person has are triggers for social and economic inequality. If left unchecked, it is not impossible that there will be many human rights violations such as robbery, slavery, harassment and even murder.

Currently, the government's attention to the fulfillment of human rights is a very difficult job because the Government is required to be able to resolve human rights violations that occur in society. Therefore, the Government through Law Number 39 of 1999 concerning Human Rights which is described through Presidential Regulation Number 75 of 2015 concerning the National Action Plan for Human Rights 2015-2019 for community communication service rooms with the aim of completing every act

¹Taufiqurrohmah Syahuri, *Hukum Konstitusi: Proses dan Prosedur Perubahan UUD di Indonesia 1945 2002*, (Bogor: Ghalia Indonesia, 2004), p. 15..

done by a person, group of people, State officials, and government agencies / agencies whether intentional or unintentional or unlawful negligence including reducing, obstructing, limiting and / or revoking the Human Rights of a person or group of persons guaranteed by the Law and not getting or fearing that they will not obtain a fair and correct legal settlement in accordance with the provisions of the laws and regulations.

The Regional Office of the Ministry of Law and Human Rights of Maluku as an extension of the Central Government in the regions carries out the task of assisting law and human rights and one of the tasks carried out is to open a community communication service (Yankomas) room. There were several prominent issues during the year, namely dissatisfaction with the authorities, domestic violence, land, and workers' rights. Based on the description above, the author is interested in conducting a research with the title "Settlement of Human Rights Violations by the Regional Office of the Ministry of Law and Human Rights of Maluku through Community Communication Services".

B. METHOD

In completing this paper, the author uses empirical legal research methods related to phenomena and equality that occur in the field, especially those faced by members of the Community Communication Service Team of the Regional Office of the Ministry of Law and Human Rights of Maluku in dealing with the falsification of human rights violations. The research location is located at the Regional Office of the Ministry of Law and Human Rights of Maluku in Ambon. In writing the approach used is, the Statute Approach, which is an approach carried out using laws and regulations related to the problem under study, namely Presidential Regulation Number 75 of 2015 concerning the National Action Plan for Human Rights 2015-2019 and Regulation of the Minister of Law and Human Rights Number 23 of 2013 concerning Community Communication Services. And the Cases Approach approach is an approach that is carried out through existing and faced cases related to the problem under study.

C. RESULTS AND DISCUSSION

1. Procedures for Resolving Alleged Human Rights Violation

Community Communication Services, hereinafter referred to as Yankomas, is the provision of services to the community about the existence of alleged human rights issues that are communicated or that are not / have not been communicated by a person or group of people. In carrying out its duties, a Community Communication Service Team was formed which was run by the Regional Office of the Ministry of Law and Human Rights under the field of Human Rights. This function in daily life is carried out in the Sub-Division of Human Rights Services, Assessment and Information. The scope of community Communication Services is any act committed by a person, group of people, state officials, and government agencies / agencies either intentionally or unintentionally or negligence that unlawfully includes reducing, obstructing; limiting; and/or deprive, the human rights of a person or group of persons guaranteed by the Act, and do not obtain or are feared not to obtain a just and

correct legal settlement.

in accordance with the provisions of laws and regulations. The above provisions are excluded from cases that are in legal proceedings in the courts of the first instance, the appellate level, or the cassation level; and gross violations of human rights in accordance with the provisions of laws and regulations. Duties and Functions of the Community Communication Service Team in Article 2 of the Regulation of the Minister of Law and Human Rights 23 of 2013 concerning Guidelines for Community Communication Services national action plan for human rights. Includes the communicated yankomas, namely orally and in writing. And the yankomas that are not communicated are related to phenomena in society, are cassowary and the need is urgent.

In its implementation, every complaint is followed up, both oral and written, by first reviewing the complaint. This study aims to find allegations of human rights violations in every complaint that comes in. The results of this study are made in the form of an analysis format of alleged human rights violations that occurred and recommendations related to the complaint in question signed by an analyst on human rights problems, Head of the Sub-Division of Human Rights Assessment and Information Services and is known by the Head of the Human Rights Sector.

For Communication submitted directly by the Communication Conveyer to the Yankomas Team, they must fill out the Communication form and attach supporting documents such as identity cards and other evidence owned by the communication conveyer/complainant. Related to Yankomas that are Not/Have Not been communicated The yankomas team identified alleged human rights issues that were not/have not been communicated.

Identification of alleged human rights problems is carried out through the collection of data/information derived from print and electronic media; government agencies/agencies, organizations, or members of the public; and/or direct observation of the location of the alleged human rights violations. The results of the identification of alleged violations of human rights that were not / have not been communicated were reviewed. The review is intended to determine the parties; the time, place, and chronology of the occurrence of alleged human rights abuses; violated human rights; and government agencies/agencies that have the authority to resolve alleged human rights violations. The review should take into account legal and human rights aspects. The results of the review should contain suggestions and follow-up on the resolution of human rights violations. After getting the results of the study, the Yankomas Team made a Coordination Meeting for Community Communication Services every month.

In this meeting, an integrated team consisting of the Police, The High Prosecutor's Office, the High Court, the Legal Bureau of the Maluku Provincial Regional Office, the Ombudsman, and stakeholders related to the complaints submitted were invited. In this meeting, the team will discuss and convey input, suggestions and information related to the problem complained of. Then from the results of this meeting, an integrated team recommendation will be formulated which will be submitted to the complainant and complained.

This recommendation will then be forwarded through a letter signed by the Head

of the Regional Office of the Ministry of Law and Human Rights of Maluku. The Coordination Letter contains at least allegations of human rights violations; the name of the position and/or the name of the government agency/institution authorized to protect and fulfill human rights; input for government agencies/agencies and requests for information.

2. Mapping the Handling of Cases of Alleged Human Rights Violations through the Community Communication Service forum at the Regional Office of the Ministry of Law and Human Rights, Maluku

The high number of complaints that enter the Yankomas team is caused by several factors, namely:

- 1) People are increasingly aware of Human Rights so they are trying to fight for these rights. If there is a violation of both civil, political and economic, social and cultural rights, the community always seeks a forum for settlement and in the regions is in the Regional Office of the Ministry of Law and Human Rights.
- 2) Every implementation of activities in all regions is always inserted information that the Regional Office of the Ministry of Law and Human Rights of Maluku provides a Community Communication Service Room related to alleged human rights violations.
- 3) The level of public trust in the yankomas team is getting higher because the complaints that come in are always resolved properly.

The most communicated problem in 2021 – 2022 is the high number of complaints that enter the Yankomas team due to several factors, namely:

- 1) People are increasingly aware of Human Rights so they are trying to fight for these rights. If there is a violation of both civil, political and economic, social and cultural rights, the community always seeks a forum for settlement and in the regions is in the Regional Office of the Ministry of Law and Human Rights.
- 2) Every implementation of activities in all regions is always inserted information that the Regional Office of the Ministry of Law and Human Rights of Maluku provides a Community Communication Service Room related to alleged human rights violations.
- 3) The level of public trust in the yankomas team is getting higher because of dissatisfaction with the authorities in the form of verbal complaints. The second complaint is Domestic Violence which is delivered both orally and in writing. In addition, cases of default are also often communicated.

Community Complaints that enter the Yankomas Unit are then grouped based on the type of case, namely:

- 1) Dissatisfaction with Law Enforcement

Problems between the community and the government occur due to public dissatisfaction in accepting services provided by the government, including the Police institution, and the District Court. Most people are dissatisfied because of the behavior of officials who tend to be arrogant in serving the community. The attitude of the authorities is, more or less, a derivative of the past dokrin that placed the apparatus only as a tool to frighten and silence the public.

The authorities still position themselves as guardians of the throne of the rulers, not to protect society, as well as to maintain order and social security. Dissatisfaction with police officers by the community is partly due to community reports being rejected by the authorities, the unfriendly treatment of officers to whistleblowers so that the person concerned feels played with, in addition, the handling of cases that are considered too long, causing public concern that the problem is not being addressed. However, after coordination, the police claimed that the problem was due to incomplete reports of both evidence and witnesses and whistleblowers who were not cooperative in providing information, for cases that had long been willing to help monitor the cases that were communicated so that they were immediately handled properly.

2) Domestic Violence

Domestic violence can be experienced by women, men and children. In 2021 there were several cases of domestic violence that were communicated to the Community Complaints Service Team of the Regional Office of the Ministry of Law and Human Rights of Maluku. In 2016, domestic violence perpetrators were dominated by members of the Police and Civil Servants who had good education and social standing in society.

In addition, there are also reported are retired Police officers and village heads. The efforts made by the Community Communication Service Team of the Regional Office of the Ministry of Law and Human Rights of Maluku in handling domestic violence complaints are coordinating with relevant agencies in this case the agencies where the reported persons work to be followed up in accordance with the code of ethics and also the police for the resolution of criminal cases. The occurrence of domestic violence stems from the existence of unequal power relations between men (husbands) and women (wives). This condition often results in acts of violence by the husband against his wife, which is actually carried out as part of the use of the authority he has. as the head of the family.

Justification for that authority can be born supported by the statutory apparatus of the state or social perceptions in the form of myths of the superiority of a man that a particular society believes in. By using this kind of thinking, violence that occurs within the scope of the household (domestic violence) is a type of gender-based violence. This means that violence is born caused by differences in socially constructed gender roles where one party becomes subordinate to the other party. The concept of gender is a trait inherent in both men and women that is constructed socially and culturally.²

3) Employment

The rapid growth of the economy is characterized by the growth of new industries that create many opportunities for the labor force of both men and women. In this case, the law on labor related to its implementation is very necessary in order to fulfill the fundamental rights and protections for labor and workers or laborers and

²Mansour Fakhri, Analisis Gender dan Transformasi Sosial, (Yogyakarta: Pustaka Pelajar, 2003), p. 8.

at the same time can realize conditions that are conducive to the development of the business world. Labor issues communicated to the Community Communication Service Team of the Regional Office of the Ministry of Law and Human Rights of Maluku throughout 2021 also have several cases, namely related to non-payment of employee salaries and termination of employment by the company.

This problem of not being paid salaries and layoffs is a labor problem that accounts for the unemployment rate that will make the labor force turn into crew on a number of Fish vessels. Ideally, with the provision of higher education, the labor force can occupy a job according to the "investment" it has spent, at least according to the Theory of Human Capital, but the reality speaks otherwise of educated unemployment seems to be a "trend" and something that is prevalent among the public under the guise of "selling expensively" because the (first) salary offered is not in line with the investment.³

4) Fulfillment of Children's Rights

Children are the next generation of the nation, in order for a nation to be world-class, children must get a good education. Access to education for children must be open, the quality of education is also day by day continuously improved. However, it is undeniable that in the implementation of education, there are still obstacles and problems. The problems of children's right to education complained to the Community Communication Service Team in 2021 - 2022 are high, namely related to the provision of delayed diplomas, parental actions that have an impact on children's opportunities to attend school, and the availability of teachers of religious subjects. That these problems have been coordinated with the Education and Culture Office of Maluku Province and other relevant agencies. As a result, the school asked the student concerned to go to the school to take his diploma.

The problem of education can be solved if education can provide opportunities for equitable learning, meaning that all citizens who need education can be accommodated in an educational unit; Being able to achieve quality results means: planning, processing education can achieve results according to the goals that have been formulated. Can be carried out efficiently means: processing education in accordance with the design and purpose written in the design; Its quality products are relevant, that is to say: educational outcomes are in accordance with the needs of society and development. This is what the Government should be doing to solve the problem of education.⁴

D. CONCLUSION

Public Communication Service or known as yankomas is a means to resolve alleged human rights violations that occur in the community which is mandated by Presidential Regulation 23 of 2011 concerning the Human Rights Action Plan for 2011-2014. In 2021 - 2022 cases of alleged human rights violations communicated through Yankomas at the Regional Office of the Ministry of Law and Human Rights of Maluku

³Umar Tirtarahardja dan La Sulo. Pengantar Pendidikan. (Jakarta: Rineka Cipta 2005)., p. 237

⁴<http://www.hukumonline.com/berita/baca/lt4b2a4256a32ea/tidak-menepati-janjimenikahiadalah-pmh>.

tend to increase. Allegations of human rights violations resolved through the means of Community Communication Services continue to be developed through socialization through media facilities and infrastructure considering the high number of complaints of people who are starting to seek to realize that there is a role for the state to protect, promote human rights enforcement.

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