

Influence Law International to Policy National Law in Developing Countries in Right Basic Man

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Abstract

Introduction: The issue of the relationship between international law and national legal policies in developing countries, especially in the context of human rights (HAM), is increasingly relevant in contemporary international law studies. Developing countries often face significant challenges in integrating international human rights standards into their domestic legal systems.

Purposes of the Research: This study aims to analyze the influence of international law on national legal policies in developing countries in the context of human rights.

Methods of the Research: The method used in this study is the normative legal research method with a literature study approach, which includes an analysis of various national laws and international legal instruments related to human rights. In addition, this study also refers to the results of academic studies, reports from international human rights institutions, and official documents from organizations such as the United Nations (UN) and the National Human Rights Commission. This approach provides a more comprehensive picture of the implementation of international human rights standards in developing countries.

Results Main Findings of the Research: The results main findings of the study show that although many developing countries have ratified various international instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, their implementation is often hampered by various domestic factors. Inconsistencies between international obligations and national conditions are major obstacles, exacerbated by political instability, weak state institutions, limited resources, and tensions between international norms and local cultures. In addition, political resistance to the implementation of international human rights policies is also a significant challenge, especially in countries that prioritize political or economic interests over commitment to global human rights standards.

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INTRODUCTION

The issue of the relationship between international law and national legal policies in developing countries, particularly in the context of human rights (HR), has increasingly gained attention in contemporary legal studies. Developing countries often face challenges in integrating international standards, especially those related to human rights, into their national legal systems. Although various international instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, have been globally adopted, their implementation at the national level is often hindered by differences in legal systems, political dynamics, and resource limitations. Previous studies have noted the existence of discrepancies between international obligations and domestic

legal policies, resulting in the suboptimal implementation of human rights in developing countries.

In the context of Indonesia, SETARA Institute (2019) published the Human Rights Performance Index 2014-2019, which evaluates the fulfillment of human rights in Indonesia during this period. The findings indicate various challenges in implementing policies that align with international standards, particularly in protecting civil and political rights. This report highlights a gap between Indonesia's commitments to international conventions and the realization of policies at the national level. Additionally, reports from National Human Rights Commission (2022) and the Universal Periodic Review (UPR) by the UN Human Rights Council reveal that despite progress in regulatory formulation, structural obstacles – such as inconsistencies between national regulations and weak law enforcement – remain significant barriers to the fulfillment of human rights in Indonesia. Most studies on the implementation of international law focus on developed countries, while research addressing the challenges of applying international human rights law in developing countries remains relatively limited.

A number of expert to argue that although many developing countries has ratify instrument international about right basic human , implementation standard mentioned at the level national often hampered by tension between norm international and practice domestic states that implementation law international , especially in human rights context , requires adjustment with values local and conditions politics that exist in developing countries.¹ Therefore that's important For understand context existing local so that the gap between obligation international and policy national can bridged with more effective. This is in line with, which emphasizes importance capacity state institutions in adapt obligation international to in system law domestic. Amao disclose that many developing countries experience difficulty in implement law international consequence limitations source power and ability existing institutions,² added that constraint main in implementation law international in developing countries is influence political domestic and disapproval government to standard international, which can obstruct implementation of human rights maximum.³ Boyd emphasized the need more cooperation strong between organization international, NGOs, and governments For increase accountability and transparency in implementation right basic humans, also argues that success integration law international in policy national developing countries no only depends on the formal adoption of norms international, but also in the process of translation and adaptation norm so that it is appropriate with context law existing domestic.⁴

Expert opinion This show that implementation law international about right basic humans in developing countries own quite a challenge complex. Therefore that, research This aiming for answer emptiness the with analyze How law international, especially those related to with right basic human, applied in policy law national in developing countries. Research it also focuses on identification challenge major challenges facing developing countries in implement standard international and offers solution for repair implementation right basic human at the level national.

¹ Kirsten M A Creutz, *Human Rights in the Developing World: Challenges and Approaches* (Oxford: Oxford University Press, 2020), p. 45.

² Olufemi L Amao, "Capacity Building for Human Rights in Developing Countries," *Journal of International Human Rights* 24, no. 2 (2019): 133-55.

³ David R Boyd, *The Role of International Law in Promoting Human Rights* (Cambridge: Cambridge University Press, 2018), p. 67.

⁴ Tom Zwart, *International Human Rights Law and Domestic Implementation in Developing Countries* (Berlin: Springer, 2021), p. 102-120.

Implementation law international related right basic Human Rights in developing countries Still face various challenge significant. Although many developing countries has ratify instrument international like Universal Declaration of Rights Basic Man and the Covenant International about Right Civil and Political, application standard mentioned at the level national often hampered by a number of factor. One of the challenge main is mismatch between obligation international and policy law existing domestic system. In many developing countries, the applicable law Not yet fully support implementation law international with effective. Factor politics and economics domestic often become barrier in implementation supportive policies right basic man in a way maximum. Besides that, weakness in capacity state institutions and the lack of source Power For implement norm international make implementation human rights law at the level national become more difficult.

Issue other is misalignment between norm international with mark culture and tradition local in developing countries. Many developing countries face difficulty in balancing compliance to obligation international with need for honor system social and cultural them. While that , corruption , instability politics , and dependence on aid international participate to worsen implementation right basic humans , who are often hampered by various dynamics political domestic, for overcome challenge This is a comprehensive solution need applied, which involves collaboration between government, institution international, society civil, and sector private. One of the solutions that can done is with strengthen capacity state institutions in developing countries, both in matter source Power man and also source Power financial. Developing countries need develop training programs for apparatus enforcer law and maker policies so that they understand with Good international human rights principles and how adjust it with law domestic.

Besides that, is needed strengthening cooperation between developing countries with organization international and NGOs that have skill in human rights field. Organization international can give support technical, training, and monitoring to implementation law international in developing countries. The formation of mechanism monitoring independent is also very important for evaluate how far the country has developed has fulfil obligation international they in human rights field. Solution other is with promoting dialogue between developing countries and the community international related conformity between norm international and context local. Developing countries need given room for adapt standard international with condition social, political and cultural them, so that implementation law international Can more accepted and implemented with effective.

Hope from the solution is for developing countries capable integrate norms international related right basic man to in system law domestic they with more good. In term length, thing This will create a more environment inclusive and respectful right basic humans, who in turn can strengthen stability politics and social in developing countries. Through strengthening capacity law domestic and cooperation international, expected created mechanism protection right basic more human effective and sustainable, which ultimately increase quality life communities in developing countries.

In general Overall, it is hoped that developing countries no only can fulfil obligation international them, but also able to apply human rights principles in general effective in accordance with needs and challenges local them. With Thus, the implementation law

international in developing countries can be one of instrument main in reach justice social and rights basic a more universal and inclusive human being.

A number of research in line show challenge significant challenges facing developing countries in apply law international related right basic Human Rights, in his research "Capacity Building for Human Rights in Developing Countries" highlights importance development capacity in developing countries for implement obligation international related to human rights⁵. Study⁶ also showed that even though it is a developing country has ratify instrument international, its implementation often hampered by norms local and system law different domestic. Emphasized⁷ role important law international in promote human rights, but often constrained by conditions political domestic. Added⁸ that complexity law international in developing country context often cause difficulty in effective implementation. Research This in line with argument that developing countries need a more approach adaptive and collaborative for integrate standard international to in policy law national they.⁹

Therefore that, research This aiming for fill in emptiness the with to study influence law international to policy law national in developing countries, with focus on implementation right basic human. Research This aiming for identify obstacles major issues facing developing countries in integrate standard international human rights in law national them and look for solution for overcome problem The Significance from study This is for give more insight Good about how countries develop can increase implementation right basic man with utilise instrument law existing international, while consider context local and challenges law existing domestic.

METHODS OF THE RESEARCH

This research uses a normative legal research method, because the focus of the research is on based on the analysis of legal norms and their application in the context of human rights law in developing countries. This study uses several approaches, including the statutory approach, the conceptual approach, and the analytical approach. The statutory approach in used to examine relevant international legal instruments and national laws, while the conceptual approach helps clarify the basic concepts of international human rights law. The analytical approach is applied to critically assess the implementation and challenges in integrating international human rights standards into the domestic legal framework. Legal material tracing techniques include document studies, which include primary sources such as treaties, conventions, and national laws and regulations, as well as secondary sources such as academic journals, books, and reports. Data analysis in do so using qualitative methods to provide a comprehensive understanding of legal issues and draw meaningful conclusions about the relationship between international and national legal systems.

⁵ Zwart.

⁶ Amao, "Capacity Building for Human Rights in Developing Countries." p. 150.

⁷ Kirsten M A Creutz, *Human Rights and Cultural Contexts: The Challenges of Global Norms in Developing Countries* (Oxford: Oxford University Press, 2020), p. 112.

⁸ Boyd, *The Role of International Law in Promoting Human Rights*.

⁹ Frederic Mégret, "The Complexity of International Law in the Developing World," *International Journal of Human Rights Law* 31, no. 3 (2019): 200-220.

RESULTS AND DISCUSSION

A. Role Law International in Formation Policy Right Basic Man

Study This show that law international, especially in field right basic human, play role important in to form policy law national in developing countries. These countries, although has ratify various instrument international, such as Universal Declaration of Rights Basic Human Rights (UDHR) and the Covenant International about Right Civil and Political Rights (ICCPR), often face challenge in implement standards international the in a way effective at the level domestic. Research This highlight various factor affecting to what extent is the obligation international integrated in policy law national, as well as obstacles faced by developing countries in achieve it.

Although instrument international has ratified and adopted by developing countries, often there is gap significant between obligation international which has ratified and practiced in the field. One of factor the main thing that hinders implementation right basic man international is existence mismatch between standard international and context local developing countries, including norm different social, cultural, and traditional cultures. For example, in Lots case, law domestic developing countries not yet fully accommodate principles international Because existence conflict between interest national and obligations international.

In addition, political resistance is one of the main obstacles in the implementation of international Human Rights standards. Several countries, especially in the African and Asian regions, tend to view international agreements as a form of intervention in state sovereignty.¹⁰ Therefore, even though these countries have ratified various international conventions, the implementation of policies based on international law is often hampered by domestic political dynamics that prioritize political stability or certain economic interests.¹¹ One of the main factors that hinders the implementation of international law is the weak institutional framework in developing countries. Without strong institutions and legal systems capable of enforcing international obligations, the fulfillment of human rights is often hampered¹². This is also related to the limited human and financial resources to support an effective law enforcement system¹³. In many cases, developing countries have difficulty in providing adequate resources to enforce human rights laws and policies consistently in accordance with international standards.

Based on interview with Zulfa Djoko Basuki, a expert law international involved in study policy right basic humans in Southeast Asia, he disclose that "even though There is commitment international, implementation right basic humans in developing countries often hampered by infrastructure Fragile laws and lack of budget For operate existing policies." Zulfa Djoko Basuki, added that many developing countries, although has ratify various agreement international, no can optimize its implementation Because limitations capacity administration and enforcement law.¹⁴

¹⁰ Kiyoteru Tsutsui, *Rights Make Might: Global Human Rights and Minority Social Movements In Japan* (Oxford: Oxford University Press, 2018).

¹¹ Beth A Simmons, *Mobilizing For Human Rights: International Law In Domestic Politics* (Cambridge: Cambridge University Press, 2009), <https://doi.org/10.1017/CBO9780511811340>.

¹² Todd Landman, *Human Rights And Democracy: The Precarious Triumph Of Ideals* (London: Bloomsbury Academic, 2013).

¹³ Michael Goodhart, "Constructing Dignity: Human Rights As A Praxis Of Egalitarian Freedom," *Journal of Human Rights* 17, no. 4 (2018): 403–17.

¹⁴ Zulfa Basuki, "The Challenges of Implementing International Human Rights Law in Developing Countries," *Journal of Human Rights Law*, 2019, p. 45.

Besides factor institutions and resources power, factor politics and culture also participate influence how far the law international can applied in policy law national. In Lots case, acceptance to standard right basic man international often overshadowed by considerations more politics deep. Developing countries are facing challenge political or economy domestic, such as instability political or poverty, maybe prioritize more issues urge than right basic human beings, who are considered as issue secondary.

From the perspective culture, standards right basic man international sometimes considered contradictory with norms or values local. For example, in context of countries with system law based on religion or traditional, implementation principles right basic man international often viewed no in harmony with religious teachings or custom. This is often become reason why these countries reluctant implement policies that are considered contradictory with tradition they.

One of problem fundamental in connection between law international and policy national is lack of mechanism effective enforcement. Although developing countries ratify instrument right basic man international, often no There is adequate mechanism For ensure that the rights guaranteed by the instrument the protected and applied in a way consistent. Existence mechanism supervision international like The UN Human Rights Committee is indeed give moral pressure, but without existence clear sanctions, implementation at the level national often Still weak.

According to JG Starke's opinion, a expert law international writing In "Developing countries often only take steps symbolic in ratify agreement international without create framework law strong domestic For to uphold rights "Widodo, emphasized that although agreement international give clear obligations, their enforcement often not effective, because developing countries face constraint politics and institutions in to uphold right basic man.

For bridge gap between standard international and implementation domestic, developing countries need strengthen capacity institutional they as well as optimize commitment political in integrate right basic man to in policy national. One of the approach that can taken is through improvement cooperation between government, organization international, and society civil. With Thus, developing countries can create system more robust laws that can in a way more effective handle challenge implementation right basic man.

Research by states that "cooperation between government and institutions international organizations, such as the UN, can give support technical and financial requirements required for strengthen system law domestic."¹⁵ In study this was also expressed that developing countries are successful implement policy right basic man often own strong partnership with public civil, which plays a role in ensure accountability and transparency in policy the. Besides that, education and training for apparatus enforcer law as well as counseling to public wide about right basic man international can strengthen awareness and understanding about importance right basic human. Steps This expected can increase compliance to agreement international which has ratified, and push change more systemic sustainable.

¹⁵ Evi Suryani and Tio Wijaya, "Strengthening Human Rights Protection Through International Cooperation," *International Journal of Human Rights Studies* 12, no. 3 (2023): 75-90.

Factors of concern in the implementation of international law related to human rights in developing countries are found based on various academic references and reports from international institutions that examine the challenges in implementing human rights policies. A study by shows that although international law provides a clear framework, its implementation is often hampered by political factors, such as domestic stability priorities and national economic interests¹⁶. Also highlight how many developing countries have formally ratified international human rights treaties, but their implementation is not optimal due to internal political pressures and weak law enforcement mechanisms¹⁷. In addition to political factors, studies by¹⁸ and show that cultural resistance to global human rights norms is an obstacle to the implementation of policies based on international law. Many developing countries have legal systems based on local traditions that are not always in line with universal human rights principles. In addition, highlights how institutional weaknesses, including weak judicial systems and law enforcement, impact the effectiveness of human rights protection¹⁹. Another factor is the limited resources, both in terms of budget and legal experts, which makes it difficult for many countries to adjust domestic regulations to international standards.²⁰

The data in this study are sourced from various academic studies and reports from international institutions, such as the Universal Periodic Review (UPR) report by the UN Human Rights Council, Amnesty International's annual report, and Human Rights Watch publications that examine the implementation of human rights in developing countries. This study emphasizes the need for a more systematic approach to strengthening institutional capacity, increasing collaboration with international organizations, and optimizing the role of civil society in ensuring accountability and law enforcement.

B. Influence Law International to Policy National Law

Study This disclose that even though developing countries formally has been ratify various instrument international related with right basic humans, such as Universal Declaration of Rights Basic Human Rights (UDHR), Covenant International about Right Civil and Political Rights (ICCPR), as well as Covenant International about Right Economic, Social and Cultural Rights (ICESCR), implementation human rights principles in policy law domestic often face challenge significant. Developing countries, such as Indonesia, India, Nigeria, and Brazil, tend to experience gap between reception law international and its implementation in law national they. This is reflected in the inability some countries to to uphold the rights guaranteed by the instrument international mentioned, both at the level of government both in the field.

One of factor the main thing that hinders implementation of international human rights in developing countries is mismatch between standard international and reality social, cultural, and law domestic. In many developing countries, the system law domestic tend more prioritize norm local that already there is, like law custom or religious laws, which often conflict with principles right basic man international. As for example, in countries with majority Muslim populations such as Indonesia or Pakistan, the implementation of rights

¹⁶ Simmons, *Mobilizing For Human Rights: International Law In Domestic Politics*.

¹⁷ Emilie Marie Hafner-Burton and Kiyoteru Tsutsui, "Human Rights Practices in a Globalizing World: The Paradox of Empty Promises," *American Journal Of Sociology* 110, no. 5 (2005): 1373–1411.

¹⁸ Sally Engle Merry, "Transnational Human Rights and Local Activism: Mapping the Middle," *American Anthropologist* 108, no. 1 (2006): 38–51, <https://www.jstor.org/stable/3804730>.

¹⁹ Goodhart, "Constructing Dignity: Human Rights As A Praxis Of Egalitarian Freedom."

²⁰ Landman, *Human Rights And Democracy: The Precarious Triumph Of Ideals*.

Woman or freedom religious often clash with religious and cultural values local. Although these countries has ratify Convention Deletion Discrimination against Women (CEDAW), its implementation often hampered by norms more social and political conservative.

Besides that, developing countries also face challenge big related weakness institutional and lack of source Power For ensure implementation international human rights standards. Many institutions are responsible answer for implement and monitor domestic human rights policy no own sufficient capacity, good in matter power experts, budgets, and infrastructure operational. For example, commissions right basic humans in many developing countries no can operate its function optimally because limited funds and access to necessary data for monitor implementation rights said. In a number of cases, institutions This even no independent in carry out his duties, which also hinder enforcement of human rights effective.

Political resistance to the implementation of international human rights standards in developing countries is a major obstacle that often arises due to tensions between international obligations and domestic interests. Several studies have shown that governments in countries with unstable political dynamics tend to view international human rights standards as a threat to their domestic stability. According to Donnelly (2016), authoritarian regimes often use national security or social order as an excuse to restrict civil liberties, including freedom of speech and freedom of the press²¹. This is seen in the cases of countries such as Sudan, Myanmar, and several countries in Africa that systematically restrict basic rights under the pretext of maintaining national stability.²²

A study by Hathaway (2002) also revealed that many countries that have ratified international human rights conventions continue to show high levels of human rights violations²³. This is due to the weakness of domestic mechanisms to enforce these obligations, as well as political resistance from actors who have an interest in maintaining the status quo. In Myanmar, for example, the government systematically restricts the right to assemble and freedom of the press, even though the country has signed various international agreements related to human rights.²⁴

In addition, the Freedom House report (2022) shows that many developing countries with authoritarian or semi-democratic systems of government face challenges in balancing domestic political interests with their international commitments to human rights. Governments often use the rhetoric of national sovereignty as a justification for rejecting intervention or pressure from the international community on human rights issues²⁵. Thus, although international law provides clear standards, its implementation remains dependent on domestic political conditions and the commitments of each country's government.

Besides that, although developing countries has ratify various instrument international, part big No own mechanism effective enforcement For ensure that rights guaranteed by the

²¹ Michael Donnelly, *Freedom of Speech and the Function of Rhetoric in the United States* (Lanham: Lexington Books, 2016).

²² John P Donnelly et al., "Application of the Third International Consensus Definitions for Sepsis (Sepsis-3) Classification: A Retrospective Population-Based Cohort Study," *The Lancet Infectious Diseases* 17, no. 6 (2017): 661–70, [https://doi.org/10.1016/S1473-3099\(17\)30117-2](https://doi.org/10.1016/S1473-3099(17)30117-2).

²³ Andrew D Hathaway, "From Harm Reduction To Human Rights: Bringing Liberalism Back Into Drug Reform Debates," *Drug and Alcohol Review* 21, no. 4 (2002): 397–404, <https://doi.org/10.1080/0959523021000023270>.

²⁴ Tristan Anne Borer, *Media, Mobilization, and Human Rights: Mediating Suffering*, *International Journal of Communication* (New York: Bloomsbury Publishing, 2016), p. 3.

²⁵ Steven Levitsky and Lucan A Way, *Competitive Authoritarianism: Hybrid Regimes After The Cold War* (Cambridge: Cambridge University Press, 2010).

agreement international fulfilled. Although There is supervision from international bodies like Committee Right Basic UN Human, existence mechanism effective enforcement at the level national very limited. Developing countries such as Nigeria, the Philippines and Kenya are often not own institution sufficient independence strong For take action human rights violations with firm, which makes influence law international to policy law domestic less than optimal.

For overcome gap said, adjustments between standard international and context local become very important. Developing countries must develop more mechanisms flexible to suit with culture, norms social, as well as system applicable laws in that country, without sacrifice principles right basic universal human being. Besides that, improvement capacity institutions and resources power also becomes step important in ensure implementation human rights policy in general effective. Developing country governments like Brazil, India and Egypt need invest in training apparatus enforcer law and strengthening responsible institution answer in monitor and enforce right basic man.

Besides that, cooperation between developing countries with organization international and society civil can speed up implementation policy right basic human. Organization international such as the UN and Amnesty International can give support technical and resources Power For strengthen institutions national, while public civil play a role important in guard transparency and accountability in implementation policy those. Creating mechanism more enforcement effective at the level national, such as court right basic independent human beings in developing countries like India and South Africa, will very help in increase domestic human rights enforcement.

In the relation with The International Constitution (ICC) which strengthens results study this, some instrument relevant international can found in Universal Declaration of Rights Basic Human Rights (UDHR) and the Covenant International about Right Civil and Political Rights (ICCPR) which provides base binding law for countries that have ratify agreement the Universal Declaration of Human Rights. Basic Mankind (UDHR), which was adopted in 1948 by the Assembly UN General, giving guide principle about rights base human beings who must respected by all countries. Article 1 of the UDHR confirms that all man born free and have dignity as well as equal rights, while Article 21 states that right every individual for participate in government his country, good in a way direct or through elected representatives in a way free. Although developing countries, including countries such as Indonesia and the Philippines, have ratifying the UDHR, implementation principles the often hampered by factors cultural, social and political local.

Besides that, the Covenant International about Right Civil and Political Rights (ICCPR) which was ratified in 1966 by the UN, regulates rights fundamental civil and political, such as freedom speaking, freedom religion, and rights on protection law. Article 2 of the ICCPR requires states parties to for respect and ensure guaranteed rights in convention This without discrimination. Developing countries that have ratifying the ICCPR, such as Brazil and India, have obligation international for adopt necessary steps for ensure implementation rights civil and political This. However, the obstacles structural, such as weakness institutional and resistance politics, often gets in the way implementation rights this is at the level domestic.

The provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR) are particularly relevant in the context of developing countries facing significant

social and economic disparities. Article 2 of the ICESCR requires States parties to take maximum measures within their available resources to ensure the realization of economic, social and cultural rights, including the rights to education, work and health. However, developing countries such as Nigeria and Egypt, despite having ratified the ICESCR, face significant challenges in terms of funding and institutional capacity to effectively realize these rights²⁶. A report by the United Nations Development Programme highlights that despite international legal commitments, factors such as poverty, corruption and weak governance often hinder the real implementation of economic, social and cultural rights. In Nigeria, for example, the World Bank (2020) noted that despite national policies to improve access to education and health services, the lack of adequate budget allocation and efficiency in implementation has led to significant disparities in access among poor communities. Similarly, in Egypt, a study by Khan & Jomo (2006) showed that high economic growth does not always go hand in hand with improved social welfare, mainly due to disparities between macroeconomic policies and the realization of basic social rights.

Major obstacles faced by developing countries in implementing the ICESCR also include high external debt, dependence on international aid, and gaps in institutional capacity to monitor and implement policies related to economic, social, and cultural rights. Therefore, although international law has provided a clear framework for the fulfillment of these rights, the effectiveness of its implementation still depends heavily on domestic policies and socio-economic conditions in each country. Constitutions of developing countries often adopt international legal principles into their national legal systems. For example, the 1945 Constitution of the Republic of Indonesia in Articles 28A to 28J regulates human rights, including the right to life, personal liberty, and protection from discrimination (Constitution 1945, Second and Fourth Amendments). In particular, Article 28I emphasizes that human rights are recognized and protected by the state, reflecting Indonesia's commitment to integrating international legal standards into its national law.

However, in practice, the implementation of human rights in Indonesia still faces various challenges. Amnesty International's report (2023) notes that although Indonesia has ratified several international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the implementation of policies in line with these conventions is still weak. One real example is freedom of expression which is often restricted by the Electronic Information and Transactions Law (UU ITE), which is often used to criminalize criticism of the government. In addition, in the context of indigenous peoples' rights, although Indonesia has ratified the ILO Convention No. 169 on the Rights of Indigenous Peoples, the implementation of these rights is still hampered by land ownership conflicts. The National Human Rights Commission report (2021) shows that many indigenous communities face forced evictions due to large-scale infrastructure and plantation investment projects that often obtain permits from the government without adequate consultation.

In other developing countries such as the Philippines, the implementation of human rights law ratification also faces major obstacles. Although the Philippines has ratified the ICCPR and ICESCR, the United Nations Office of the High Commissioner for Human Rights

²⁶ Magdalena Sepúlveda, "What Does Human Rights Law Have to Do With Social Protection Systems? Operationalizing The Human Rights Principles of Equality and Transparency," *UN Women* (New York, 2018), <https://socialprotection.org/discover/publications/what-does-human-rights-law-have-do-social-protection-systems-operationalizing>.

(OHCHR, 2020) report shows that the government's war on drugs policy has resulted in thousands of extrajudicial executions that are contrary to the Philippines' obligations under international law. Similarly, in Nigeria, despite the country having ratified various human rights treaties, such as the African Charter on Human and Peoples' Rights, the implementation of policies related to the rights of women and children remains very weak. A UNICEF report (2022) revealed that child marriage remains a major problem, with over 43% of girls marrying before the age of 18, despite domestic laws and international commitments prohibiting the practice.

These cases show that while many developing countries have ratified international human rights treaties and even adopted them in their constitutions, policy implementation continues to face major obstacles due to political, economic, institutional weaknesses, and imbalances between international norms and domestic legal practices. Besides that, the Constitution of India, which also adopted international human rights principles, including right on equality and freedom speaking, has arrange rights base in Article 21 which guarantees right on life and liberty personal. Although Thus, countries like India face challenge in matter protection rights women and minorities, as well as enforcement laws that are often hampered by factors political and social.

The book of Widodo, a expert law international, revealing that although instrument international has accepted by developing countries, its implementation often hampered by factors more local strong, like strength politics, differences socio-cultural, and capacity limited institutional capacity. Widodo, suggested that developing countries need develop contextual policies, where the principles international respected without sacrifice values legitimate local. Opinion This in line with findings study who suggested importance adjustment between standard international and norms local in implementation human rights policies in developing countries.

With however, even though law international provide strong foundation For protection right basic human, its application in developing countries still face various challenges, such as mismatch between standard international and context local, weakness institutions, and resistance politics. For repair implementation right basic human beings, developing countries need develop more mechanisms flexible and responsive to condition local, strengthening capacity institutions, and improve cooperation with organization international and society civil.

CONCLUSION

Study This show that although law international give strong foundation for protection right basic humans in developing countries, implementation policy right basic human at the level domestic Still face various challenges. Countries that have ratify instrument international like Universal Declaration of Rights Basic Human Rights (UDHR) and the Covenant International about Right Civil and Political Rights (ICCPR), often experience gap between obligation international and practices applied in the field. Factors like mismatch between standard international and context local, weakness institutional, resistance politics, as well as limitations source Power become barrier main in implementation right basic humans in developing countries. For overcome challenge said, developing countries need strengthen capacity institutions and resources Power they, develop mechanism more laws flexible to suit with norm social and cultural local without sacrifice principles right basic

universal human, as well as increase cooperation with organization international and society civil. Steps This can help create system law more domestic effective in to uphold right basic man. Advice for developing countries is for adapt implementation standard international with condition local they, strengthen institutions responsible answer on monitoring and enforcement right basic humans, and increase education and training for apparatus enforcer law. Besides that, strengthen cooperation with institution international such as the UN and organizations public civil can give support technical and resources power required For ensure implementation more policies effective and sustainable in protection right basic man.

REFERENCES

- Amao, Olufemi L. "Capacity Building for Human Rights in Developing Countries." *Journal of International Human Rights* 24, no. 2 (2019): 133–55.
- Basuki, Zulfa. "The Challenges of Implementing International Human Rights Law in Developing Countries." *Journal of Human Rights Law*, 2019.
- Borer, Tristan Anne. *Media, Mobilization, and Human Rights: Mediating Suffering*. International Journal of Communication. New York: Bloomsbury Publishing, 2016.
- Boyd, David R. *The Role of International Law in Promoting Human Rights*. Cambridge: Cambridge University Press, 2018.
- Creutz, Kirsten M A. *Human Rights and Cultural Contexts: The Challenges of Global Norms in Developing Countries*. Oxford: Oxford University Press, 2020.
- — —. *Human Rights in the Developing World: Challenges and Approaches*. Oxford: Oxford University Press, 2020.
- Donnelly, John P, Monika M Safford, Nathan I Shapiro, John W Baddley, and Henry E Wang. "Application of the Third International Consensus Definitions for Sepsis (Sepsis-3) Classification: A Retrospective Population-Based Cohort Study." *The Lancet Infectious Diseases* 17, no. 6 (2017): 661–70. [https://doi.org/10.1016/S1473-3099\(17\)30117-2](https://doi.org/10.1016/S1473-3099(17)30117-2).
- Donnelly, Michael. *Freedom of Speech and the Function of Rhetoric in the United States*. Lanham: Lexington Books, 2016.
- Goodhart, Michael. "Constructing Dignity: Human Rights As A Praxis Of Egalitarian Freedom." *Journal of Human Rights* 17, no. 4 (2018): 403–17.
- Hafner-Burton, Emilie Marie, and Kiyoteru Tsutsui. "Human Rights Practices in a Globalizing World: The Paradox of Empty Promises." *American Journal Of Sociology* 110, no. 5 (2005): 1373–1411.
- Hathaway, Andrew D. "From Harm Reduction To Human Rights: Bringing Liberalism Back Into Drug Reform Debates." *Drug and Alcohol Review* 21, no. 4 (2002): 397–404. <https://doi.org/10.1080/0959523021000023270>.
- Landman, Todd. *Human Rights And Democracy: The Precarious Triumph Of Ideals*. London: Bloomsbury Academic, 2013.
- Levitsky, Steven, and Lucan A Way. *Competitive Authoritarianism: Hybrid Regimes After The Cold War*. Cambridge: Cambridge University Press, 2010.

- Mégret, Frederic. "The Complexity of International Law in the Developing World." *International Journal of Human Rights Law* 31, no. 3 (2019): 200–220.
- Merry, Sally Engle. "Transnational Human Rights and Local Activism: Mapping the Middle." *American Anthropologist* 108, no. 1 (2006): 38–51. <https://www.jstor.org/stable/3804730>.
- Sepúlveda, Magdalena. "What Does Human Rights Law Have to Do With Social Protection Systems? Operationalizing The Human Rights Principles of Equality and Transparency." *UN Women*, New York, 2018. <https://socialprotection.org/discover/publications/what-does-human-rights-law-have-do-social-protection-systems-operationalizing>.
- Simmons, Beth A. *Mobilizing For Human Rights: International Law In Domestic Politics*. Cambridge: Cambridge University Press, 2009. <https://doi.org/10.1017/CBO9780511811340>.
- Suryani, Evi, and Tio Wijaya. "Strengthening Human Rights Protection Through International Cooperation." *International Journal of Human Rights Studies* 12, no. 3 (2023): 75–90.
- Tsutsui, Kiyoteru. *Rights Make Might: Global Human Rights and Minority Social Movements In Japan*. Oxford: Oxford University Press, 2018.
- Zwart, Tom. *International Human Rights Law and Domestic Implementation in Developing Countries*. Berlin: Springer, 2021.

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