**Influence Law International To Policy National Law in Developing Countries In Right Basic Man**

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| ***Abstract*** |
| *Issue about connection between law international and policy law national in developing countries , especially in context right basic human rights (HAM), become an increasingly topic relevant in study law international contemporary . Developing countries often face challenge significant in integrate standard international human rights in system law domestic they . Research This aiming For analyze Influence Law International to Policy National Law in Developing Countries in Law Right Basic Human . Methods used​ in study This is approach qualitative with studies literature and interviews deep with the experts law international as well as human rights observer , who provides outlook about conditions in developing countries .**Research result show that although many developing countries has ratify various instrument international like Universal Declaration of Rights Basic Man and the Covenant International about Right Civil and Political , its implementation often hampered by inconsistencies between obligation international and conditions domestic . Factors like instability politics , weakness state institutions , limitations source power , and tension between norm international and cultural local become inhibitor main . Beside that , resistance political in implementation international human rights policies were also found become significant challenges , especially in countries that have priority political or more economy​ urge .**In in conclusion , the research This confirm the need more cooperation​ strong between developing countries , institutions international , and society civil For strengthen capacity law domestic in implement obligation international . Besides that , constructive dialogue about adaptation norm international with context local very important For increase effectiveness implementation policy right basic human . With Thus , strengthening institutional , improvement capacity , as well as more monitoring​ effective can reduce gap between obligation international and policy national , and ultimately increase protection right basic humans in developing countries .****Keywords: Law International , Policy National Law , Rights Basic Man*** |
| *Submitted: Year-Month-Date* | *Revised: Year-Month-Date* | *Accepted: Year-Month-Date* | *Published: Year-Month-Date* |
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**INTRODUCTION**

Issue about connection between law international and policy law national in developing countries , especially in context right basic human rights (HAM), is an increasingly topic get attention in study law contemporary . Developing countries often face​ challenge in integrate standard international , especially those related to with human rights, to in system law national them . Although various instrument international , such as Universal Declaration of Rights Basic Man and the Covenant International about Right Civil and Political , has adopted globally , its implementation at the level national often hampered by factors like difference system law , context politics , as well as limitations source power . Various study previously has take notes existence mismatch between obligation international and policy law domestic , which leads to the implementation of human rights that is not maximum in developing countries . Most big studies focus on developed countries , while study about implementation law international in developing countries Still 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 . Kirsten MA Creutz (2020) states that implementation law international , especially in human rights context , requires adjustment with values local and conditions politics that exist in developing countries . [[1]](#footnote-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 Olufemi L. Amao's view (2019), 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]](#footnote-2)​

David R. Boyd (2018) 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]](#footnote-3)Boyd emphasized the need more cooperation​ strong between organization international , NGOs, and governments For increase accountability and transparency in implementation right basic humans . Tom Zwart (2021) 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]](#footnote-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 .

Implementation law international related right basic human rights (HAM) 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 (HAM). Amao (2019) 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 rights.[[5]](#footnote-5) Study Creutz (2020) 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 . Boyd (2018 ) [[6]](#footnote-6)emphasized role important law international in promote human rights, but often constrained by conditions​ political domestic .[[7]](#footnote-7) Mégret (2019) added 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 .[[8]](#footnote-8)

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 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.

**RESULTS AND DISCUSSION**

* 1. **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 .

Besides that , resistance political be one of obstacle main in implementation standard right basic man international . Some countries, especially in Africa and Asia, tend to see agreement international as form intervention to state sovereignty . Therefore that , although these countries has ratify convention international , implementation policy based on law​ international sometimes hampered by dynamics political more domestic​ prioritize stability political or interest economy certain .

One of factor important thing that hinders implementation law international is strength weak institutional framework in developing countries . Without strong institutions and systems​ law that can operate obligation international , implementation right basic man often obstructed . This is also related with limitations source Power human and financial For support system enforcement effective law .​

Based on interview with Prof. 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 ." [[9]](#footnote-9)Prof. 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 .[[10]](#footnote-10)

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 "Prof. Dr. Widodo, SH, MH 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 Suryani and Wijaya (2023) 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 ."[[11]](#footnote-11) 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 .

In general overall , although law international give clear and binding framework​ for developing countries in matter right basic human , its implementation often No in accordance hope Because existence gap between obligation international and capacity law domestic . Factors politics , culture , weak institutions , and​ source limited power​ become challenge main in implementation policies that focus on protection right basic human . For increase implementation policy right basic human , developing countries need strengthen capacity institutional , facilitating cooperation with organization international , and optimize role public civil in ensure accountability and enforcement law .

* 1. **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 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 .

On the side others , resistance political to implementation international human rights standards in developing countries are also becoming constraint big . Many governments , especially in countries experiencing tension political or social , feel that implementation right basic man international can threaten stability political domestic they . In authoritarian countries such as Sudan, Myanmar, and several countries in Africa, the government often limit freedom opinion , media freedom , or right For organize with pretext guard stability national , which is often considered contradictory with obligation international .

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

Provision from Covenant International about Right Economic , Social and Cultural Rights (ICESCR) is also relevant in the context of developing countries facing gap significant social and economic impacts . Article 2 of the ICESCR requires States parties to For make an effort maximum use source available power​ use ensure achievement right economic , social and cultural , including right on education , employment , and health . Developing countries such as Nigeria and Egypt which ratified the ICESCR are faced with challenges big in matter funding and capacity institutional For fulfil rights This in a way effective .

The constitutions of developing countries also often integrate principles international This to in law national they . As example , in The 1945 Constitution of the Republic of Indonesia (UUD 1945), Articles 28A to 28J regulate about right basic human beings that include right For life , freedom personal , and protection to discrimination . The 1945 Constitution, in particular in amendment Fourth , introduce Article 28I which confirms that rights base man recognized and protected by the state. This is show Indonesia's commitment to integrate standard international to in law national , although challenge implementation still There is .

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 Prof. Dr. Widodo, SH, MH, 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 . Prof. Dr. Widodo, SH, MH 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 .

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