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The Pivotal Issues of Human Rights: A Literature Review by Eight World Researchers

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Abstract

The aim of this study was to investigate the studies of eight human rights researchers. The methodology used is a systematic mapping study on the literature on human rights with sources from reputable journals in the world. The result of this study is that eight researchers contributed to the human rights literature review. The impact of that is to increase the level of literature review in various aspects and objects of research. Further research suggestions are to look for state of the art research.

Keywords: Human Rights, Literature Review

Abstrak

Tujuan dari penelitian ini adalah untuk menyelidiki studi dari delapan peneliti hak asasi manusia. Metodologi yang digunakan adalah studi pemetaan sistematis terhadap literatur HAM dengan sumber dari jurnal-jurnal bereputasi di dunia. Hasil dari penelitian ini adalah delapan peneliti berkontribusi pada tinjauan literatur hak asasi manusia. Dampak dari hal tersebut adalah

meningkatkan taraf kepustakaan dalam berbagai aspek dan objek penelitian. Saran penelitian selanjutnya adalah mencari penelitian mutakhir.

Kata kunci: Hak Asasi Manusia, Literatur Review

INTRODUCTION

This essay analyses the contemporary activism of women's organizations of Nicaragua's North Atlantic Coast autonomous region. Its thesis is that the struggle against gender violence has enabled local women to develop a common agenda over and above whatever ideological-political differences and ethnic-racial hierarchies divide them. It argues that the role of Coast women activists has been central to articulating, in a reflexive way, a position as indigenous, Mestizo and Afro-descendent women in order to adapt a human rights approach to the regional political-cultural context and to use it effectively to achieve a life free of violence (Figueroa Romero & Barbeyto, 2014).

Indonesia is going through a period of rising Muslim fundamentalism, which slowly erodes the country's tradition of respect for diversity and religious tolerance. In this article, I chart the modern history of Islam in Indonesia, from the start of the military regime of General Suharto, the New Order. The focus is on current developments, such as the drive towards regional autonomy. Regions fighting for autonomy stress their local identity which is often found in a hardline interpretation of Islam. As elsewhere, these developments have a great influence on gender relations. Although political Islam is getting stronger in Indonesia, countertrends are also emerging. This article traces the reactions of authors working from a feminist, human rights or liberal framework towards this development. A Muslim feminist discourse is built in Indonesia around the possibility of a gender-sensitive reform of Islam incorporating women's rights (Wieinga, 2009).

When I first started working on this article in 2005, I wondered whether the growing influence of hardliner Muslim groups in Indonesia was just a temporary phenomenon or whether they had come to stay. I wavered between speaking of a wave (short term) or a rising tide (longer term) of Islamic fundamentalism. Indonesia, the country with the largest population of Muslims in the world (commonly stated as 90 percent of its 220 million inhabitants), has hitherto mostly been characterized by and praised for its largely moderate and plural forms of Islam. By 2009 it has become clear that Indonesia is in for a long period in which a strongly conservative Muslim presence will try to make itself felt in all sections of society. The tolerance and cultural and religious pluriformity that have characterized Indonesia for such a long time are under vehement attack.

Fortunately human, women, and sexual rights groups that are fighting to preserve respect for human dignity and freedom, gender equity, and tolerance for diverse sexual orientations are gaining strength as well. In the following pages, I will sketch the context of the growth of

Muslim hardliner views, and analyse the feminist counter discourse. A characteristic of conservative Islam is the attempt to enforce a strongly patriarchal normative heterosexuality that polices those within its boundaries and marginalizes those outside. I will give some examples of how ordinary Indonesian women cope with the enormous moral and religious pressures they confront (Wieinga, 2009).

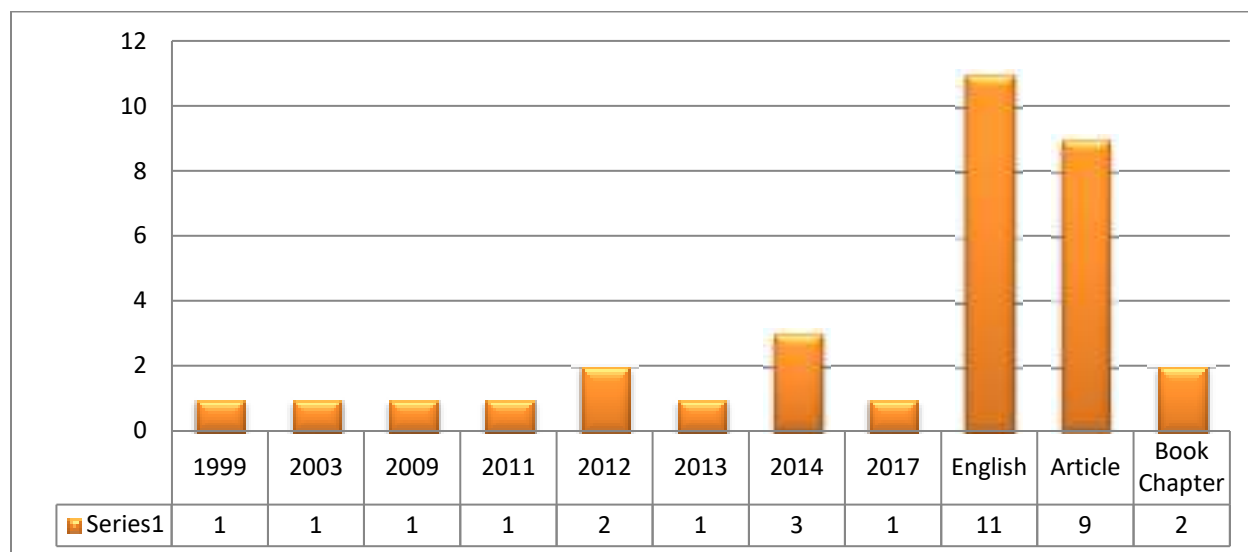
This paper explores the scalar dimensions of North African politics through an ethnographic investigation of the continuities and discontinuities between local, national, and transnational dimensions of Amazigh activism in the southeastern Moroccan oases. Since the 1960s, activists in Algeria, Morocco, and overseas have agitated for state recognition of Berber culture and language. Through their mobilisation of an international discourse on 'human rights' and their support for national 'wars on terror', Amazigh activists have elicited state promises to introduce Tamazight into the media and school systems of Algeria and Morocco. However, in peripheral areas such as pre-Saharan Morocco, this national entente has proved fragile, as Amazigh activists have mobilised protests for regional autonomy, including the control of collective lands, often at the expense of other local claimants.

Thus, a social movement which internationally focuses on issues of human rights, engages questions of national integration and the 'war on terror' at the state level, while locally prioritising issues of resource development and domination. The essay investigates how these different dimensions are negotiated by activists from southeastern Morocco who simultaneously collaborate with militants from Kabylia and Europe. I argue that the ethical and pragmatic discontinuities between activist engagement at different scales - rather than their ideological divergences - constitutes the principal source of the Amazigh movement's internal fragmentation and occasional violence. In highlighting these scalar discontinuities, I challenge segmentary or composite models of North African politics that presume either a singular logic of political action or a unified structure of commensurable, nested organisational forms (Silverstein, 2013).

RESEARCH METHOD

The literature used is sourced from a reputable international journal database with the keywords human rights and regional autonomy. The methodology used is a systematic mapping study in which the search for keywords is the basis for the narrative in-depth research on the aspect of research description (Suryadilaga et al., 2019).

Figure 1. The literature of eight researchers from 1999 to 2017



RESULT AND DISCUSSION

Since 2004, academics concerned about a prospective fracturing of China's territory have advanced proposals to phase out ethnic regional autonomy, preferential policies, and other minority rights. Riots in Lhasa, Tibet, in 2008 and Urumqi, Xinjiang, in 2009 gave greater impetus to the proposals, as they moved from academic to wider circles and complaints about preferential policies in criminal justice, family planning, and school admissions grew, with even state recognition of minorities challenged. Yet many minority and some Han intellectuals continue to see the proposals as deleterious to interethnic and minority-state relations and arguments for them based on practices in the United States and India have lacked persuasive power. The state has reacted to this discourse by reemphasizing existing policies, but it has also brought about a "subtle shift" in ethnic policies since 2010, albeit not the shift that proponents of curbing minority rights have sought (Sautman, 2012).

An analysis of Morocco's claims to the Western Sahara and of the International Court of Justice rulings of 1975 reveals the ambiguities that surround the principle of sovereignty and the futility of claiming neutrality or the high moral ground in settling disputes involving equally sound interpretations of what sovereignty means. Morocco's claims to the Western Sahara are related to an early process of nation-state building that renders untenable any attempt to grant the disputed territory a status different to that of other Moroccan provinces. The Spanish government and European NGOs would have advanced the cause of self-determination of the Sahrawi population more effectively if they had pressed Morocco on democracy, human rights and meaningful regional autonomy (Maghraoui, 2003).

This article examines regional autonomy in China's ethnic minority areas and its implications for minority rights in China. It argues that China's regional autonomy regime is in need of improvement in quest for national unity, social harmony and equality among ethnic groups in China. In light of past State-minority relations, as well as changing conditions in China, and by reference to international experience, the article offers suggestions for China to improve and implement minority rights legislation and policies. It argues that, under the existing political system in view of the existing basic framework on minorities, the Chinese State should adopt a new approach which encompasses elements of rule of law, deliberative democracy and international human rights standards. The new approach should guarantee respect for minority identities and seek means of establishing their respective autonomies and realizing their special rights. It should focus as much on the process as on the decisions, on the voices as on the results and on the individuals as on the groups. In this way, China's national regional autonomy would be oriented towards a complete policy of commitment to pluralistic values within the Chinese polity and would be more likely to satisfy the minority aspirations and the State's need for national stability and unity (Wu, 2014).

The rights of minorities are an arena that is becoming perhaps the principal battle ground for human rights in the 21st century. Recent history seems to offer the stunning paradox that federal states may not be the best form of human governance for societies with multiethnic populations. The former Soviet Bloc had nine states, six of which were unitary states, while three were federal in structure. With the unification of Germany, the six unitary states are now five, but the three federal states-Yugoslavia, the Soviet Union and Czechoslovakia-are now twenty-three independent states (see Stepan 1999 and Malesevic 2000). Most of these newly independent states were forged by minorities who did not feel that their rights were sufficiently protected by the federal structures they previously existed within. I suggest that ethnic identities are not predetermined to be in conflict with those of other groups and that the causes of ethnic conflict are influenced not only by history, but also by the ways in which such groups are treated.

As one Bosnian Muslim teacher is reported to have said (by Jentleson 2007, p. 19): "We were Yugoslavs, but when we began to be murdered because we are Muslims, things changed. The definition of who we are today has been determined by our killing." At first sight, this does not bode well for federations being particularly good structures for the protection of minority rights. Yet the orthodox thesis is that it is federations, rather than unitary states, that can best protect minorities across diverse populations or across large territories. Perhaps this view is outdated and should be replaced with the thesis that it is only multiethnic societies, whether federations or not, that develop the appropriate constitutional and legal frameworks for the substantive equality rights of their minorities, together with an appropriate method of balancing individual and collective rights, that can hope to remain united and avoid the human rights catastrophes that we see today in so many multiethnic societies.

More controversially, I suggest that the protection of such minority rights is even more important than instituting the procedural elements of democracy in a multiethnic society, as the tragedy unfolding in Iraq arguably demonstrates. In another tragic example, Sri Lanka, a democratic multiethnic state, has stood accused of violating the human rights and equality rights of its Tamil and other minorities, and found itself in a devastating civil war that has left more than 70,000 dead and with no resolution of the underlying causes of the conflict, even though the Sri Lankan army defeated the rebels in May 2009 and took over all the areas previously held by them (Tiruchelvam 2000, p. 198; it is worth noting that Neelan Tiruchelvam, a friend and colleague, was a moderate Tamil scholar and jurist who was killed by a suicide bomber on July 29, 1999, paying with his life for his belief that constitutional reform in the direction of regional autonomy could resolve Sri Lanka's ethnic conflict). Similarly, other formally democratic multiethnic states, such as the Russian Federation, are still being condemned in the annual reports of Amnesty International and Human Rights Watch for gross violations of human rights and lack of effective democratic institutions, and are, in practice, refusing to go down the road of an effective constitutional and legal framework that respects the substantive equality of its minorities-with similar disastrous consequences. The future for authoritarian non-democratic multiethnic states is even bleaker. We only have to look at the genocidal carnage in Sudan to understand this horrible future (Mendes, 2011).

Western discourse on human rights in China typically assumes that China's minority rights law must be a sham because China is an authoritarian state. In the 1980s and 1990s, however, China has articulated an "ethnic law" that elaborates rights and preferences that minorities value. At the same time, People's Republic of China ethnic law is inadequate to grant the idealized range of minority rights claimed by the Chinese state, and some rights are being eroded by the marketization of China's political economy. The most notable weaknesses in the ethnic law system include the failure to enlarge the scope of ethnic regional autonomy, a lack of preferential policies sufficient to offset the growth of the economic gap between Han and minority areas, and an inadequate program for overcoming antiminority bias. While an emerging minority elite is a stabilizing factor in minority-state relations, additional measures to expand minority rights are required, some of which are suggested by the policies of other Asian states (Sautman, 1999).

Indonesia is often regarded as the natural leader of the Association of Southeast Asian Nations (ASEAN) in light of its geographical dimensions, large population, strategic position and natural resources. The country has felt entitled to a position of leadership and has generally been recognized by the other ASEAN members as first among equals. While the de facto leadership of Indonesia has traditionally been accepted as conventional wisdom, little attention has been given to the extent to which Jakarta has actually succeeded in exercising leadership in ASEAN and how its attempt to do so has been perceived by the other Southeast Asian states.

The paper explores this question by focusing on Indonesia's ability to provide international public goods in the areas of security and economics, engage in conflict management and promote institution building. It argues that the country has sought to establish a stable and autonomous security environment, to conduct conflict mediation efforts in the Cambodian conflict and the South China Sea disputes, and to develop institutional mechanisms to promote security, democracy and human rights among other issues. Still, Indonesia's leadership in ASEAN has been incomplete due to resistance from some members to its preference for an autonomous regional order and in recent years a democratic form of domestic governance. Its leadership has so far also been limited to the political and security spheres, leaving other sectors, like the economy, to others (Emmers, 2014).

CONCLUSION

Human rights space is an important thing, especially in obtaining justice, democratic space, and leadership space in various regions of the State or autonomous regions must have an important understanding of the human rights space which must be continuously fought for. The impact of the loss of human rights will certainly result in the loss of a sense of justice both within the scope of the State or the autonomous regions in all countries.

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