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## Human Right, Justice, and Sustainable Development

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### | ABSTRACT

This study examines the role of Indonesia's national legal politics in integrating human rights (HAM) values and principles of justice into sustainable development policies. The study aims to analyze how legal politics shapes regulations that guarantee the protection of human rights while ensuring development is equitable and sustainable. The research employs a qualitative approach using document study, legal and regulatory analysis, and literature review related to legal politics, human rights, and sustainable development. The results indicate that Indonesia's legal politics plays a strategic role in guiding the formulation of regulations that integrate human rights and justice through constitutional foundations, ratified international instruments, and institutional mechanisms such as the National Commission on Human Rights (Komnas HAM) and the Constitutional Court. Regulations such as Law No. 32 of 2009 on Environmental Protection and Management, Law No. 26 of 2000 on Human Rights Courts, as well as the Long-Term National Development Plan (RPJPN) and Medium-Term National Development Plan (RPJMN), demonstrate the operationalization of human rights and justice values in development. The study recommends strengthening the implementation of human rights-based regulations, optimizing supervisory institutions, enhancing public participation, and reforming legal politics to be more responsive to social, economic, and environmental challenges. The findings are expected to serve as a reference for policymakers and academics to reinforce the integration of human rights and justice in national development.

### | KEYWORDS:

*Legal Politics, Human Rights, Justice, Sustainable Development, Regulation.*

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## I. INTRODUCTION

Human Rights (HR), justice, and sustainable development are three conceptual interventions that cannot be separated within the paradigm of modern development. Together, they form a normative and ethical framework requiring that the development process not only be oriented toward economic growth but also ensure governance that upholds human dignity, equitable distribution of benefits, and ecological sustainability for future generations. In the global context, discourse concerning the integration of human rights and sustainability has emerged since the mid-twentieth century, especially after the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, which affirms the obligation of states to guarantee the fundamental rights of every individual [1]. The declaration positions humans not as objects of development but as subjects possessing the right to live decently, free from discrimination, and with access to welfare.

From Indonesia's perspective, the constitutional guarantee of human rights was strengthened through the amendments to the 1945 Constitution, which obligate the state to respect, protect, and fulfill the rights of all citizens. At the statutory level, Law No. 39 of 1999 on Human Rights serves as a strong foundation for implementing human rights principles within public policy [2]. The law emphasizes that human rights include civil, political, economic, social, and cultural rights. In the context of sustainable development, the realization of human rights is not only expressed through the protection of liberties but is also closely tied to the right to a

healthy environment, the right to education, the right to decent work, and access to natural resources. Thus, the fulfillment of human rights has a multidisciplinary dimension that reinforces the idea that sustainable development cannot be understood narrowly as solely economic or environmental concern.

The concept of justice also plays an essential role in shaping an inclusive development paradigm. John Rawls, in his theory of distributive justice, articulates two main principles: (1) equal basic liberties for all individuals, and (2) social and economic inequalities must be arranged so that they provide the greatest benefit to the least advantaged (the difference principle) [3]. Rawls's framework offers a philosophical foundation indicating that just development is not only about equitable distribution of benefits but also ensuring that socio-political institutions are structured to protect vulnerable groups. This principle is particularly relevant for developing countries such as Indonesia, which continues to face economic inequality, regional disparities, and unequal access to public services.

In sustainable development studies, the concepts of intergenerational and intragenerational equity have served as fundamental principles introduced by the World Commission on Environment and Development (WCED) through *Our Common Future* (the Brundtland Report) in 1987 [4]. The report defines sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." This definition establishes the economic, environmental, and social dimensions as three foundational pillars that must operate in balance. Furthermore, the sustainable development framework emphasizes the principle of equity that is, fairness in resource use both among current generations and between current and future generations.

When connected to human rights, sustainable development requires the state to ensure that every citizen has the right to a good and healthy environment, as affirmed in Law No. 32 of 2009 on Environmental Protection and Management [5]. The law asserts that environmental protection is part of the basic rights of citizens, meaning that development policies that cause environmental damage may be regarded as violations of human rights. Thus, development that neglects ecological considerations not only contributes to environmental degradation but also violates the rights of present and future generations.

The relationship among human rights, justice, and sustainable development may also be examined through the lens of governance Theory particularly the concept of good governance. Principles such as accountability, transparency, public participation, effectiveness, and the rule of law become instrumental in ensuring that development is conducted within a normative and legitimate framework. Good governance ensures that development policies are formulated through participatory and inclusive processes that reflect the needs of society as a whole. Without effective governance mechanisms, the fulfillment of human rights and justice within development becomes difficult to achieve, as public policy may be dominated by elite interests. For this reason, integrating good governance principles becomes essential to ensuring that sustainable development proceeds fairly and without discrimination.

Beyond legal and philosophical perspectives, socio-economic theories also contribute to shaping the framework of sustainable development. Amartya Sen, through the capability approach, emphasizes that development should be understood as the expansion of human capabilities to live lives they value [6]. According to Sen, justice is not merely measured by the distribution of resources, but also by the extent to which individuals possess substantive freedoms to develop their potential. This perspective underscores that development centered solely on economic growth without enhancing quality of life is not genuine development. Thus, the capability approach reinforces the notion that sustainable development and human rights are inherently linked, as the fulfillment of human rights directly influences the expansion of human capabilities.

In the global context, the integration of human rights, justice, and sustainable development was further strengthened through the Sustainable Development Goals (SDGs) 2015–2030. This global agenda incorporates issues such as poverty, inequality, health, education, the environment, and fundamental human rights within a unified international policy framework. Many SDG goals are explicitly connected to human rights, such as poverty eradication (Goal 1), quality education (Goal 4), gender equality (Goal 5), decent work (Goal 8), reduced inequality (Goal 10), and peace, justice, and strong institutions (Goal 16). As such, contemporary sustainable development inherently presupposes a commitment to human rights protection and social justice.

Based on these theoretical frameworks, it becomes apparent that integrating human rights, justice, and sustainable development is a fundamental requirement for countries like Indonesia, which face complex social, economic, and environmental dynamics. Without human rights protection, development risks becoming exploitative and unequal. Without justice, sustainable development becomes non-inclusive and benefits only certain groups. Without ecological sustainability, development becomes fragile and susceptible to long-term crises. Thus, these three pillars must be harmonized to ensure that national development is not merely growth-oriented but also promotes long-term sustainability and collective well-being.

## **II. METHODOLOGY**

This research was conducted using a literature review method, which is part of a qualitative approach. The research method uses a normative method. The primary sources of research data were books and scientific articles published in international and national scientific journals. The keywords used in the article data search were "research methodology," "nature of research," "research procedures," and "research classification." Data analysis was conducted qualitatively, consisting of data reduction, data presentation, and conclusion drawing.

## **III. RESULTS AND DISCUSSION**

### **A. HUMAN RIGHTS**

The definition of Human Rights (HAM) as stipulated in Article 1 point 1 of Law Number 39 of 1999 on Human Rights refers to the rights inherent in the very nature and existence of human beings as creations of God, bestowed by Him and therefore must be respected, upheld, and protected by the state, the law, the government, and every individual for the sake of the dignity and worth of the human person. The origins of the concept of human rights are rooted in the theory of natural rights, which initially developed from the broader tradition of natural law theory. Over time, the Renaissance movement emerged, emphasizing the importance of reviving the cultural heritage of ancient Greece and Rome, including the appreciation of individual autonomy and dignity [7].

This movement was later continued through the development of natural law thought advanced by Thomas Aquinas and Hugo Grotius, who emphasized that every human being, in life, exists under God's ordinance, and that all people, regardless of social status, are subject to Divine authority. Thus, not only is the power of kings limited by the laws of God, but every human being possesses a unique individual identity, distinct from the state, and is endowed with natural rights that affirm each person as an autonomous being [8].

Human Rights are rights that are inherently attached to every human being, natural, universal, and inalienable in character. These rights belong to individuals solely because they are human beings created by God, not because of their citizenship status. Without these rights, a person cannot be regarded as fully human; if such rights are reduced or violated, their humanity is likewise diminished. Human rights assert that individuals possess fundamental rights that are inseparable from their very identity, granting them the "privilege" to be treated in accordance with their rights and dignity [9]. These rights also give rise to the obligation to respect the rights and privileges of others.

### **B. THEORY OF JUSTICE**

Justice comes from the word "adil" (fair). According to the Kamus Besar Bahasa Indonesia (Indonesian Dictionary), adil means not acting arbitrarily, not taking sides, and not being biased. The core meaning of fairness is that decisions and actions must be based on objective norms. Essentially, justice is a relative concept; what one person considers just may not be perceived as just by another. When someone claims to have upheld justice, such a claim must still align with public order, within which the standards of justice are recognized. The degree or scale of justice may vary from one place to another, as each society determines and defines it based on the prevailing public order [10].

In Indonesia, the principle of justice is reflected in Pancasila as the foundation of the state, particularly in the fifth principle, which emphasizes social justice for all Indonesian people. This principle embodies the values that serve as the goals of collective life. Such justice is rooted in the essence of humanity, encompassing justice in human relations with oneself, with others, with society, with the nation and the state, as well as with God. These values of justice must form the foundation of state life so that the objectives of the Nation, such as the welfare of all citizens and regions and the intellectual advancement of the entire population can be realized. In addition, these principles of justice also serve as the basis for relations among nations, fostering order in international interactions grounded in the independence of every nation, eternal peace, and social justice in communal life [11].

### **C. LEGAL POLITICS**

Legal politics and power have a very close, interconnected relationship that cannot be separated from one another. Politics is often viewed as the starting point for attaining power, while law functions as an instrument for maintaining that power. Political products, whether in the form of statutes or other political instruments, possess characteristics that reflect the prevailing political configuration as well as the influence of the political institutions that dominate it [12]. Laws, as legalistic instruments serving as a framework for rulers to maintain power, tend to reflect political products that are authoritarian, repressive, and less aligned with public interest. The

contextualization of such products reinforces Lord Acton's observation that power tends to corrupt, and absolute power corrupts absolutely [13].

According to Mahfud MD, legal politics can be understood as the process of creating and implementing law, which indicates the direction and nature of the law to be established and enforced. The elements of legal politics include: (1) legal development, which encompasses the creation and revision of legal materials to meet societal needs; and (2) the enforcement of existing laws, including the clarification of institutional functions and the development of law enforcement officers [14]. Satjipto Rahardjo defines legal politics as the activities of selection and the methods used to achieve certain social and legal objectives within society. Meanwhile, Sunaryati Hartono, as cited by Armen Yasir, views legal politics as a tool employed by the government to shape the desired national legal system, so that through this system, the ideals of the Indonesian nation can be realized [15].

From the perspective of constitutional law, the study of legal politics covers: (1) the substance and techniques of legislation; (2) the political and legal processes in the creation of legal products, including their connection to state bodies and how they determine legal politics; and (3) state organizers and objectives. Iman Syaukani and A. Ahsin Thohari further explain that the study of legal politics includes: the process of extracting societal values and aspirations by state authorities; the formulation of these values and aspirations into draft laws; the parties authorized to determine legal politics; the legislation containing legal politics; factors influencing legal politics; and the implementation of legislation as the realization of legal politics [16].

The relationship between law and politics in the approach of legal politics generates several assumptions, as proposed by Phillip Nonet and Philip Schelnik and adapted by Mahfud MD in the Indonesian context. According to Mahfud, this relationship can be described from three perspectives: first, law as a determinant of politics, where political activity must comply with legal rules; second, politics as a determinant of law, because law crystallizes from the interaction and competition of political will; and third, law and politics as subsystems of society are positioned equally when politics has become a legal product, so that political activities must comply with applicable legal rules [17].

The objectives of legal politics include: (1) serving as a governmental tool to create the desired national legal system; (2) using this national legal system as a means to realize broader national ideals; and (3) constructing the national law based on the state ideology and constitution, namely Pancasila and the 1945 Constitution [18].

## **A. NATIONAL LEGAL POLITICS IN INTEGRATING HUMAN RIGHTS AND JUSTICE PRINCIPLES INTO SUSTAINABLE DEVELOPMENT POLICIES**

National legal politics plays a strategic role in directing, formulating, and implementing various development policies oriented toward humanity and sustainability. In the context of Indonesia, legal politics is not merely understood as a legislative process but as a legal policy, or fundamental policy, that determines the direction of law formation and implementation to achieve the state objectives as articulated in the Preamble of the 1945 Constitution. According to Mahfud MD, legal politics constitutes the official policy line that serves as the foundation for the state to create, amend, or repeal laws to meet societal needs. Consequently, legal politics has a dual function as a tool for social engineering and social control. When the orientation of legal politics is directed toward integrating Human Rights (HR) and justice into sustainable development policies, the state ensures that development focuses not only on economic growth but also guarantees the protection of human dignity, equitable distribution of development benefits, and environmental sustainability for present and future generations.

The direction of national legal politics also reflects the integration of human rights values through the ratification of various international instruments. The ratification of the International Covenant on Civil and Political Rights (ICCPR) through Law No. 12 of 2005 and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) through Law No. 11 of 2005 demonstrates Indonesia's full commitment to international standards in fulfilling human rights. In the context of sustainable development, both covenants mandate that the state ensure non-discrimination, participation, access to information, and protection of vulnerable groups in various development programs. Furthermore, the emergence of the concept of the right to development reinforces the notion that development is a collective human right that must be implemented fairly, participatively, and sustainably. The right to development affirms that society is not merely the object of development but a subject entitled to enjoy its benefits equitably. Therefore, sustainable development that fails to ensure human rights fulfillment loses moral legitimacy and contradicts fundamental constitutional principles.

Integrating the value of justice into development-oriented legal politics is also crucial for achieving sustainable development. Concepts of distributive and procedural justice, as discussed by Aristotle, provide moral guidance

that development policies should deliver proportional benefits to all citizens. John Rawls, through his theory of justice as fairness, emphasizes that public policies must be designed to benefit the most vulnerable groups while ensuring basic freedoms for all citizens. In the development context, justice concerns not only the distribution of development outcomes but also societal involvement in planning and decision-making processes. Procedural justice requires the state to conduct development processes transparently, accountably, and participatively, while restorative justice obliges the state to provide proper remedies for communities adversely affected by development, such as eviction, environmental pollution, or agrarian conflicts. Integrating these three dimensions of justice ensures that state-led development is not exploitative but oriented toward social welfare.

Sustainable development policies in Indonesia have been further reinforced by Law No. 32 of 2009 on Environmental Protection and Management (PPLH). This law establishes sustainable development as a primary principle of environmental protection and requires that all development policies consider environmental preservation, social interests, and economic balance. Instruments such as Environmental Impact Assessment (AMDAL) and Strategic Environmental Assessment (KLHS) ensure that development projects do not harm the environment or disadvantage communities. These provisions reaffirm that development must adhere to the principles of precaution, public participation, access to information, and intergenerational justice. Through these mechanisms, the state ensures that the long-term impacts of development on the environment and human life are carefully considered before policy implementation.

In the context of national development planning, Law No. 25 of 2004 on the National Development Planning System (SPPN) serves as a critical instrument integrating human rights and justice through the preparation of the National Long-Term Development Plan (RPJPN) and the National Medium-Term Development Plan (RPJMN). Both planning documents explicitly include social inequality, poverty, environmental protection, and quality of life indicators as benchmarks for development success. The integration of the Sustainable Development Goals (SDGs) into the RPJMN demonstrates that Indonesia's development legal politics aligns with global standards for inclusive and sustainable development. Additionally, various presidential regulations regarding SDGs reaffirm the obligation of ministries and agencies to synchronize planning, budgeting, and monitoring of development with human rights and social justice principles.

The implementation of legal politics in integrating human rights and justice is inseparable from the role of state institutions as supervisors. The National Human Rights Commission (Komnas HAM) provides early warnings on development policies that may violate human rights, such as land appropriation from indigenous communities or environmental pollution by corporations. The Indonesian Ombudsman monitors public services in development to ensure they are non-discriminatory and accountable. The House of Representatives (DPR) and Regional House of Representatives (DPRD), through their oversight functions, ensure that government development policies do not deviate from human rights and justice principles. At the executive level, public participation mechanisms, such as development planning deliberations (*musrenbang*), public consultations, and information disclosure forums, are critical to ensuring that development is planned inclusively, participatively, and democratically. Public participation is not merely administrative but represents the community's right to be involved in the development process.

## **B. INDONESIA'S LEGAL POLITICS SHAPING REGULATORY DIRECTIONS TO ENSURE THE PROTECTION OF HUMAN RIGHTS**

Indonesian legal politics in shaping regulatory directions to ensure the protection of Human Rights (HR) represents a strategic process that not only reflects the dynamics of constitutional values but also constitutes the state's response to demands for social justice, democracy, and sustainable development. Normatively, the main foundation for human rights protection is articulated in Chapter XA of the 1945 Constitution of the Republic of Indonesia, particularly Articles 28A–28J, which provide constitutional guarantees for the right to life, freedom of expression, security, a good and healthy environment, and access to justice. The People's Consultative Assembly, through TAP MPR No. XVII/MPR/1998 on Human Rights, also reaffirmed the state's commitment to making the respect for human rights a national policy direction. This commitment was further strengthened by the enactment of Law No. 39 of 1999 on Human Rights, which explicitly regulates the state's obligation to respect, protect, and fulfill human rights. In the perspective of legal politics, as stated by Mahfud MD (2009), legal politics refers to the basic state policy direction in formulating, enforcing, and interpreting laws in accordance with national objectives. Therefore, the integration of human rights into regulations is not merely a technical legislative matter, but a political policy that positions human rights as both an orientation and a parameter of legal legitimacy.

From the perspective of progressive legal theory developed by Satjipto Rahardjo, human rights-oriented legal politics places humans at the center of the legal order. Law should not be confined to the text alone but must serve to reduce human suffering and create a more just social order. This idea is particularly relevant when the state formulates development regulations, where policies must not only be economically efficient but also socially just and ecologically sustainable. Moreover, modern rule of law theory emphasizes that human rights protection is central to the legitimacy of any public policy. Consequently, every legal product issued by the state must be tested for compatibility with human rights principles through mechanisms such as legislative review, judicial review, and public participation [19].

Analytically, Indonesian legal politics shapes the direction of human rights regulation through three main mechanisms. First, the internalization of human rights principles as normative standards in every public policy formulation. This is reflected in the integration of the principles of equality before the law, participation, and non-discrimination in legislative drafting as mandated by Law No. 12 of 2011 on the Formation of Legislation. Second, the strengthening of human rights institutions, such as the National Human Rights Commission (Komnas HAM), the Victim and Witness Protection Agency (LPSK), and constitutional courts, which play a role in controlling state policies to ensure they do not contradict human rights principles. Constitutional Court decisions also provide evidence of how legal politics protects human rights, for instance, decisions related to the right to a healthy environment, customary rights, and constitutional rights to education and health. Third, the integration of human rights into the national development agenda, as outlined in the National Long-Term Development Plan (RPJPN) and the Medium-Term Development Plan (RPJMN), which incorporate social inclusivity, justice, and ecological sustainability as fundamental principles of development. Consequently, the direction of Indonesian legal politics emphasizes a human rights-based development paradigm.

Ultimately, Indonesian legal politics functions as a compass that guides regulatory directions to align with societal needs, the principles of justice, and constitutional mandates. Legal politics does not operate neutrally but is shaped by the political, social, economic, and moral dynamics of the nation. Therefore, the success of human rights protection is determined not only by the existence of regulations but also by the state's political consistency in translating human rights principles into the implementation of development policies. When legal politics operates progressively, responsively, and prioritizes the protection of human dignity, law can guarantee substantive justice for all citizens and ensure that development does not compromise the rights of individuals and vulnerable groups. Thus, the current direction of Indonesian legal politics not only regulates but also supervises the nation's transformation toward governance and development that are just, sustainable, and grounded in respect for Human Rights.

#### **IV. CONCLUSION**

a) National legal politics indicates that the integration of human rights (HAM) values and justice into sustainable development policies constitutes a strategic agenda of the state, rooted in constitutional foundations and national legal instruments. Through the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), the MPR Decree No. XVII/MPR/1998, and Law No. 39 of 1999 on Human Rights, the state affirms its constitutional obligation to respect, protect, and fulfill human rights as a basis for development administration. Modern development policies, as outlined in the Long-Term National Development Plan (RPJPN) and Medium-Term National Development Plan (RPJMN), have begun to integrate the principles of non-discrimination, public participation, ecological sustainability, and social justice as fundamental principles. Regulations such as Law No. 32 of 2009 on Environmental Protection and Management indicate that development is no longer solely oriented toward economic growth, but also toward the fulfillment of basic human rights and environmental preservation. Therefore, national legal politics functions as an instrument to balance development interests with constitutional obligations to uphold human dignity.

b) The direction of Indonesia's legal politics in shaping human rights protection regulations demonstrates significant progress through the strengthening of legal foundations, establishment of human rights institutions, and judicial control mechanisms over state policies. Regulations such as Law No. 26 of 2000 on Human Rights Courts, the ratification of the ICCPR and ICESCR, and the existence of Komnas HAM, LPSK, and the Constitutional Court demonstrate that the state has established a legal structure aimed at ensuring systematic enforcement of human rights. From the perspective of legal politics theory, as expressed by Mahfud MD, state legal policies always reflect political choices aimed at achieving justice and public welfare. Therefore, Indonesian legal products gradually show adaptation to universal human rights standards and the principles of the rule of law. Through judicial review, various policies can be examined to ensure they do not violate human rights, so that human rights protection exists not only at the normative level but also operationally and in implementation.

## REFERENCES

- [1] Acton, L. (1907). *The History of Freedom and Other Essays*. London: Macmillan.
- [2] Fadri, Z., Sari, N. V., & Khuwau, D. (2024). Distributive justice in post-GAM (A critical review for Aceh's development). *Prosperity: Journal of Society and Empowerment*, 4(2), 112.
- [3] Indonesia. Undang-Undang Dasar Republik Indonesia Tahun 1945.
- [4] Indonesia. Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.
- [5] Kusniati, R. (2011). Sejarah perlindungan hak-hak asasi manusia dalam kaitannya dengan konsepsi negara hukum. *Jurnal Ilmu Hukum*, 4(5).
- [6] Mahfud, M. D. (2005). *Politik Hukum di Indonesia*. Jakarta: Rajawali Pers.
- [7] Muhtadi. (2015). Politik hukum pengawasan hakim konstitusi. *Fiat Justisia: Jurnal Ilmu Hukum*, 9(3), 311.
- [8] Muhtaj Majda El. (2009). *Dimensi-Dimensi HAM: Mengurangi Hak Ekonomi, Sosial, dan Budaya*. Jakarta: PT. Rajagrafindo Persada.
- [9] Rahardjo, S. (2008). *Hukum dalam Perspektif Keadilan*. Jakarta: Rajawali Pers.
- [10] Rawls, J. (1971). *A Theory of Justice*. Cambridge, MA: Harvard University Press, 75–95.
- [11] Santoso, M. A. (2014). *Hukum, Moral & Keadilan: Sebuah Kajian Filsafat Hukum (Cet. Ke-2)*. Jakarta: Kencana.
- [12] Sen, A. (1999). *Development as Freedom*. New York: Knopf.
- [13] Smith, R. K., et al. (2009). *Hukum HAM*. Yogyakarta: Pusham UII.
- [14] Syaukani, I., & Thohari, A. A. (2012). *Kajian Politik Hukum*. Bandung: Citra Aditya Bakti.
- [15] United Nations. (1948). *Universal Declaration of Human Rights*.
- [16] WCED. (1987). *Our Common Future*. Oxford: Oxford University Press.
- [17] Yasir, A. (2010). *Hukum dan Politik di Indonesia*. Jakarta: Rajawali Pers.
- [18] Nonet, P., & Selznick, P. (1978). *Law and Society in Transition*. New York: Harper & Row.