

SKRIPSI

**PERLINDUNGAN HUKUM TERHADAP HAK MINORITAS MENURUT
HUKUM INTERNASIONAL DAN IMPLEMENTASINYA DI INDONESIA**

*Diajukan Sebagai Salah Satu Syarat Untuk
Memperoleh Gelar Sarjana Hukum*

Oleh:

UNIVERSITAS ANDALAS
MUHAMMAD IHSAN DEVANDI
1910113131

PROGRAM KEKHUSUSAN: HUKUM INTERNASIONAL (PK VI)



Pembimbing :

Prof. Dr. Zainul Daulay, S.H., M.H
Magdariza, S.H., M.H

FAKULTAS HUKUM

UNIVERSITAS ANDALAS

PADANG

2024

No.Reg : 01/PK-VI/V/2024

LEGAL PROTECTION OF MINORITY RIGHTS ACCORDING TO INTERNATIONAL LAW RULES AND THEIR IMPLEMENTATION IN INDONESIA

(Muhammad Ihsan Devandi, 1910113131, Zainul Dauly, Magdariza, Law Faculty
Andalas University, 70 Pages + v, 2024)

ABSTRACT

Legal protection of minority rights is protection given to a person a small group of people who are between large groups, which is given without discrimination. Indonesia's existence as a member of the international community, in providing protection for this must be based on international legal rules such as Universal Declaration On Human Rights (Universal Declaration of Human Rights/UDHR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and implement it in Indonesian legal rules. The formulation of the problem in this research is: (1) How is the legal protection of minority rights according to international law and national law? (2) How is the implementation of legal protection for minority rights in Indonesia? The research method used is normative juridical with secondary data obtained from primary, secondary and tertiary legal materials, which will be analyzed descriptively. As a result of the research and discussion, it can be concluded that: (1) Legal protection for minority rights in various international regulations is in the UDHR convention in article 2 and ICERD is in article 1 paragraph 1 and article 4 which emphasizes minority rights and discrimination. Regulation of minority rights in national law. Indonesia has been accommodated in various regulations, such as in the 1945 Constitution (UUD 1945), Law Number 39 of 1999 concerning Human Rights, providing guarantees of strong legal protection for human rights, including the rights of minority groups. Law Number 40 of 2008 concerning Racial and Ethnic Discrimination specifically regulates law enforcement and anti-discrimination education efforts, and . Law Number 40 of 2008 concerning Racial and Ethnic Discrimination specifically regulates law enforcement and anti-discrimination education efforts (2) Implementation of legal protection for minority rights in Indonesia. In solving this problem, there are three forms of state (government) obligations towards human rights, namely: first, the obligation to respect, the obligation to protect, the obligation to fulfill human rights (to fulfill). Apart from that, proactive action by the government and related parties is also needed in educating the public about anti-discrimination through interesting and effective activities..

Keywords: Legal Protection, Minority Rights, International Law, Implementation



PERLINDUNGAN HUKUM TERHADAP HAK MINORITAS MENURUT HUKUM INTERNASIONAL DAN IMPLEMENTASINYA DI INDONESIA

(Muhammad Ihsan Devandi, 1910113131, Zainul Daulay, Magdariza, Fakultas Hukum Universitas Andalas, 70 Halaman + v, 2024)

ABSTRAK

Perlindungan hukum terhadap hak minoritas merupakan perlindungan yang diberikan terhadap suatu kelompok kecil masyarakat yang berada di antara kelompok besar, yang diberikan tanpa diskriminasi. Keberadaan Indonesia sebagai anggota masyarakat internasional, dalam memberikan perlindungan terhadap ini harus didasarkan pada aturan-aturan hukum internasional seperti *Universal Declaration On Human Rights* (Deklarasi universal tentang Hak Asasi Manusia/DUHAM), *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), dan *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, dan mengimplementasikannya dalam aturan hukum Indonesia. Rumusan masalah dalam penelitian ini adalah: (1) Bagaimana perlindungan hukum terhadap hak minoritas menurut hukum internasional dan hukum nasional? (2) Bagaimana implementasi perlindungan hukum terhadap hak minoritas di Indonesia?. Metode penelitian yang digunakan adalah yuridis normatif dengan data sekunder yang diperoleh dari bahan hukum primer, sekunder, dan tersier, yang akan dianalisis secara deskriptif. Hasil penelitian dan pembahasan, dapat disimpulkan bahwa: (1) Perlindungan hukum terhadap hak minoritas dalam berbagai aturan internasional ada di dalam konvensi DUHAM pada pasal 2 dan ICERD ada di dalam pasal 1 ayat 1 dan pasal 4 yang menegaskan hak minoritas dan diskriminasi. Pengaturan hak minoritas dalam hukum nasional. Indonesia sudah diakomodir dalam berbagai aturan, seperti dalam Undang-Undang Dasar 1945 (UUD 1945), Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia, memberikan jaminan perlindungan hukum yang kuat terhadap hak asasi manusia, termasuk hak-hak kelompok minoritas. Undang-Undang Nomor 40 Tahun 2008 tentang Diskriminasi Ras dan Etnis secara khusus mengatur penegakan hukum dan upaya edukasi anti-diskriminasi, dan . Undang-Undang Nomor 40 Tahun 2008 tentang Diskriminasi Ras dan Etnis secara khusus mengatur penegakan hukum dan upaya edukasi anti-diskriminasi (2) Implementasi perlindungan hukum terhadap hak minoritas di Indonesia. Dalam memecahkan hal ini, terdapat tiga bentuk kewajiban negara (pemerintah) terhadap HAM, yakni: pertama, kewajiban menghormati (to respect), kewajiban melindungi (to protect), kewajiban memenuhi HAM (to fulfill). Disamping itu, diperlukan juga tindakan proaktif pemerintah dan pihak terkait dalam mengedukasi masyarakat anti-diskriminasi melalui kegiatan-kegiatan yang menarik dan efektif.

Kata Kunci: Perlindungan Hukum, Hak Minoritas, Implementasi, Hukum Internasional, Hukum Indonesia