

The Authority of the Regional Office of the Ministry of Human Rights After Institutional Restructuring: A *Fiqh al-Siyāsah* Perspective

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ABSTRACT

Institutional restructuring under Presidential Regulation No. 156 of 2024 separated the Ministry of Human Rights from the Ministry of Law and Human Rights, followed by the establishment of a new organizational framework through Minister of Human Rights Regulation No. 2 of 2025. This reform redefined the authority of Regional Offices of the Ministry of Human Rights, particularly in handling alleged human rights violations at the regional level. This study examines the post-restructuring authority of Regional Offices and evaluates its implementation from the perspective of *Fiqh al-Siyāsah*. Using a normative-empirical legal approach based on legislation, conceptual analysis, case studies, document review, and interviews, the findings reveal that Regional Offices remain limited to administrative, coordinative, facilitative, and advisory functions without executive authority to resolve human rights violations. Consequently, effective human rights protection depends largely on inter-agency coordination. From the perspective of *Fiqh al-Siyāsah*, these functions reflect the principles of justice (*al-'adl*), public welfare (*maṣlaḥah*), and the protection of human dignity (*karāmah al-insān*). The study recommends strengthening the authority of Regional Offices through regulatory reform, institutional enhancement, and improved inter-agency coordination.

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Introduction

Human rights constitute one of the fundamental pillars of the rule of law, placing respect for human dignity at the center of state governance. The concept of human rights recognizes that every individual possesses inherent rights that must be respected, protected, and fulfilled without discrimination. Within a democratic constitutional state, the protection of human rights serves not only as a legal obligation but also as an indicator of governmental legitimacy and the quality of public administration (Muladi, 2005; Universal Declaration of Human Rights, 1948).

Indonesia has constitutionally affirmed the protection of human rights through Articles

28A–28J of the 1945 Constitution of the Republic of Indonesia, which establish fundamental guarantees for civil, political, economic, social, and cultural rights. These constitutional provisions require the government to establish institutional mechanisms capable of ensuring effective human rights protection. The implementation of these constitutional mandates reflects the principle that law functions as an instrument for safeguarding justice, legal certainty, and social welfare within society (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945; Rahardjo, 2009; Wijaya Putra Law Review, 2026).

A significant transformation in Indonesia's human rights governance occurred with the enactment of Presidential Regulation No. 156 of 2024, which established the Ministry of Human Rights as an independent ministry separate from the former Ministry of Law and Human Rights. The institutional restructuring was subsequently strengthened through Minister of Human Rights Regulation No. 2 of 2025 concerning the organizational structure and functions of the Regional Offices of the Ministry of Human Rights. Unlike the previous organizational model, which maintained regional offices in every province, the new institutional design established only twenty regional offices to serve thirty-eight provinces, requiring several offices to exercise cross-provincial jurisdiction (Republik Indonesia, 2024).

The new institutional arrangement has created significant administrative and operational challenges. Regional offices are expected to provide effective human rights protection across broader geographical areas while operating with limited institutional capacity and human resources. These constraints become particularly evident in regions such as Bengkulu Province, where the South Sumatra Regional Office is responsible for handling human rights issues across provincial boundaries. Existing regulations continue to assign regional offices predominantly administrative, coordinative, facilitative, and advisory functions without granting executive authority to enforce recommendations or resolve alleged human rights violations directly (Republik Indonesia, 2022; Wibowo et al., 2023).

Empirical evidence demonstrates that human rights issues at the regional level remain closely associated with public service delivery, agrarian conflicts, environmental protection, indigenous community rights, and the protection of vulnerable groups. Reports issued by the Ombudsman indicate that maladministration and weaknesses in public service governance continue to affect the realization of citizens' constitutional rights. These conditions illustrate the importance of strengthening institutional coordination and enhancing the authority of regional human rights institutions to ensure more effective implementation of human rights protection mechanisms (Ombudsman Republik Indonesia, 2024; Ombudsman Republik Indonesia Perwakilan Bengkulu, 2025).

Previous studies have primarily examined the effectiveness of the National Human Rights Commission, the implementation of human rights-based public services, or mechanisms for addressing serious human rights violations. Research concerning the effectiveness of regional offices has generally focused on the former Regional Offices of the Ministry of Law and Human Rights before institutional restructuring. Studies specifically evaluating the authority of the Regional Offices of the Ministry of Human Rights following the 2024 restructuring remain limited, particularly regarding their institutional capacity to address alleged human rights violations at the regional level (Shabrina & Hertati, 2024; Soeprapto, 2013).

The perspective of *Fiqh al-Siyāsah* offers a comprehensive normative framework for assessing governmental authority in protecting human dignity and ensuring justice. Islamic political jurisprudence emphasizes that governmental authority constitutes an *amānah* entrusted to public officials and must be exercised to achieve justice (*al-'adl*), public welfare (*maṣlahah*), and the protection of society. Administrative authority is therefore not merely a legal competence but also a moral responsibility directed toward realizing the objectives of

Islamic governance and promoting the public interest (Qaradawi, 1997; Taimiyah, 2014; Wijaya et al., n.d.).

The novelty of this study lies in three principal contributions. First, it provides one of the earliest evaluations of the authority exercised by the Regional Offices of the Ministry of Human Rights following Indonesia's recent institutional restructuring. Second, it employs a normative-empirical legal approach that integrates statutory analysis with empirical findings from the South Sumatra Regional Office serving Bengkulu Province. Third, it develops a conceptual model for strengthening regional institutional authority based on the principles of *Fiqh al-Siyāsah*, thereby contributing to the discourse on institutional reform, administrative authority, and the development of a more effective human rights protection system in Indonesia.

Method

This study employed a normative-empirical legal research design using a socio-legal approach to integrate normative legal analysis with an empirical investigation of the authority exercised by the Regional Office of the Ministry of Human Rights in handling alleged human rights violations. The research combined three complementary approaches: the statutory approach, the conceptual approach, and the case approach. The statutory approach examined the 1945 Constitution of the Republic of Indonesia, Law No. 39 of 1999 on Human Rights, Presidential Regulation No. 156 of 2024, Minister of Human Rights Regulation No. 2 of 2025, and other relevant regulations governing governmental authority in the field of human rights. The conceptual approach explored theories of governmental authority, legal effectiveness, the rule of law, and *Fiqh al-Siyāsah*, while the case approach focused on the implementation of human rights protection within the Bengkulu working area. Primary data were obtained through purposive in-depth interviews with the Head of the South Sumatra Regional Office of the Ministry of Human Rights, the Coordinator of Human Rights Services for the Bengkulu Working Area, and technical officers responsible for handling human rights complaints. Secondary data consisted of legislation, scholarly books, journal articles, institutional documents, official reports, and other relevant legal literature.

Data were collected through library research, document analysis, field observation, and semi-structured interviews. The credibility of the findings was ensured through source triangulation by comparing interview results with official documents and applicable legal provisions. Data analysis followed the interactive qualitative model developed by Miles, Huberman, and Saldaña, which consists of data condensation, data display, and conclusion drawing conducted throughout the research process. The findings were subsequently interpreted through the perspective of *Fiqh al-Siyāsah* to assess whether the authority exercised by the Regional Office of the Ministry of Human Rights reflects the principles of *al-'adl* (justice), *al-amānah* (trustworthiness), *maṣlaḥah* (public welfare), and *maqāṣid al-sharī'ah* as normative foundations for public administration in Islam.

Results and Discussion

1. Restructuring of the Ministry of Human Rights and Its Implications for the Authority of Regional Offices

The establishment of the Ministry of Human Rights as an independent ministry under Presidential Regulation No. 156 of 2024 represents a significant milestone in Indonesia's bureaucratic reform agenda aimed at strengthening the protection, promotion, fulfillment, and enforcement of human rights. According to Asshiddiqie (2011), institutional reform is an essential component of constitutional development in democratic governance. Human

rights institutions are expected to possess sufficient authority to ensure that constitutional guarantees are effectively implemented in public administration (Asshiddiqie, 2005).

The institutional restructuring has substantially affected the organizational structure at the regional level. Pursuant to Minister of Human Rights Regulation No. 2 of 2025, only twenty Regional Offices were established to serve thirty-eight provinces across Indonesia. Bagir Manan (2001) argues that institutional restructuring should balance administrative efficiency with the accessibility of public services. Consequently, several Regional Offices now exercise cross-provincial jurisdiction, including the South Sumatra Regional Office, whose authority extends to Bengkulu Province.

From the perspective of public administration, the restructuring reflects the principle of organizational efficiency through the consolidation of governmental functions. The integration of administrative jurisdictions is expected to improve coordination and optimize institutional resources. Nevertheless, empirical findings indicate that efficiency does not necessarily translate into greater service effectiveness, particularly when administrative responsibilities increase without proportional institutional capacity.

These challenges are particularly evident in Bengkulu Province, where Regional Offices are required to handle diverse human rights issues across ten regencies and municipalities. Recent cases involving educational rights, agrarian conflicts, environmental protection, and human trafficking demonstrate the growing complexity of regional human rights protection (Antara, 2024a; Antara, 2024b). Environmental disputes concerning mining activities have further highlighted the need for stronger institutional responses at the regional level (Betahita, 2024).

The study also found that the authority of Regional Offices remains predominantly administrative and coordinative. Their responsibilities include receiving public complaints, conducting administrative verification, facilitating mediation, monitoring complaint resolution, and submitting recommendations to competent institutions. Digital innovations such as the Human Rights Complaint Information System (SIMASHAM) have improved administrative services; however, they have not expanded the legal authority of Regional Offices to enforce recommendations (Fajri, 2021).

From the perspective of administrative law, the authority exercised by Regional Offices constitutes attributive authority conferred by statutory regulations. Abdillah (2026) emphasizes that effective human rights protection depends not only on legal recognition but also on the institutional capacity to implement human rights obligations. Consequently, the absence of enforcement authority limits the effectiveness of Regional Offices in resolving alleged human rights violations.

Islamic political jurisprudence views governmental authority as an *amanah* that must be exercised in accordance with justice and public welfare. Al-Alwani (1997) explains that public officials are morally obligated to exercise authority responsibly while maintaining fairness and accountability. These principles reinforce the importance of strengthening institutional authority to ensure effective human rights protection.

The findings reveal a gap between the objectives of establishing the Ministry of Human Rights and the institutional authority currently exercised by its Regional Offices. Strengthening regional human rights governance therefore requires not only organizational restructuring but also broader statutory authority, enhanced institutional capacity, and more effective inter-agency coordination to ensure comprehensive human rights protection.

2. Effectiveness of Handling Alleged Human Rights Violations by the Regional Office of the Ministry of Human Rights

The effectiveness of human rights protection is determined not only by the existence of

legal norms governing institutional authority but also by the capacity of public institutions to implement those norms effectively. According to Soerjono Soekanto's theory of legal effectiveness, the successful implementation of legal policies depends on the interaction of legal substance, law enforcement institutions, supporting facilities, society, and legal culture. These interconnected factors collectively determine whether a legal system is capable of achieving its intended objectives.

The findings indicate that the South Sumatra Regional Office of the Ministry of Human Rights, serving the Bengkulu Working Area, has implemented its authority through a structured administrative mechanism. The process begins with receiving public complaints, followed by administrative verification, preliminary legal assessment, coordination with relevant institutions, clarification of the parties involved, mediation where appropriate, monitoring of follow-up actions, and the submission of recommendations to institutions possessing substantive authority. This mechanism demonstrates that the Regional Office primarily functions as an administrative and non-litigation institution rather than as a law enforcement agency with coercive powers.

Normatively, these procedures are consistent with the authority granted under Minister of Human Rights Regulation No. 2 of 2025. Nevertheless, empirical findings reveal that the effectiveness of their implementation remains constrained by both structural and institutional factors. Interviews conducted with Regional Office officials indicate that the successful resolution of human rights complaints largely depends on the willingness of ministries, regional governments, and other public institutions to implement the recommendations issued by the Regional Office. Consequently, institutional commitment rather than formal legal authority has become the principal determinant of successful case resolution.

The cases handled in Bengkulu Province predominantly involve agrarian conflicts, deficiencies in public service delivery, violations of the right to education, indigenous peoples' rights, labor disputes, environmental rights, and the protection of vulnerable groups. Recent reports concerning educational rights, environmental disputes, and human trafficking illustrate the diversity and complexity of human rights challenges within the province (Antara, 2024a; Antara, 2024c). Environmental conflicts associated with mining activities further demonstrate that many human rights issues involve multiple government sectors and require coordinated institutional responses (Betahita, 2024).

Most of these cases extend beyond the jurisdiction of a single institution, requiring close collaboration among regional governments, technical ministries, law enforcement agencies, independent commissions, and civil society organizations. Under these circumstances, the Regional Office performs primarily as a coordinating institution responsible for facilitating communication and encouraging inter-agency cooperation. This collaborative approach is consistent with the development of integrated human rights governance that emphasizes coordination over institutional fragmentation (Fajri, 2021).

The research identified four principal factors limiting institutional effectiveness. The first concerns the absence of executive authority. Regional Offices are authorized only to issue administrative recommendations and lack the legal competence to compel compliance or impose sanctions on institutions that disregard those recommendations. This institutional limitation significantly weakens the practical effectiveness of administrative recommendations as instruments for protecting human rights. Abdillah (2026) argues that effective human rights protection requires institutions to possess not only normative authority but also sufficient institutional capacity to ensure implementation.

The second challenge relates to human resource limitations. Institutional restructuring was not accompanied by a proportional increase in personnel despite the expansion of regional jurisdictions. As a result, field investigations, mediation activities, complaint

monitoring, and public outreach programs cannot be conducted as intensively as required. The third challenge concerns geographical conditions. Bengkulu Province consists of widely dispersed regencies and municipalities, many of which are located in remote areas with limited transportation infrastructure. These geographical characteristics increase operational costs and prolong the resolution of complaints.

The fourth challenge concerns public understanding of the institutional mandate of the Regional Office. Many citizens continue to assume that the Ministry of Human Rights possesses authority comparable to that of judicial or law enforcement institutions. In reality, its mandate is limited to coordination, mediation, facilitation, and policy recommendations. This discrepancy between public expectations and institutional authority often leads to dissatisfaction with public services, despite the Regional Office acting within its legally prescribed competence (Asshiddiqie, 2005; Bagir Manan, 2001).

Despite these limitations, the study also identified several positive outcomes resulting from the institutional restructuring. The establishment of a dedicated Ministry of Human Rights has strengthened organizational focus on human rights issues, improved coordination between regional offices and the central government, enhanced the integration of reporting mechanisms, and supported more systematic policy analysis. Mediation-based dispute resolution has also proven effective in reducing tensions in several disputes involving local governments and community groups, particularly in cases where dialogue remained feasible.

Overall, the findings demonstrate that the establishment of a new ministry and institutional restructuring alone are insufficient to ensure effective human rights protection. A more comprehensive reform is required, including the expansion of statutory authority, strengthening institutional capacity, increasing human resources, improving digital complaint management systems, and establishing more binding mechanisms for inter-agency coordination. Such reforms are essential to bridge the gap between legal norms and their practical implementation while ensuring that the constitutional mandate to protect human rights is realized more effectively across Indonesia.

3. Analysis of the Authority of the Regional Office of the Ministry of Human Rights from the Perspective of Fiqh al-Siyāsah

The authority of the Regional Offices of the Ministry of Human Rights can be examined not only from the perspective of administrative law but also through the framework of *Fiqh al-Siyāsah*. Within the Islamic constitutional tradition, governmental authority is regarded as a public trust entrusted to state institutions to ensure justice, public welfare, and the protection of individual rights. Consequently, the legitimacy of a public institution depends not merely on its legal foundation but also on its capacity to realize the objectives of Islamic law (*maqāṣid al-sharī'ah*) through effective governance (Iqbal, 2014).

The concept of *siyāsah tanfidhiyyah* defines executive institutions as bodies responsible for translating legal norms into administrative actions that generate tangible public benefits. In this context, the Regional Offices of the Ministry of Human Rights represent the executive branch at the regional level and are mandated to promote, protect, fulfill, and enforce human rights. This authority should therefore be understood as a form of public trust (*al-amānah al-'āmmah*) that carries legal, administrative, and ethical responsibilities in serving society (Iqbal, 2014).

The principle of *al-amānah* requires public officials to exercise their authority with professionalism, transparency, and accountability. The findings demonstrate that the Regional Office has fulfilled this responsibility through complaint reception, administrative verification, clarification, mediation, coordination, monitoring, and the preparation of recommendations. These activities reflect the institutional commitment to carrying out its

statutory mandate in accordance with Minister of Human Rights Regulation No. 2 of 2025. Nevertheless, the implementation of this mandate remains constrained because the Regional Office exercises only administrative and coordinative authority without executive enforcement powers (Kementerian Hak Asasi Manusia Republik Indonesia, 2025).

The absence of enforcement authority significantly affects the realization of justice in human rights protection. Recommendations issued by the Regional Office rely heavily on the willingness of other government institutions to implement them. As a result, the effectiveness of human rights protection depends more on institutional cooperation than on the legal authority of the Regional Office itself. Similar challenges have been identified in previous studies, which argue that the gap between legal norms and institutional implementation remains one of the principal obstacles to human rights enforcement in Indonesia (Harijanti, 2018; Hakim, 2020).

From the perspective of *Fiqh al-Siyāsah*, this institutional condition indicates that the implementation of governmental authority has not yet fully achieved the principle of *al-'adl* (justice). Justice encompasses not only procedural fairness but also substantive justice that restores victims' rights, prevents future violations, and guarantees legal certainty. Accordingly, the effectiveness of handling alleged human rights violations should be assessed not only by the completion of administrative procedures but also by the extent to which those procedures produce meaningful legal protection and social justice (K. Smith, 2008).

The findings further reveal that the complaint-handling mechanism implemented by the Regional Office satisfies the requirements of procedural justice. Public complaints are received, administratively verified, clarified, mediated where appropriate, and concluded through written recommendations. However, these procedures do not always produce substantive justice because the recommendations issued by the Regional Office are not legally binding. Consequently, many cases conclude at the administrative stage without adequate assurance that corrective measures will actually be implemented by the responsible institutions (Kristanto Hendratono et al., 2025).

Viewed through the framework of *maqāṣid al-sharī'ah*, the authority exercised by the Regional Office contributes directly to the protection of the five essential objectives of Islamic law (*al-kulliyāt al-khams*). The resolution of agrarian disputes and public service complaints supports the protection of property (*hifẓ al-māl*), while the protection of victims of violence and discrimination promotes the preservation of life (*hifẓ al-nafs*). Likewise, safeguarding educational rights, freedom of religion, and human dignity reflects the protection of intellect (*hifẓ al-'aql*), religion (*hifẓ al-dīn*), and honor (*hifẓ al-'ird*). Human rights protection therefore represents an integral component of realizing the objectives of Islamic governance through public policy (Iqbal, 2014).

The establishment of the Ministry of Human Rights may also be interpreted through the doctrine of *maṣlaḥah mursalah*. Although the creation of a specialized ministry is not explicitly prescribed in classical Islamic legal sources, it is justified when it promotes greater public benefit and improves governmental performance. Institutional restructuring therefore reflects a policy intended to strengthen the effectiveness, specialization, and responsiveness of human rights governance in Indonesia, consistent with broader theories of democratic constitutional development and public administration (Latif, 2011; Mansur et al., 2021).

Empirical findings nevertheless indicate that institutional restructuring has not been accompanied by corresponding reforms in institutional authority. The creation of a new organizational structure has not been followed by stronger legal instruments enabling Regional Offices to ensure the implementation of their recommendations. From the perspective of *maṣlaḥah mursalah*, a public policy can only be considered successful when it

produces tangible public benefits (*jalb al-maṣāliḥ*) while simultaneously preventing potential harm (*dar' al-mafāsid*). Strengthening the statutory authority of Regional Offices therefore represents an essential prerequisite for achieving the intended objectives of institutional reform (Fitriyati, 2025).

The principle of *sadd al-dharī'ah* is equally relevant to this study because it emphasizes preventive governance by eliminating pathways that may lead to social harm. In the context of human rights protection, this principle requires the State not only to respond to violations after they occur but also to establish preventive mechanisms through public education, institutional supervision, human rights risk assessment, monitoring of public services, and strengthening compliance among public and private actors. Digital complaint systems and integrated monitoring mechanisms have also become important instruments for supporting preventive human rights governance in Indonesia (Fajri, 2021).

Based on these findings, this study proposes an Integrative Authority Model Based on *Fiqh al-Siyāsah* as its principal theoretical contribution. The model is founded upon four interrelated pillars: strengthening the regulatory framework governing the legal force of recommendations; enhancing institutional capacity through improved human resources, financial support, and adaptive organizational structures; reinforcing inter-agency coordination among Regional Offices, local governments, law enforcement agencies, the National Human Rights Commission, the Ombudsman, and other relevant institutions; and internalizing the ethical principles of *al-amānah*, *al-'adl*, *maṣlaḥah*, and accountability within public administration. Unlike previous studies that primarily examine institutional authority from legal or administrative perspectives, this model integrates administrative law theory with *Fiqh al-Siyāsah* to provide a comprehensive framework for strengthening regional human rights governance and improving the effectiveness of human rights protection in Indonesia (Hadjon, 2011; Kasim, 2001).

Conclusion

The establishment of the Ministry of Human Rights as an independent institution through Indonesia's recent institutional restructuring has marked an important step toward strengthening the national human rights protection system. The findings of this study demonstrate that the Regional Offices of the Ministry of Human Rights have fulfilled their statutory responsibilities by receiving public complaints, conducting administrative verification, facilitating mediation, coordinating with relevant institutions, monitoring case developments, and issuing recommendations. Nevertheless, the authority exercised by Regional Offices remains predominantly administrative and coordinative, without executive powers to enforce recommendations or impose sanctions. As a result, the effectiveness of handling alleged human rights violations largely depends on the commitment and cooperation of other government institutions, limiting the Regional Offices' capacity to provide comprehensive and effective human rights protection.

From the perspective of *Fiqh al-Siyāsah*, the authority of the Regional Offices constitutes a form of public trust (*al-amānah*) that should be exercised to realize justice (*al-'adl*), public welfare (*maṣlaḥah*), and the objectives of Islamic law (*maqāṣid al-sharī'ah*). Although the current institutional framework reflects these normative principles through administrative services and non-litigation dispute resolution, the absence of stronger legal authority prevents the full realization of substantive justice. This study therefore proposes an Integrative Authority Model Based on *Fiqh al-Siyāsah*, emphasizing four strategic dimensions: strengthening the regulatory framework, enhancing institutional capacity, improving inter-agency coordination, and reinforcing ethical governance based on the

principles of *al-amānah*, *al-'adl*, *maṣlaḥah*, and accountability. The proposed model provides a conceptual contribution to the development of human rights governance and offers policy recommendations for improving the effectiveness of regional human rights protection in Indonesia.

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