

# Comparative Study of Human Rights Protection: An Analysis between Germany and Indonesia

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## Abstract

*This study aims to compare the issue of human rights protection between Germany, which is among the top five rule of law indexes, and Indonesia, which is in the middle position. The research is normative legal research, relying primarily on secondary sources in the form of legal materials, particularly constitutions and statutes. The result of the study shows that Germany has a strong legal system and high public awareness of human rights, which contributes to the implementation of human rights protection more effectively than Indonesia. Germany has consistently shown improvements in fundamental rights, while Indonesia still faces challenges in the implementation of fair legal processes, legal oversight, and social norms that are still discriminatory. Although Indonesia has made democratic progress, there is still a need for legal system reform, harmonization of laws, and increased public awareness to improve human rights protection. Indonesia must strengthen and harmonize human rights laws, reform the judiciary for greater independence, and establish an independent authority for personal data protection. It is crucial to change discriminatory social norms, clarify religious freedom laws, address religious minority discrimination, improve labor supervision, and enhance the role of trade unions for better human rights protection.*

**Keywords:** Germany and Indonesia; Human Rights Protection; Rule of Law Index.

## 1. Introduction

The rule of law is essential for peace, justice, human rights, democracy, and sustainable development. The World Justice Project's Rule of Law Index reports that over six billion people live in countries with weakening rule of law, marked by power abuse, declining human rights, and poor justice systems. The Index's framework includes eight factors, one being Human Rights. This study will compare and analyze the protection of human rights between Germany and Indonesia, because out of 142 countries in the world, Germany is ranked 5th with an overall score of 0.83, while Indonesia is ranked 66th with an overall score of 0.53. For the fundamental rights factor, Germany recorded a score of 0.86, while Indonesia recorded a score of 0.50.<sup>1</sup> Germany's dark period under the Nazi regime led to constitutional changes designed to prevent such events from recurring and to protect international human rights. As a result, Germany now ranks among the top five countries in the WJP Rule of Law Index.<sup>2</sup> This fact is

<sup>1</sup> Andrej. Bukovnik and others, *The World Justice Project: Rule of Law Index 2023* (Washington DC: World Justice Project, 2022).

<sup>2</sup> Olga P. Zubets, "Non-Killing as the Primary Act," *Ethical Thought* 21, no. 2 (2021): 48-61, <https://doi.org/10.21146/2074-4870-2021-21-2-48-61>.

interesting to analyze and compare with Indonesia which occupies a middle position to take lessons for improvement.

The German Constitutional Court affirmed its right to review the application of EU law in Germany to protect basic rights.<sup>3</sup> While Germany's compliance with international human rights law is generally positive, there are challenges such as delays and variations in the level of compliance with various bilateral agreements.<sup>4</sup> The interaction between the international legal order and the German domestic legal system reflects nationalist and *sovereigntist* trends, resulting in contradictions between domestic and international law.<sup>5</sup> In Germany, although the legal framework of basic rights that includes vertical and horizontal application and interaction with European legal sources supports compliance with human rights, there are challenges in the form of contradictions between domestic and international law, as well as variations and delays in the level of compliance with various treaties, influenced by nationalist and *sovereigntist* trends.

Indonesia has undergone a significant shift from authoritarianism to democracy, making human rights a major issue that needs to be addressed.<sup>6</sup> Resolving past gross human rights violations requires tailored judicial and extrajudicial approaches, considering each case's complexity and sensitivity, using reconciliation or courts as appropriate.<sup>7</sup> Despite Indonesia's democratic progress, the reform government's failure to resolve gross human rights violations from the New Order era remains a significant obstacle, as ad hoc Human Rights Courts have not succeeded in uncovering the truth or delivering justice and reconciliation.<sup>8</sup> As a democratic nation, Indonesia regulates and protects human rights, striving to eliminate discrimination against women to uphold national values and dignity and achieve gender equality in the era of globalization.<sup>9</sup> On the other hand, human rights regulations in Indonesia and the Constitutional Court's decisions tend to emphasize a particularistic paradigm that justifies restrictions on civil liberties and rights, due to the dominance of cultural relativism.<sup>10</sup> The

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<sup>3</sup> Karsten Schneider, "The Constitutional Status of Karlsruhe's Novel 'Jurisdiction' in EU Fundamental Rights Matters: Self-Inflicted Institutional Vulnerabilities," *German Law Journal* 21 (2020): 19–26, <https://doi.org/10.1017/glj.2020.17>.

<sup>4</sup> Nicola Wenzel, "Under the Watchful Eyes of the Federal Constitutional Court: Compliance in Germany," in *Research Handbook on Compliance in International Human Rights Law* (Human Rights Unit, German Federal Ministry of Justice, Germany: Edward Elgar Publishing Ltd., 2021), 75–94, <https://doi.org/10.4337/9781788971126.00012>.

<sup>5</sup> Gulnara Shaikhutdinova, "Sovereigntism and Nationalism: Consequences for the Fragmentation of International Law," *Ideology and Politics Journal*, 2021, 115–30, <https://doi.org/10.36169/2227-6068.2021.01.00006>.

<sup>6</sup> I. Made Subawa et al., "Observance of the Legal Choice for the Settlement of Indonesia's Past Gross Violations of Human Rights," *Juridika* 39, no. 2 (May 17, 2024): 231–56, <https://doi.org/10.20473/ydk.v39i2.44828>.

<sup>7</sup> Suparman Marzuki and Mahrus Ali, "The Settlement of Past Human Rights Violations in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023), <https://doi.org/10.1080/23311886.2023.2240643>.

<sup>8</sup> Mirza Satria Buana, "A Realistic Perspective to Transitional Justice: A Study of Its Impediments in Indonesia," *Journal of Southeast Asian Human Rights* 4, no. 2 (2020): 406–26, <https://doi.org/10.19184/jseahr.v4i2.8395>.

<sup>9</sup> Suparnyo, "Protection Of Women's Rights In The Era Of Globalization To Maintain Nation's Value And Dignity," *Journal of Critical Reviews* 7, no. 06 (April 1, 2020): 733–37, <https://doi.org/10.31838/jcr.07.06.129>.

<sup>10</sup> Suparman Marzuki, "Assessing the Conformity of Human Rights Paradigm in Indonesian Legislation and the Rulings of the Constitutional Court," *Academic Journal of Interdisciplinary Studies* 12, no. 4 (2023): 239–47, <https://doi.org/10.36941/ajis-2023-0110>.

implementation of international obligations in Indonesia shows that international agreements must be converted into national regulations first according to the theory of dualism, before they can be enforced by the courts as a legal basis.<sup>11</sup>

In addition, corruption in Indonesia violates economic, social, and cultural rights, and needs to be mainstreamed as a human rights violation through comprehensive studies and ongoing training for law enforcement agencies.<sup>12</sup> The limitations of Indonesia's policies in strengthening global human rights governance, especially at the United Nations, are influenced by its historical memory in protecting its territorial integrity and its role as the voice of developing countries.<sup>13</sup> Indonesia's capacity to prevent future mass atrocities must also consider the influence of the central government, the community, and NGOs.<sup>14</sup>

Previous research shows that, in the year 2020, the German Federal Constitutional Court handed down a landmark judgment that saw the protection of fundamental rights being extended beyond German territory and highlighted the necessity for the Federal Intelligence Service to ensure that its cooperation partners respected human rights.<sup>15</sup> This will fall in line with Germany's larger attempt to safeguard human rights, as attested to by its recent adoption in 2021 of the Law on Supply Chain Due Diligence that makes companies obligatory to carry out human rights due diligence.<sup>16</sup> Contrary to these legal developments, however, a trend study in Germany found that there has been almost no change in societal attitudes towards the protection of human rights over the last ten years, especially with regard to job opportunities for those with mental illnesses.<sup>17</sup> Human rights laws and policies in Indonesia are significantly shaped by the country's ideology and government regime, which influence the direction of legal politics in human rights protection.<sup>18</sup> While Indonesia has increased its participation in international human rights agreements, progress in human rights law has been limited since the 1988 reform, with persistent violations continuing to be a concern.<sup>19</sup> Challenges related to religious discrimination are evident, with laws and practices often

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<sup>11</sup> Kholis Roisah et al., "Dynamics And Practices Of The Implementation Of International Treaties In Indonesian Laws," *Military Res* 12, no. 2 (2022): 2797–2806.

<sup>12</sup> Mahrus Ali, Andi Mulyono, and Syarif Nurhidayat, "The Application of a Human Rights Approach toward Crimes of Corruption: Analyzing Anti-Corruption Regulations and Judicial Decisions," *Laws* 12, no. 4 (2023), <https://doi.org/10.3390/laws12040068>.

<sup>13</sup> Moch Faisal Karim, "The Limits of Global Human Rights Promotion: Indonesia's Ambivalent Roles in the UN Human Rights Council," *Contemporary Politics* 26, no. 3 (2020): 351–70, <https://doi.org/10.1080/13569775.2020.1720065>.

<sup>14</sup> Ririn Tri Nurhayati, "Assessing Indonesia's Capacity for Preventing Mass Atrocities," *Global Responsibility to Protect* 12, no. 4 (2020): 415–39, <https://doi.org/10.1163/1875-984X-01204009>.

<sup>15</sup> Katrin Kappler, 'Consequences of the German Constitutional Court's Ruling on Germany's Foreign Intelligence Service: The Importance of Human Rights in the Cooperation of Intelligence Services', *German Law Journal*, 23.2 (2022), 173–85 <<https://doi.org/10.1017/glj.2022.12>>.

<sup>16</sup> Markus Krajewski, Kristel Tonstad, and Franziska Wohltmann, 'Mandatory Human Rights Due Diligence in Germany and Norway: Stepping, or Striding, in the Same Direction?', *Business and Human Rights Journal*, 6.3 (2021), 550–58 <<https://doi.org/10.1017/bhj.2021.43>>.

<sup>17</sup> Georg Schomerus and others, 'Public Attitudes towards Protecting the Human Rights of People with Mental Illness: A Scoping Review and Data from a Population Trend Study in Germany', *International Review of Psychiatry*, 35.2 (2023), 167–79 <<https://doi.org/10.1080/09540261.2022.2087494>>.

<sup>18</sup> Virdatul Anif and Galuh Mustika Dewi, 'Quo Vadis of Politics of Law of Human Rights Protection Policy in Indonesia', *Lex Scientia Law Review*, 1.1 (2017), 5–18 <<https://doi.org/10.15294/lesrev.v1i01.19453>>.

<sup>19</sup> Laode Husen and others, 'Implementation of Legal Guarantees for Human Rights Protection in Indonesia', *Journal of Law and Sustainable Development*, 11.4 (2023) <<https://doi.org/10.55908/sdgs.v11i4.624>>.

conflicting with international human rights standards, and the state facing criticism for failing to protect its citizens from religious intolerance and violence.<sup>20</sup>

Its uniqueness is in comparing how historical, legal, and political contexts shape the regime of human rights enforcement between Germany and Indonesia. In this way, the study basically highlights main divergences and similarities between the advanced human rights system in Germany and the ongoing challenges in Indonesia. This article reflects how human rights practices by historical legacies, constitutional frameworks, and international compliance have influenced the impacts of nationalism, cultural relativism, and governance on human rights laws within their boundaries. This current research questions the variances in the implementation and effectiveness of human rights protection mechanisms between Indonesia and Germany, based on both countries' constitutions and the Rule of Law Index from the World Justice Project, the reasons for these variations, and steps that Indonesia might take to strengthen human rights protection through legal reforms and adjustments to social norms in a way that meets international standards.

This research compares human rights protection between Germany and Indonesia. It is revealed that Germany has far better implementation and is more stable due to its strong legal system, public awareness, and commitment to human rights. In contrast, fair legal enforcement in Indonesia is still a problem, along with getting rid of discriminatory social norms. Improving on this situation would require a reformation of the legal system in Indonesia, with increased monitoring and changes in social norms which could condone discrimination as well as establishment of religious freedom laws to clarify such incidences and protect labor rights.

## 2. Method

This research is doctrinal in nature and examines secondary data, including constitutions, laws, and regulations. It employs a constitutional, statutory, conceptual, comparative, and interpretive approach.<sup>21</sup> The data is analyzed using content analysis to draw conclusions and formulate recommendations.<sup>22</sup>

## 3. Discussion and Analysis

The German Constitution declares that human dignity is inviolable, by recognizing inalienable human rights as the basis of every community and justice in the world, and binding all state authorities as a law of direct force. Likewise, the Indonesian constitution also regulates human rights including freedom of association, expression, religion, the right to life and dignity,<sup>23</sup> equality before the law, social security, and protection from discrimination and torture, to ensure the welfare, dignity, and freedom of individuals in Indonesian society. Although the constitutions of the two countries regulate the protection of human rights, the

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<sup>20</sup> Justiani Liem, Saurip Kadi, and Gregorius Neonbasu, 'Human Right Violation Through State Terrorism in Indonesia: The Case of Millah Abraham Movement', *International Journal on Minority and Group Rights*, 2024 <<https://doi.org/10.1163/15718115-bja10149>>.

<sup>21</sup> Irwansyah, *Legal Research, Choice of Writing Methods and Practices*, ed. Ahsan Yunus, Cet-4, Mirra Buana Media, Yogyakarta, 2020.

<sup>22</sup> Klaus Krippendorff, *Content Analysis An Introduction to Its Methodology*, 2nd Editio (London: SAGE Publications, 2004) <<https://doi.org/10.1103/PhysRevB.31.3460>>.

<sup>23</sup> Fadhlina Alias and others, 'Preserving Patient Autonomy at the End of Life: A Legal Appraisal of the Position of Advanced Medical Directives in Malaysia and Indonesia', *Malaysian Journal of Syariah and Law*, 12.2 (2024), 296-310 <<https://doi.org/10.33102/mjssl.vol12no2.679>>.

realization achievements are different. The comparison of the World Justice Project Rule of Law Index between Germany and Indonesia in 2013-2023 is as shown in Table 1.

Table 1. Comparison of the World Justice Project Rule of Law Index between Germany and Indonesia in 2013-2023

Factor & Sub-Factor	2013	2014	2015	2016	2018	2019	2020	2021	2022	2023
<b>German</b>										
<b>Fundamental Rights</b>	<b>0.80</b>	<b>0.84</b>	<b>0.87</b>	<b>0.86</b>	<b>0.85</b>	<b>0.85</b>	<b>0.85</b>	<b>0.85</b>	<b>0.85</b>	<b>0.86</b>
Equal treatment and absence of discrimination	0.77	0.78	0.76	0.77	0.75	0.78	0.78	0.78	0.78	0.77
The right to life and security of the person is effectively guaranteed	0.89	0.89	0.92	0.93	0.94	0.94	0.95	0.95	0.95	0.96
Due process of the law and rights of the accused	0.77	0.78	0.82	0.83	0.83	0.82	0.83	0.84	0.83	0.84
Freedom of opinion and expression is effectively guaranteed	0.8	0.90	0.91	0.87	0.86	0.85	0.85	0.84	0.84	0.84
Freedom of belief and religion is effectively guaranteed	0.81	0.85	0.86	0.85	0.85	0.84	0.84	0.85	0.85	0.86
Freedom from arbitrary interference with privacy is effectively guaranteed	0.78	0.79	0.84	0.81	0.81	0.79	0.81	0.82	0.83	0.84
Freedom of assembly and association is effectively guaranteed	0.81	0.91	0.93	0.91	0.90	0.90	0.90	0.90	0.90	0.90
Fundamental labor rights are effectively guaranteed	0.79	0.82	0.87	0.86	0.86	0.85	0.85	0.84	0.84	0.85
<b>Indonesian</b>										
<b>Fundamental Rights</b>	<b>0.56</b>	<b>0.54</b>	<b>0.51</b>	<b>0.52</b>	<b>0.51</b>	<b>0.52</b>	<b>0.52</b>	<b>0.51</b>	<b>0.50</b>	<b>0.50</b>
Equal treatment and absence of discrimination	0.47	0.51	0.42	0.44	0.42	0.39	0.39	0.44	0.46	0.46
The right to life and security of the person is effectively guaranteed	0.48	0.49	0.48	0.52	0.51	0.51	0.51	0.50	0.50	0.48
Due process of the law and rights of the accused	0.39	0.35	0.33	0.35	0.36	0.40	0.41	0.37	0.37	0.40
Freedom of opinion and expression is effectively guaranteed	0.74	0.74	0.74	0.74	0.67	0.67	0.68	0.66	0.64	0.64
Freedom of belief and religion is effectively guaranteed	0.51	0.45	0.47	0.41	0.43	0.46	0.45	0.42	0.43	0.42
Freedom from arbitrary interference with privacy is effectively guaranteed	0.47	0.48	0.39	0.36	0.38	0.43	0.41	0.38	0.36	0.36
Freedom of assembly and association is effectively guaranteed	0.83	0.71	0.72	0.71	0.66	0.66	0.67	0.64	0.63	0.63
Fundamental labor rights are effectively guaranteed	0.61	0.56	0.54	0.61	0.60	0.60	0.61	0.64	0.63	0.63

Source: World Justice Project Rule 2023

Based on Table 1, it is known that in the 2013-2023 period, the World Justice Project Rule of Law Index shows that there are significant differences in human rights protection factors between Germany and Indonesia. Germany showed steady improvements in fundamental



rights such as freedom of opinion, freedom of religion, and guarantees of life and personal security, with scores rising from 0.80 to 0.86 for human rights in 2023. Meanwhile, Indonesia experienced a variation in scores that mostly tended to be stable or declining in several aspects such as the protection of basic rights, fair legal process, and freedom from discrimination. Despite improvements in some areas such as fair due process, with the score increasing from 0.33 in 2015 to around 0.40 in 2023, Indonesia still presents challenges in ensuring consistent protection of human rights and civil liberties throughout the period. The discussion of each sub-factor of the human rights protection factor between the two countries is as follows.

This part of the discussion includes comparisons between human rights protection in Germany and Indonesia, based on some sub-factors from the Rule of Law Index of the World Justice Project. The following aspects will be assessed: equal treatment and the absence of discrimination; guarantees of the right to life and security; due process of law; freedom of opinion and expression; freedom of religion; protection from arbitrary interference with privacy.

### 3.1. Equal treatment and Absence of Discrimination

The principle of non-discrimination is a cornerstone of EU law in Germany, encompassing race, religion, disability, age, and sexual orientation,<sup>24</sup> and is protected by both the national constitution and the EU Charter of Fundamental Rights.<sup>25</sup> Protection against equal treatment in the workplace is regulated by Council Directive 2000/78/EC, which establishes a general framework for preventing discrimination in work and position, although there are exceptions related to religion or belief.<sup>26</sup> Over a quarter of Germany's adult population reports discrimination in health services, particularly related to disability, with low-socioeconomic groups, migrants, women, and young people often victimized, highlighting significant challenges in achieving justice.<sup>27</sup> This discrimination harms individuals' mental and physical health, affects health access and behavior, and underscores the importance of understanding structural and institutional aspects.<sup>28</sup>

Indonesia has amended its constitution to include human rights, including the right to be free from discrimination and equality before the law.<sup>29</sup> In the justice system, the crucial role

<sup>24</sup> Christa Tobler, "General Principles of Equal Treatment in EU Non-Discrimination Law," in *Research Handbook on General Principles in EU Law: Constructing Legal Orders in Europe* (Universities of Basel, Switzerland: Edward Elgar Publishing Ltd., 2020), 351–66, <https://doi.org/10.4337/9781784712389.00029>.

<sup>25</sup> Bart Custers, "Reconsidering Discrimination Grounds in the Data Economy: An EU Comparison of National Constitutions," *Computer Law and Security Review* 50 (2023), <https://doi.org/10.1016/j.clsr.2023.105851>.

<sup>26</sup> Łukasz Waclaw, "Exceptions to the prohibition of discrimination on the grounds of religion or belief in employment under Article 4 of Directive 2000/78/EC," *Studia z Prawa Wyznaniowego* 24 (2021): 473–93, <https://doi.org/10.31743/spw.11567>.

<sup>27</sup> Olaf von dem Knesebeck and Jens Klein, "Perceived Discrimination in Health Care in Germany—Results of a Population Survey," *International Journal for Equity in Health* 23, no. 1 (2024), <https://doi.org/10.1186/s12939-024-02132-4>.

<sup>28</sup> Katja Kajikhina et al., "Racism and discrimination in the context of health inequalities—a narrative review," *Bundesgesundheitsblatt - Gesundheitsforschung - Gesundheitsschutz* 66, no. 10 (2023): 1099–1108, <https://doi.org/10.1007/s00103-023-03764-7>.

<sup>29</sup> Mohammad Ibrahim, "The Judicialisation of Discrimination in the Indonesian Constitutional Court," *International Journal of Discrimination and the Law* 22, no. 2 (2022): 125–51, <https://doi.org/10.1177/13582291221094923>.

in implementing human rights includes constitutional, criminal, and private law, as well as integrating international comparative perspectives.<sup>30</sup> Further efforts are made by issuing Supreme Court Regulation Number 3 of 2017 on Guidelines for Adjudicating Cases of Women Facing the Law to overcome discriminatory practices in court proceedings.<sup>31</sup> Social norms designating mothers as primary caregivers hinder women's economic participation in the formal sector. Public information campaigns challenging these norms can boost women's participation, reduce family economic pressures and violence, improve household well-being and income, and aid post-pandemic economic recovery.<sup>32</sup>

The principle of non-discrimination in EU law in Germany covers aspects such as race, religion, disability, age, and sexual orientation, which are protected by the EU constitution and the Charter of Fundamental Rights. Although workplace protection is regulated by Council Directive 2000/78/EC, more than a quarter of the adult population in Germany reports discrimination in health care, especially related to disability, which indicates challenges in achieving justice. The impact of this discrimination is detrimental to mental and physical health and access to health services, emphasizing the importance of understanding structural and institutional aspects. In Indonesia, the constitution has been amended to include the human rights, and efforts to implement human rights are carried out through regulations such as Supreme Court Regulation Number 3 of 2017. However, social norms hinder gender equality in women's economic participation. Recommendations for Indonesia include strengthening gender equality campaigns, improving the implementation of human rights in the legal system, and ensuring effective anti-discrimination policies in various sectors.

### 3.2. The Guarantee of the Right to Life and Security of Individual

The German legal system guarantees the right to life and security of individuals through the Federal Republic Constitution, which includes protection from attacks by others and the right to exercise property rights on equal terms.<sup>33</sup> The social state principle in Germany, rooted in the *Rechtsstaat*, promotes equal infrastructure and protects human dignity and freedom.<sup>34</sup> The Federal Constitutional Court mandates the state to ensure a minimum subsistence for those in need, aligning with international standards and the European Convention on personal life, family, and health services.<sup>35</sup> In addition, the German Federal Constitutional Court has

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<sup>30</sup> Aksel Tømte and Eko Riyadi, *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia*, *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia* (Norwegian Centre for Human Rights, University of Oslo, Norway: Taylor and Francis, 2024) <<https://doi.org/10.4324/9781003431350>>.

<sup>31</sup> Rika Saraswati, "Gender Bias in Indonesian Courts: Is Perma No. 3 of 2017 the Solution for Gender-Based Violence Cases?," *Laws* 10, no. 1 (2021), <https://doi.org/10.3390/laws10010002>.

<sup>32</sup> Lisa Cameron, "Gender Equality and Development: Indonesia in a Global Context," *Bulletin of Indonesian Economic Studies* 59, no. 2 (2023): 179–207, <https://doi.org/10.1080/00074918.2023.2229476>.

<sup>33</sup> Christoph Enders, "Social and Economic Rights in the German Basic Law? An Analysis with Respect to Jurisprudence of the Federal Constitutional Court," *Constitutional Review* 6, no. 2 (2020): 190–209, <https://doi.org/10.31078/consrev621>.

<sup>34</sup> Karl Peter Sommermann, "Constitutional State and Public Administration," in *Governance and Public Management* (German Research Institute for Public Administration, Speyer, Germany: Palgrave Macmillan, 2021), 17–33, [https://doi.org/10.1007/978-3-030-53697-8\\_2](https://doi.org/10.1007/978-3-030-53697-8_2).

<sup>35</sup> Paweł Kwiatkowski, "European Standard for the Protection of Patients' Lives," *Adam Mickiewicz University Law Review* 14 (2022): 119–38, <https://doi.org/10.14746/ppuam.2022.14.06>.

affirmed the right to end life independently as an individual's free will, with demands that lawmakers protect the safety of vulnerable people in such situations.<sup>36</sup>

Indonesia actively participates in international human rights treaties and expects ratification to enhance rights protection. However, enforcing human rights and the rule of law faces challenges due to a weakened legal system and various political, economic, and social factors.<sup>37</sup> The constitution guarantees political asylum and freedom from torture, but politicized immigration policies affect the government's humanitarian aid to asylum seekers and refugees.<sup>38</sup> Ensuring the right to life and security faces challenges with the National Health Insurance, which often receives complaints about denied services and inactive social welfare participant numbers.<sup>39</sup> Although there is a public health insurance program, its implementation is not evenly distributed.<sup>40</sup> In addition, the protection of traditional cultural expressions is not in accordance with legal ideals due to the absence of a clear identification process.<sup>41</sup>

### 3.3. Due Process of the Law and Rights of the Accused

The protection of the accused's rights in the German legal system is shaped by historical and cultural factors, with the procedural legal process evolving from the Magna Carta to the modern constitution, ensuring fair trials, especially in non-criminal and civil cases.<sup>42</sup> In Germany, the concept of due process includes judicial procedures, equality before the law, criminal offense arrangements, punishment, victim protection, and the right to appeal in higher courts.<sup>43</sup> Due process is a demand for international agreements on human rights and modern state constitutions,<sup>44</sup> which have been implemented in countries with common law

<sup>36</sup> Ute Lewitzka, "Suicide prevention in the context of assisted suicide," *Nervenarzt* 93, no. 11 (2022): 1112-24, <https://doi.org/10.1007/s00115-022-01382-3>.

<sup>37</sup> Laode Husen et al., "Implementation of Legal Guarantees for Human Rights Protection in Indonesia," *Journal of Law and Sustainable Development* 11, no. 4 (2023), <https://doi.org/10.55908/sdgs.v11i4.624>.

<sup>38</sup> Bilal Dewansyah and Ratu Durotun Nafisah, "The Constitutional Right to Asylum and Humanitarianism in Indonesian Law: 'Foreign Refugees' and PR 125/2016," *Asian Journal of Law and Society* 8, no. 3 (2021): 536-57, <https://doi.org/10.1017/als.2021.8>.

<sup>39</sup> Arief Budiono et al., "The Anachronism of the Indonesian Social Security Policy in Health," *Medico-Legal Update* 19, no. 1 (2019): 229-33, <https://doi.org/10.5958/0974-1283.2019.00046.X>.

<sup>40</sup> A. A.A.N. Tini Rusmini Gorda, Ni Nyoman Juwita Arsawati, and I. Gusti Ayu Eviani Yuliantari, "Responsibilities of Regional Government Related to Fulfillment of Citizenship Rights in Health Services," *International Journal of Civil Engineering and Technology* 9, no. 11 (2018): 2745-51.

<sup>41</sup> Fadjar Ramdhani Setyawan, Sudarsono, and Yuliati, "Inconsistency of the Concept of Legal Protection of Traditional Cultural Expressions with Theory of Legal Ideals," *De Jure: Journal of Law and Sharia* 13, no. 1 (2021): 126-39, <https://doi.org/10.18860/j-fsh.v13i1.10025>.

<sup>42</sup> Ricardo Lillo Lobos, "Origins of the Due Process Clause. The Magna Carta Until Its Incorporation in the American Bill of Rights," 2022, 167-79, [https://doi.org/10.1007/978-3-030-95534-2\\_9](https://doi.org/10.1007/978-3-030-95534-2_9).

<sup>43</sup> Sri Wiyanti Eddyono, "The Relationship between Human Rights and Criminal Law: A Human Rights-Based Criminal Justice System," in *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia* (Criminal Law Department, Gadjah Mada University (UGM), Indonesia: Taylor and Francis, 2024), 114-35, <https://doi.org/10.4324/9781003431350-7>.

<sup>44</sup> Liliia Matvieieva et al., "Legal Process in the National Legal Doctrine of Ukraine through the Scope of the Case Law of the European Court of Human Rights," *International Journal for Court Administration* 13, no. 2 (August 10, 2022), <https://doi.org/10.36745/ijca.411>.



and civil law systems such as Singapore,<sup>45</sup> the Netherlands, Australia,<sup>46</sup> Lithuania, Portugal,<sup>47</sup> Poland, and Germany.<sup>48</sup>

The use of video conferencing technology in the corruption court is considered an effective solution to overcome delays in the trial process, ensuring efficiency and speed without ignoring the principles of criminal procedure law.<sup>49</sup> The implementation of wiretapping in corruption cases in Indonesia has not fully adhered to the due process model, so it can threaten the right to privacy and independence in the eradication of corruption.<sup>50</sup> Indonesia's criminal justice system prioritizes crime control through legal processes,<sup>51</sup> resulting in high rates of arrests, prosecutions, convictions, and detentions, resembling an authoritarian state more than a state of law.<sup>52</sup> Additionally, limited regulations on compensation and restitution leave many crime victims without their rights.<sup>53</sup>

In Germany, the protection of the rights of defendants is influenced by history and culture, with the principle of due process prioritizing human rights despite the conflict between fact-finding and the protection of individual rights. In contrast, in Indonesia, the implementation of due process faces challenges such as irregularities in electronic trials during the pandemic, privacy-threatening wiretapping, and excessive focus on crime control that resembles the practice of authoritarian states. Recommendations for Indonesia include strengthening the protection of the rights of defendants by consistently implementing due

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<sup>45</sup> Junianto James Losari, "Geography Has Little Impact: A Comparative Study on the Role of Judges in Singapore and Indonesia in the Taking of Evidence in Civil Proceedings," *Asia Pacific Law Review* 32, no. 1 (January 2, 2024): 190–212, <https://doi.org/10.1080/10192557.2023.2274635>.

<sup>46</sup> Julie Fraser, "Bringing the Law to Life: Judicial Operationalization of International Human Rights Law in the Domestic Sphere," in *International Human Rights and Local Courts: Human Rights Interpretation in Indonesia* (Netherlands Institute of Human Rights (SIM), Netherlands: Taylor and Francis, 2024), 36–56, <https://doi.org/10.4324/9781003431350-3>.

<sup>47</sup> Eugénio Pereira Lucas et al., "Due Process and Cross-Border Enforcement in Lithuania and Portugal," in *Ius Gentium*, vol. 111 (Politécnico de Leiria, Leiria - IJP, Porto, Portugal: Springer Science and Business Media B.V., 2023), 365–83, [https://doi.org/10.1007/978-3-031-47108-7\\_16](https://doi.org/10.1007/978-3-031-47108-7_16).

<sup>48</sup> Cezary Kulesza, "Conflict between the Rights of Victim of a Crime and the Rights of the Accused under the German and Polish Justice System in the Context of the Case-Law of European Courts," *Studia Iuridica Lublinensia* 29, no. 4 (2020): 135–64, <https://doi.org/10.17951/sil.2020.29.4.135-164>.

<sup>49</sup> Nani Mulyati, Lucky Raspati, and Aria Zurnetti, "Bridging the Distance: The Use of Videoconferencing Technology in Corruption Courts in Indonesia," in *Challenges of Law and Governance in Indonesia in the Disruptive Era II* (Faculty of Law, Andalas University, Padang, Indonesia: Nova Science Publishers, Inc., 2021), 277–91.

<sup>50</sup> Hwian Christianto, "From Crime Control Model to Due Process Model: A Critical Study of Wiretapping Arrangement by the Corruption Eradication Commission of Indonesia," *PADJADJARAN Journal of Law (Journal of Law)* 07, no. 03 (January 2021): 421–42, <https://doi.org/10.22304/pjih.v7n3.a7>.

<sup>51</sup> Rizaldy Anggriawan and Muh. Endriyo Susila, 'Corporate Investment Fraud: Exploring Criminal Liability and the Legal Framework in Indonesian Context', *Law and Justice*, 8.2 (2023), 226–42 <<https://doi.org/10.23917/laj.v8i2.2885>>.

<sup>52</sup> Fachrizal Afandi and Adriaan Bedner, "Between Upholding the Rule of Law and Maintaining Security: Criminal Justice Actors in Indonesia's Constitution," in *Constitutional Democracy in Indonesia* (Law Faculty, University of Brawijaya (UB), Malang, Indonesia: Oxford University Press, 2023), 67–88, <https://doi.org/10.1093/oso/9780192870681.003.0004>.

<sup>53</sup> Mahrus Ali et al., "Compensation and Restitution for Victims of Crime in Indonesia: Regulatory Flaws, Judicial Response, and Proposed Solution," *Cogent Social Sciences* 8, no. 1 (2022), <https://doi.org/10.1080/23311886.2022.2069910>.

process,<sup>54</sup> ensuring compensation for victims of crime, and using technology wisely without neglecting the principles of fair law.

### 3.4. The Guarantee of Freedom of Opinion and Expression

The protection of freedom of expression is considered a fundamental human right in modern democracies, allowing for the personal development of individuals and the proper functioning of democratic processes.<sup>55</sup> The debate in German civil courts over social media platforms' content regulation versus users' freedom of expression highlights contemporary challenges. Post-World War II recognition of freedom of expression as a fundamental human right demonstrates the state's commitment to democracy and individual rights.<sup>56</sup> Research in Germany indicates that most people feel freedom of opinion is restricted, influenced by political leanings, conflict resolution methods, sanctions for opinion expression, and media awareness and usage.<sup>57</sup> A German court negotiated tensions between social media content regulation and freedom of expression, with the *Bundesgerichtshof* ruling against Facebook but upholding the platform's right to regulate and remove hate content.<sup>58</sup> German laws protecting digital freedom of expression, like the NetzDG and the Interstate Media Treaty, emphasize procedural content moderation favoring valuable and useful content, introducing a new regulatory approach for digital platforms.<sup>59</sup> The NetzDG, targeting hate speech and misinformation, has raised concerns about its alignment with the e-Commerce Directive and its impact on freedom of expression, leading to discussions about more human rights-friendly alternatives.<sup>60</sup> The EU Directives on copyright in digital markets seek to balance basic rights, including freedom of expression and property rights, especially in the enforcement of online intellectual property rights.<sup>61</sup>

<sup>54</sup> Rizaldy Anggriawan and Muh. Endriyo Susila, 'Unravelling Financial Wrongdoing: A Regulatory Perspective on Crimes in the Indonesian Capital Market', *Indonesian Journal of Criminal Law Studies*, 8.2 (2023), 151–72 <<https://doi.org/10.15294/ijcls.v8i2.47800>>.

<sup>55</sup> Sophia Rothut et al., 'Freedom of Speech under Threat? How Political Attitudes and Individual Experiences Shape Perceptions of Freedom of Speech in Germany,' *Studies in Communication and Media* 12, no. 1 (2023): 48–91, <https://doi.org/10.5771/2192-4007-2023-1-48>.

<sup>56</sup> Matthias C. Kettemann, Polina Kulish, and Martha Routen, 'Social Media before German Courts,' in *Social Media, Fundamental Rights and Courts* (London: Routledge, 2023), 121–37, <https://doi.org/10.4324/9781003207085-9>.

<sup>57</sup> Sophia Rothut et al., 'Meinungsfreiheit in Gefahr? Wie Politische Einstellungen Und Individuelle Erfahrungen Die Wahrnehmung Der Meinungsfreiheit in Deutschland Prägen,' *Studies in Communication and Media* 12, no. 1 (2023): 48–91, <https://doi.org/10.5771/2192-4007-2023-1-48>.

<sup>58</sup> Matthias C. Kettemann, Polina Kulish, and Martha Routen, 'Social Media before German Courts: Balancing Societal Values, Platform Rules and Individual Rights,' in *Social Media, Fundamental Rights and Courts: A European Perspective* (Department for Theory and Future of Law, University of Innsbruck, Austria: Taylor and Francis, 2023), 121–37, <https://doi.org/10.4324/9781003207085-9>.

<sup>59</sup> Torben Klaus, 'Graduating from 'New-School'-Germany's Procedural Approach to Regulating Online Discourse,' *Information Communication and Society* 26, no. 1 (2023): 54–69, <https://doi.org/10.1080/1369118X.2021.2020321>.

<sup>60</sup> Wolfgang Schulz, 'Regulating Intermediaries to Protect Personality Rights Online – The Case of the German NetzDG,' in *Ius Gentium*, vol. 96 (Leibniz-Institute for Media Research | Hans Bredow-Institut, Rothenbaumchaussee 36, Hamburg, 20148, Germany: Springer Science and Business Media B.V., 2022), 289–307, [https://doi.org/10.1007/978-3-030-90331-2\\_12](https://doi.org/10.1007/978-3-030-90331-2_12).

<sup>61</sup> Sevra Guler Guzel, 'Directive on Copyright in the Digital Single Market and Freedom of Expression: The EU's Online Dilemma,' in *EU Internet Law in the Digital Single Market* (University of Hertfordshire

Indonesia does not have a specific law regulating freedom of opinion, thus causing a legal vacuum in this regard, and legal protection of freedom of opinion faces challenges due to the absence of such special laws, various human rights priorities, and ambiguity in understanding freedom of expression.<sup>62</sup> Conflicting human rights priorities and ambiguity in understanding freedom of expression contribute to this legal vacuum. It is recommended to synchronize laws and regulations related to freedom of expression and strengthen related regulations to provide detailed legal directions in encouraging freedom of opinion. The Indonesian government often justifies restrictions on freedom of expression on grounds of collective interests such as public order and public health, raising questions about its alignment with international standards. The criminalization of freedom of expression during crises such as the COVID-19 pandemic has been proven to occur in Indonesia.<sup>63</sup>

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### 3.5. The Guarantee of Freedom of Belief and Religion

The German constitution creates a balance between state law and religion without conflict,<sup>67</sup> as well as guarantees the freedom to form religious communities and is free from state interference, reflecting the historical shift from a traditional Christian state to a more

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De Havilland Campus, Hatfield, United Kingdom: Springer International Publishing, 2021), 205–29, [https://doi.org/10.1007/978-3-030-69583-5\\_8](https://doi.org/10.1007/978-3-030-69583-5_8).

<sup>62</sup> Sayuti, Ghina Nabilah Effendi, and Illy Yanti, "Freedom of Speech Without A Direction: Criticism of the Promotion of Freedom of Speech in Indonesia," *Al-Risalah: Forum for Legal and Social Studies* 23, no. 1 (2023): 121–44, <https://doi.org/10.30631/alrisalah.v23i1.1389>.

<sup>63</sup> Laksanto Utomo, "Criminalizing the Freedom of Expression by State during COVID-19 Pandemic in Indonesia," *International Journal of Criminal Justice Sciences* 16, no. 2 (2021): 415–25, <https://doi.org/10.5281/zenodo.4756085>.

<sup>64</sup> Y S Putra et al., "EIT Law at the Crossroads: Exploring Legal Dilemmas, Freedom of Expression, and Human Rights," *Pakistan Journal of Criminology* 16, no. 16.3 (2024): 1315–32, <https://doi.org/10.62271/pjc.16.3.1315.1332>.

<sup>65</sup> Omar Almakhoumi, Dr Mustafa Al-Khasawneh, and Anas Mohammed Alkalaileh, "Insulting Religions Between International Law and Islamic Sharia," *Review of International Geographical Education Online* 11, no. 4 (2021): 1517–30, <https://doi.org/10.33403/rigeo.8006862>.

<sup>66</sup> Roberth Kurniawan Ruslak Hammar, "Exploring the Intersection of Common Law and Criminal Justice System: Implications for Protecting Freedom of Speech in Indonesia," *International Journal of Criminal Justice Sciences* 17, no. 2 (2022): 299–311, <https://doi.org/10.5281/zenodo.4756126>.

<sup>67</sup> Emanuel V. Towfigh, 'Die Entwicklung Des Verhältnisses Des Bahá'í-Rechts Zum Säkularen Deutschen Recht', *Zeitschrift Fur Religions- Und Geistesgeschichte*, 72.3 (2020), 286–310 <<https://doi.org/10.1163/15700739-07203005>>.

inclusive liberal and social culture.<sup>68</sup> In addition, the constitution also ensures freedom of religion, prohibits religious discrimination, and guarantees fair treatment for all.<sup>69</sup> Germany, as a secular country with a strong Christian history, demonstrates a commitment to religious pluralism through religious education in public schools by various religious communities and efforts to integrate Muslim minorities.<sup>70</sup> Religious freedom regulations in Germany have profound social and cultural implications, and religious participation in social issues is still a subject of debate.<sup>71</sup>

Indonesia's legal framework for religious freedom is shaped by evolving human rights laws, constitutional amendments, and traditional religious governance that emphasizes harmony over absolute freedom.<sup>72</sup> The Indonesian Constitution guarantees freedom of religion,<sup>73</sup> but government-defined categories of official and unofficial religions hinder equal access and expression for indigenous and unofficial religious groups.<sup>74</sup> Indonesia's diverse religious beliefs have sparked controversy over recognition and protection, leading to discrimination and marginalization of unofficial religious adherents.<sup>75</sup> Challenges and controversies related to religious freedom also include the gradual implementation of the 1965 Anti-Blasphemy Law, which marginalized unofficial spiritual and religious sects and restricted freedom of belief and expression.<sup>76</sup> Concerns about the decline in religious freedom in Indonesia indicate the need to address the spread of religious regulations and discrimination by social groups.<sup>77</sup> Additionally, government regulations restricting the construction of places of worship contradict constitutional aspirations, and discrimination

<sup>68</sup> Martin Heckel, "Staatskirchenrecht als säkulare Rahmenordnung im Spiegel von Luthers Lehren über Kirche und Welt, Weltlichkeit und Verweltlichung," *Zeitschrift für Theologie und Kirche* 117, no. 1 (2020): 70, <https://doi.org/10.1628/zthk-2020-0005>.

<sup>69</sup> Stephanie Fehr, "Recent Developments in the Protection of Religious Freedom in Germany and Its Impact on Religious Identity," *Human Rights* 15, no. 1 (2020): 177–93, <https://doi.org/10.22096/hr.2020.117320.1175>.

<sup>70</sup> Irene Schneider, "The Position of the Muslim Community and Islamic Education at State Run Schools as an Important Factor of Social Peace in a Secular Society: The German Example," *Human Rights* 15, no. 2 (2020): 67–80, <https://doi.org/10.22096/hr.2020.45882>.

<sup>71</sup> Jean Marc Ferry, "Politique et religion Des premiers gestes de laïcisation à l'ouverture post-laïciste," *Revue Theologique de Louvain* 51, no. 2 (2020): 184–96, <https://doi.org/10.2143/RTL.51.2.3287683>.

<sup>72</sup> Zainal Abidin Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," *Religion and Human Rights* 15, no. 1–2 (2020): 39–56, <https://doi.org/10.1163/18710328-BJA10003>.

<sup>73</sup> Anthin Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāsid Hifz Al-Dīn," *Samarah* 6, no. 1 (2022): 369–90, <https://doi.org/10.22373/sjhk.v6i1.10957>.

<sup>74</sup> David Kristanto and Tony Salurante, "Kuyper's Sphere Sovereignty and Institutional Religious Freedom in Indonesia," *Verbum et Ecclesia* 44, no. 1 (2023), <https://doi.org/10.4102/ve.v44i1.2613>.

<sup>75</sup> Simon Butt, "Constitutional Recognition of Beliefs in Indonesia," *Journal of Law and Religion* 35, no. 3 (December 4, 2020): 450–73, <https://doi.org/10.1017/jlr.2020.39>.

<sup>76</sup> Ayub Mursalin, "La législation sur le blasphème et le rétrécissement progressif du champ de la liberté religieuse en Indonésie depuis 1965," *Archipel* 98, no. 98 (2019): 151–76, <https://doi.org/10.4000/archipel.1349>.

<sup>77</sup> Nathanael Gratias Sumaktoyo, "A Price for Democracy? Religious Legislation and Religious Discrimination in Post-Soeharto Indonesia," *Bulletin of Indonesian Economic Studies* 56, no. 1 (2020): 23–42, <https://doi.org/10.1080/00074918.2019.1661354>.



against people with disabilities in accessing these places poses a serious challenge to their rights in Indonesia.<sup>78</sup>

### 3.6. Freedom from arbitrary interference with privacy is effectively guaranteed

Germany's Constitution protects privacy through the "general right of personality," balanced with freedom of expression via "*Gesetzesvorbehalt*," with high-profile cases strengthening privacy and personality rights in civil law.<sup>79</sup> In addition, the GDPR regulation has had a far-reaching impact on the data-driven industry, inspiring other countries and regions to update their data privacy policies, demonstrating the international influence of privacy protection measures in Germany.<sup>80</sup>

In September 2022, the Indonesian government passed the Personal Data Protection Law which recognizes privacy as a fundamental right of citizens.<sup>81</sup> The Personal Data Protection Law adopts some features of the EU's General Data Protection Regulation, but does not include provisions on independent supervisory authorities, which are essential for privacy protection.<sup>82</sup> Independent authorities are needed to build a strong data protection system in Indonesia,<sup>83</sup> given the limitations of the judicial system and the government's tendency towards digital sovereignty.<sup>84</sup> The lack of specific laws in Indonesia increases the risk of crimes against privacy and opens up opportunities for misuse of personal data,<sup>85</sup> thus emphasizing the need for comprehensive regulations and detailed procedures.<sup>86</sup>

Privacy protection in Germany is governed by the constitution and legal restrictions or "*Gesetzesvorbehalt*", which balances the right to privacy with freedom of expression, and is supported by high-profile cases and GDPR regulations that have had a far-reaching impact on

<sup>78</sup> Agus Riwanto et al., "Access to Places of Worship for Persons with Disabilities in Indonesia: Law and Policy Completion," *Cogent Social Sciences* 9, no. 2 (2023), <https://doi.org/10.1080/23311886.2023.2243753>.

<sup>79</sup> Sohail Aftab, "Privacy Protection in ECHR Member States: Germany and the United Kingdom," *Springer*, 2024, 171–255, [https://doi.org/10.1007/978-3-031-45575-9\\_6](https://doi.org/10.1007/978-3-031-45575-9_6).

<sup>80</sup> Mugdha Shailendra Kulkarni, Hrishikesh Laxman Naik, and S. Vijayakumar Bharathi, "Textual Analysis of Privacy Policies to Understand the Effect of GDPR," in *2023 2nd International Conference on Futuristic Technologies, INCOFT 2023* (Symbiosis Centre for Information Technology (SCIT), Symbiosis International (Deemed University), Pune, India: Institute of Electrical and Electronics Engineers Inc., 2023), <https://doi.org/10.1109/INCOFT60753.2023.10425479>.

<sup>81</sup> Sinta Dewi Rosadi et al., "Indonesia's Personal Data Protection Bill, 2020: Does It Meet the Needs of the New Digital Economy?," *International Review of Law, Computers and Technology* 37, no. 1 (2023): 78–90, <https://doi.org/10.1080/13600869.2022.2114660>.

<sup>82</sup> I. Gusti Ngurah Parikesit Widiatedja and Neha Mishra, "Establishing an Independent Data Protection Authority in Indonesia: A Future-Forward Perspective," *International Review of Law, Computers and Technology* 37, no. 3 (2023): 252–73, <https://doi.org/10.1080/13600869.2022.2155793>.

<sup>83</sup> Muhammad Khaeruddin Hamsin, Abdul Halim, and Rizaldy Anggriawan, 'Digital Lending in Smart Society: Legal and Sharia Perspectives on Consumer Privacy and Ethical Collection Practices', ed. by Y. Jusman and others, *SHS Web of Conferences*, 204 (2024), 07001 <<https://doi.org/10.1051/shsconf/202420407001>>.

<sup>84</sup> Ahmad Gelora Mahardika, "Ideal Design for the Establishment of an Independent Authority for Personal Data Protection in the Indonesian Constitutional System," *Unissula Law Journal* 37, no. 2 (2021): 101–18, <https://doi.org/10.26532/jh.v37i2.16994>.

<sup>85</sup> Andi Rifky Maulana Efendy, 'Towards Enhanced Personal Data Protection: A Novel Approach to Regulation and Practice in Indonesia', *E-Justice: Journal of Law and Technology*, 1.1 (2024), 1–15.

<sup>86</sup> Giosita Kumalaratri and Yunanto, "Urgency of the Personal Data Protection Bill on Privacy Rights in Indonesia," *Unissula Law Journal* 37, no. 1 (2021): 1–13, <https://doi.org/10.26532/jh.v37i1.13604>.



the data-driven industry. In Indonesia, despite the passage of the Personal Data Protection Law in September 2022 which recognizes privacy as a fundamental right, this law has not yet achieved the same level of protection as GDPR due to the lack of independent supervisory authority. To improve privacy protection in Indonesia, more comprehensive regulations and detailed procedures are needed,<sup>87</sup> as well as the establishment of an independent supervisory authority to ensure a robust data protection system and in line with international standards.

#### 4. Conclusion

This study reveals significant differences in human rights protection between Germany and Indonesia. Although both countries have strong constitutional foundations, implementation in Germany shows better improvement and stability than Indonesia. Factors such as a strong legal system, high public awareness, and commitment to human rights play an important role in the effectiveness of human rights protection in Germany. On the other hand, Indonesia still faces challenges in the implementation of due process, legal supervision, and social norms that are still discriminatory. To improve human rights protection, Indonesia needs to strengthen and harmonize laws related to human rights, and reform the judicial system to increase independence. It is also important to establish an independent supervisory authority for the protection of personal data, changing discriminatory social norms. In addition, Indonesia needs to clarify religious freedom laws and address discrimination against religious minorities, strengthen labor oversight, and optimize the role of trade unions. With these steps, Indonesia can improve the protection of human rights, justice, and equality before the law for all its citizens.

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<sup>87</sup> Try Hardyanthi, 'Biometric Data Protection in Human Rights Perspective: Analysis Based on the UN Charter and International Conventions', *E-Justice: Journal of Law and Technology*, 1.1 (2024), 68-80.

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