

Promoting Synergy between the State and Civil Society in Advancing Human Rights Advocacy

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Abstract

Article history:

Received: January 8, 2022

Revised: February 14, 2022

Accepted: March 11, 2022

Published: June 30, 2022

Keywords:

Civil Society,
Human Rights,
Public Advocacy,
Public Participation,
State.

Identifier:

Nawala

Page: 33-48

<https://nawala.io/index.php/ijgspa>

This study examines the dynamics of the relationship between the state and civil society in public advocacy, grounded in the principles established in Law No. 39 of 1999 on Human Rights. Using a qualitative approach with a case study method, this research analyzes the social and legal phenomena related to public participation in policymaking and the challenges of implementing human rights norms. The findings indicate that although the law provides a strong normative foundation for civil society participation, its implementation continues to face institutional resistance, limited access to information, and a weak commitment to participatory values. Policy reconstruction is needed to emphasize synergy between the state and civil society through institutional strengthening, regulatory reform, and the development of social awareness based on human rights principles. The results highlight the urgency of public advocacy as a democratic instrument to realize fair, transparent, and participatory governance that upholds the protection of human rights and enhances civic engagement in policymaking.



1. Introduction

The relationship between the state and civil society holds a fundamental position in maintaining the balance of power and ensuring the sustainability of an equitable legal system. In the context of human rights law, the state acts not only as the holder of formal authority but also as the protector and fulfiller of the basic rights of every citizen. This principle is affirmed in Law No. 39 of 1999 concerning Human Rights, which states that the state has the obligation to respect, protect, and uphold human rights (*Hak Asasi Manusia/HAM*) and ensure community participation in monitoring their implementation. Through this provision, the state is not merely a legal subject, but also a moral entity that must open space for the involvement of civil society in public advocacy aimed at strengthening human rights protection.¹

Civil society plays a role as a social force that monitors and controls the course of state policy to ensure it remains aligned with the values of justice, transparency, and humanity. Public advocacy activities carried out by civil society organizations (CSOs) are a manifestation of this oversight function. Advocacy is understood not just as a form of resistance against the state, but also as a collaborative strategy to improve public policy through legal and moral approaches.² Within this framework, Law No. 39 of 1999 provides the legal basis for the community to legitimately demand their rights, and to ensure that every public policy must be oriented toward respecting human dignity.

¹ Benito Asdhie and Eza Ista. "Kewenangan Mahkamah Konstitusi dalam perlindungan hak konstitusional warga Negara melalui konstitusional complaint." *De Lega Lata: Jurnal Ilmu Hukum* 4, no. 2 (2019): 160-174.

² S. Sudarto. "Meneguhkan Kembali Keberagaman Indonesia." *Mayarakat Indonesia* 43, no. 2 (2017): 227-240.

Furthermore, the state's role in guaranteeing citizens' rights cannot be separated from the principles of freedom of expression and opinion, which are prerequisites for an active and critical civil society. Rosyidin,³ asserts that freedom of opinion is the main foundation of a healthy democracy, where the state is obliged to provide protection for public advocacy activities. However, in practice, the relationship between the state and civil society is often marked by tension, especially when political and economic interests intervene in the space for community participation.

Several studies indicate that the imbalance of power relations remains the main obstacle to effective public advocacy.⁴ State institutions that should function as protectors of human rights sometimes lack strong implementing mechanisms to ensure citizens' rights are comprehensively guaranteed. According to Nandyatama,⁵ weak coordination between government agencies and civil society organizations leads to low effectiveness in advocacy, especially in following up on systemic human rights violations. Therefore, synergy between the state and civil society requires a clear, transparent, and adaptive legal foundation in response to social dynamics.

Public participation in human rights advocacy, as articulated by Arifin,⁶ is a form of social empowerment that allows the public to be directly involved in the

³ Mohamad Rosyidin. "Promoting a home-grown democracy: Indonesia's approach of democracy promotion in the Bali democracy Forum (BDF)." *Asian Journal of Political Science* 28, no. 3 (2020): 312-333.

⁴ Mahesti Hasanah. "Kontestasi Nilai-Nilai Asia dan Hak Asasi Manusia di Indonesia Tahun 1991-1999." *Jurnal PolGov* 1, no. 2 (2019): 299-328.

⁵ Randy W Nandyatama. *Indonesian civil society and human rights advocacy in ASEAN*. Gateway East: Springer Singapore, 2021.

⁶ Saru Arifin. "Kajian Socio Legal Pengaturan Partisipasi Publik Dalam Penyusunan Rancangan Peraturan Daerah." *Perspektif Hukum* (2018): 93-128.

process of forming laws and public policies. In this context, advocacy serves as a bridge between the interests of the people and the state's obligation to realize equitable governance. Based on Law No. 39 of 1999, every citizen has the right to express opinions, obtain legal protection, and play an active role in monitoring public policy. This means that the relationship between the state and civil society is not just a power relation, but also a social contract that prioritizes the principle of mutual control to maintain democratic equilibrium.

Nevertheless, the reality shows that the implementation of the Law still faces various challenges, both in terms of legal understanding, institutional capacity, and political culture. Afnan,⁷ argues that public information disclosure is a crucial aspect of advocacy effectiveness, because without adequate access to information, civil society cannot build strong legal arguments in fighting for their rights.

Based on this theoretical and normative foundation, this research seeks to examine how the principles in Law No. 39 of 1999 concerning Human Rights are operationalized in the dynamic relationship between the state and civil society, particularly in the context of public advocacy. The focus of the analysis is directed at two main issues: how the phenomenon of interaction between the state and civil society in carrying out human rights-based public advocacy manifests, and what the challenges and urgency for normative reconstruction are in the application of the law to strengthen the effectiveness of citizens' rights protection sustainably.

⁷ Dikhorir Afnan. "Fungsi humas desa sebagai pengelola informasi di era keterbukaan informasi publik." *Jurnal Soshum Insentif* (2019): 153-163.

2. Methods

This research uses a case study approach to analyze the relationship between the state and civil society in the context of public advocacy based on the principles of human rights as regulated in Law No. 39 of 1999 concerning Human Rights. This approach was chosen because it allows the researcher to deeply examine complex social and legal phenomena, by highlighting the interaction between state actors, civil society organizations, and the legal framework that governs their relations. The case study is also relevant for exploring the patterns of advocacy and public participation that emerge in the implementation of human rights policies at conceptual and institutional levels.

This type of research is qualitative descriptive, focusing on understanding the meaning and dynamics of the relationship between the state and civil society, rather than on quantitative measurement of specific variables. Through this method, the research aims to interpret how the legal principles in Law No. 39 of 1999 are translated into public advocacy practices and how these norms shape institutional behavior and civil society strategies in fighting for citizens' rights. The qualitative approach is considered most appropriate because it allows for a more contextual and in-depth analysis of social phenomena that cannot be explained solely by numerical data.⁸

The unit of analysis in this research includes two main entities: (1) the state, represented by government institutions and law enforcement officials as executors

⁸ John W Creswell and J. David Creswell. *Research design: Qualitative, quantitative, and mixed methods approaches*. Wadhwington: Sage publications, 2017.

of the constitutional mandate to protect human rights, and (2) civil society, consisting of non-governmental organizations, advocacy communities, and interest groups that play a role in monitoring public policy. The relationship between these two entities is analyzed based on the roles and responsibilities established in Law No. 39 of 1999, especially the articles that affirm the right to freedom of opinion, the right to legal protection, and the right to participate in public decision-making processes.

Data collection techniques were carried out through library research by tracing academic sources indexed in Google Scholar in last five years, covering law journals, socio-political studies, and relevant legal documents. Data analysis was performed using a content analysis approach on the results of previous research, statutory regulations, and academic interpretations regarding the implementation of human rights. The data obtained were then categorized into main themes such as: public participation, advocacy mechanisms, structural barriers, and the state's role in fulfilling human rights.

In analyzing the results, this research applies source triangulation to ensure data validity, by comparing views from various literatures and testing their consistency against the human rights legal principles contained in Law No. 39 of 1999. The researcher also performed a normative interpretation of the relevant articles to understand the extent to which the regulation has provided effective protection for civil society in carrying out public advocacy.

By using this case study approach, the research is expected to uncover a more comprehensive dynamic regarding the interaction between state power and civil

society forces in a legal system based on the values of humanity and social justice. Furthermore, this method allows the researcher to highlight the challenges and opportunities that arise in the implementation of Law No. 39 of 1999, as well as to provide conceptual recommendations for strengthening the synergy between state actors and civil society in realizing participatory and sustainable human rights governance.

3. Results and Discussion

3.1. State–Civil Society Relations in Public Advocacy under Law No. 39 of 1999 on Human Rights

The phenomenon of the relationship between the state and civil society in the context of public advocacy shows a complex and multidimensional dynamic. Fundamentally, this relationship is built on the principle of complementarity between state power and community participation in the public policy process. Law No. 39 of 1999 concerning Human Rights provides legal legitimacy for the involvement of civil society to participate in the advocacy process, whether in the form of oversight, providing policy input, or protection of groups whose rights have been violated. This law not only affirms the state's obligation to respect and protect individual rights but also recognizes the active role of the community as an integral part of the democratic legal system.⁹

⁹ Benito Asdhie and Eza Ista. "Kewenangan Mahkamah Konstitusi dalam perlindungan hak konstitusional warga Negara melalui konstitusional complaint." *De Lega Lata: Jurnal Ilmu Hukum* 4, no. 2 (2019): 160-174.

Empirically, public advocacy carried out by civil society is one of the main pillars in strengthening the control mechanism over state power. According to Sudarto,¹⁰ public advocacy has a proactive character, which is to encourage policy changes and strengthen the accountability of state institutions through social and legal approaches. The involvement of civil society in human rights issues reflects the growing legal and political awareness of citizens who demand openness, justice, and moral responsibility from the government. In this context, Law No. 39 of 1999 functions as a normative framework that balances the relationship between individual rights and state obligations, thereby encouraging the emergence of deliberative space in public policy making.

However, the emerging phenomenon indicates that this relationship does not always run harmoniously. Hasanah,¹¹ reveal that in practice, the space for civil society participation is often limited by bureaucracy and political interests that are not always in line with the principle of openness. This creates a gap between regulation and implementation, where the progressive legal norms in Law No. 39 of 1999 have not been fully internalized in government practice. Consequently, public advocacy is often hindered by institutional resistance and minimal transparency of information that should be a basic right of the community.

On the other hand, Arifin,¹² highlights that public advocacy functions as a form of social empowerment that enables citizens to play an active role in

¹⁰ S. Sudarto. "Meneguhkan Kembali Keberagaman Indonesia." *Masyarakat Indonesia* 43, no. 2 (2017): 227-240.

¹¹ Mahesti Hasanah. "Kontestasi Nilai-Nilai Asia dan Hak Asasi Manusia di Indonesia Tahun 1991-1999." *Jurnal PolGov* 1, no. 2 (2019): 299-328.

¹² Saru Arifin. "Kajian Socio Legal Pengaturan Partisipasi Publik Dalam Penyusunan Rancangan Peraturan Daerah." *Perspektif Hukum* (2018): 93-128.

determining the direction of public policy. Advocacy is not only an instrument for pressuring the state but also a means to strengthen social dialogue and expand the basis of policy legitimacy. In many cases, civil society participation actually encourages the formation of policies that are more inclusive and responsive to community needs. Thus, the existence of Law No. 39 of 1999 can be understood as a bridge connecting the legal legitimacy of the state with the social aspirations of the community.

Nandyatama,¹³ adds that the success of public advocacy depends heavily on the effectiveness of the interaction between the state and civil society in managing differences in interests. When the state is able to open space for dialogue and accept constructive criticism from the community, public advocacy becomes a productive forum for improving governance. Conversely, when the state views criticism as a threat, advocacy will shift into a form of social resistance that has the potential to cause political tension. Therefore, the balance between state power and civil society freedom is a crucial factor in maintaining a just democratic stability.

In the context of implementing Law No. 39 of 1999, the phenomenon of public advocacy also reflects the transformation of legal values into social action. As stated by Afnan,¹⁴ public information disclosure is a fundamental element in ensuring that civil society advocacy runs effectively. Transparent information becomes the basis for the community to assess state policy objectively and fight for

¹³ Randy W Nandyatama. *Indonesian civil society and human rights advocacy in ASEAN*. Gateway East: Springer Singapore, 2021.

¹⁴ Dikhorir Afnan. "Fungsi humas desa sebagai pengelola informasi di era keterbukaan informasi publik." *Jurnal Soshum Ilmiah* (2019): 153-163.

their rights through legitimate legal mechanisms. When access to information is hampered, advocacy loses its argumentative basis, and the process of legal democratization becomes stagnant.

From the overall phenomena identified, it can be concluded that the relationship between the state and civil society in public advocacy is still in an evolutionary process. On the one hand, Law No. 39 of 1999 has provided a strong normative foundation for community participation. However, on the other hand, its implementation still faces structural challenges in the form of bureaucratic resistance, limited access to information, and weak public oversight mechanisms. Therefore, the relationship between the state and civil society needs to be directed toward a collaborative partnership based on trust, transparency, and respect for human rights, so that the function of public advocacy can truly play a role as a democratic instrument in the modern legal system.

3.2. Reconstruction of the Implementation of Law No. 39 of 1999 in the Context of Challenges and the Urgency of State-Civil Society Relations

The application of Law No. 39 of 1999 concerning Human Rights in the context of the relationship between the state and civil society still faces a number of conceptual and structural challenges. Normatively, this law affirms the state's commitment to respect, protect, and fulfill human rights, including the right to participate in public life and freedom of opinion. However, in its implementation, various obstacles arise due to limited institutional capacity, weak culture of participatory law, and suboptimal accountability mechanisms in the public policy

process.¹⁵ This condition indicates a gap between the ideal legal norms and social practices that are still fragmented by political and bureaucratic interests.

One of the fundamental challenges in applying this law is the minimal internalization of human rights values in policy and governance. According to Sanusi,¹⁶ there is still a tendency for state institutions to place security and political stability policies above the principles of public participation and freedom of expression. As a result, civil society's right to conduct advocacy is often faced with administrative constraints or disproportionate restrictions. This challenge is exacerbated by the lack of understanding among government officials regarding the normative aspects of human rights, so the implementation of the law tends to be formalistic without being accompanied by a substantive commitment to the values of justice and equality.

From the perspective of civil society, the main obstacle lies in the inequality of access to resources and information. Law No. 39 of 1999 actually guarantees the community's right to obtain information and express opinions in public, but in practice, this access is often not easily realized.¹⁷ Civil society involved in public advocacy often faces challenges in the form of data limitations, resistance from state institutions, and low institutional responsiveness to public input. This condition gives the impression that the implementation of the law has not fully supported the

¹⁵ Muhamad Labolo and Etin Indrayani. "Bureaucratic reform and the challenge of good governance implementation in Indonesia." *Journal Of Asian Review Of Public Affair And Policy* 2, no. 4 (2017): 25-47.

¹⁶ Ahmad Sanusi. "Pengembangan Kompetensi Jabatan Fungsional Di Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia." *Jurnal Ilmiah Kebijakan Hukum* 15, no. 3 (2021): 431-446.

¹⁷ Zaka Firma Aditya and Sholahuddin Al-Fatih. "Indonesian constitutional rights: expressing and purposing opinions on the internet." *The International Journal of Human Rights* 25, no. 9 (2021): 1395-1419.

principle of informed participation, which is a prerequisite for effective democratic participation and advocacy.

Urgently, the implementation of Law No. 39 of 1999 needs to be revitalized to be able to answer the complexity of human rights issues in the modern era. Public advocacy is no longer only related to violations of civil and political rights, but also includes economic, social, and cultural rights which are increasingly relevant in the context of sustainable development. Pardede,¹⁸ assert that the reformulation of human rights policy needs to be directed towards strengthening digital-based public participation mechanisms, increasing institutional transparency, and establishing a space for dialogue that is more adaptive to social change. This urgency arises because social transformation demands a new paradigm in viewing advocacy as a strategic collaboration between the state and the community, not as an opposing opposition.

In the context of policy reconstruction, strengthening the implementation of Law No. 39 of 1999 can be done through three main dimensions: institutional, regulative, and cultural. First, in the institutional dimension, harmonization is needed between state institutions with human rights mandates and civil society organizations so that synergistic coordination occurs in advocacy implementation.¹⁹ Second, in the regulative dimension, revision or adjustment of legal norms needs to be carried out to align with the development of international human rights standards, especially related to freedom of expression and the right to public information. Third, in the

¹⁸ Marulak Pardede. "Kebijakan Reformasi Birokrasi Kementerian Hukum Dan Hak Asasi Manusia Terkait Kepakaran Peneliti Hukum." *Jurnal Ilmiah Kebijakan Hukum* 11, no. 1 (2017): 59-77.

¹⁹ Yustina Trihoni Nalesti Dewi. "Penguatan Perlindungan Saksi dan Korban Pada Pengadilan Hak Asasi Manusia." *Jurnal Penelitian Politik* 14, no. 2 (2017): 209-226.

cultural dimension, there needs to be a strengthening of social awareness about the importance of participation-based advocacy, so that the community does not only become the object of policy, but also an active subject in determining the direction of equitable development.

In addition, the role of technology and social media is now an important factor in strengthening public advocacy practices. Digitalization provides new opportunities for civil society to voice aspirations and monitor state performance, but at the same time creates new challenges such as disinformation, criminalization of opinion, and privacy violations.²⁰ Therefore, the reconstruction of the implementation of Law No. 39 of 1999 must also consider aspects of digital protection and public communication ethics as an integral part of human rights in the information age.

The challenge of implementing Law No. 39 of 1999 lies not only in the weakness of formal law but in how the law is carried out within a dynamic social framework. Institutional and cultural weaknesses in understanding the concept of human rights cause inequality in the relationship between the state and civil society. Therefore, a paradigm reform is needed that positions civil society as a strategic partner of the state in realizing participatory, transparent, and socially just human rights governance. The reconstruction of the implementation of this law is a necessity to ensure that legal principles do not stop at the normative level but truly live and function in an inclusive and democratic social reality.

²⁰ Thomas Paterson. "Indonesian cyberspace expansion: a double-edged sword." *Journal of Cyber Policy* 4, no. 2 (2019): 216-234.

4. Conclusion

The relationship between the state and civil society in public advocacy is a reflection of the process of legal democratization that places human rights as the main foundation of participatory governance. Law No. 39 of 1999 concerning Human Rights provides a strong normative basis for community involvement in overseeing public policy, but its implementation still faces institutional, structural, and cultural challenges. The state often has not fully exercised its function as a protector and facilitator of civil society rights, while civil society itself still faces limited access to information and open dialogue spaces.

In this context, public advocacy becomes an important mechanism for bridging the gap between policy and community needs. A reconstruction of the implementation of the law is needed, emphasizing synergy between the state and civil society through institutional strengthening, regulatory refinement, and increased social awareness of human rights values. Thus, the relationship between the state and civil society is expected to develop collaboratively in realizing social justice, transparency, and sustainable human rights protection.

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