



# Human Trafficking and the Human Rights Protection Crisis in East Nusa Tenggara, Indonesia

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## Abstract

Human rights challenges in East Nusa Tenggara (NTT), including human trafficking, the exploitation of migrant workers, conflicts concerning indigenous peoples' rights, and the limited effectiveness of legal protection mechanisms, reflect a persistent gap between legal norms and their practical implementation. This study aims to analyze the similarities, differences, and shortcomings of the legal framework governing human rights protection in NTT, assess the urgency of legal reform, and formulate policy recommendations to enhance the effectiveness of human rights protection. The research employs a normative legal method with a comparative law approach, drawing upon statutory regulations, international human rights instruments, legal doctrines, and relevant scholarly literature. The findings indicate that national law, international human rights standards, and customary law share a common objective of safeguarding human dignity; however, they differ significantly in their protection mechanisms and dispute-resolution procedures. The study further identifies major weaknesses in legal enforcement, the harmonization of customary law with human rights principles, and institutional effectiveness. It concludes that comprehensive legal reform is required through regulatory strengthening, improved institutional coordination, expanded human rights education, and the harmonization of customary law with human rights norms to ensure more effective and sustainable human rights protection.

**Keywords:** *Human Rights, Human Trafficking, Comparative Law, Legal Reform*

## Abstrak

Permasalahan Hak Asasi Manusia (HAM) di Nusa Tenggara Timur (NTT), seperti perdagangan orang, eksploitasi tenaga kerja migran, konflik hak masyarakat adat, dan lemahnya efektivitas perlindungan hukum, menunjukkan adanya kesenjangan antara norma hukum dan implementasinya. Kajian ini bertujuan menganalisis persamaan, perbedaan, dan kelemahan sistem hukum terkait perlindungan HAM di NTT, mengidentifikasi urgensi pembaharuan hukum, serta merumuskan rekomendasi kebijakan yang lebih efektif. Kajian ini menggunakan metode hukum normatif dengan pendekatan perbandingan hukum melalui analisis peraturan perundang-undangan, instrumen HAM internasional, doktrin hukum, dan literatur ilmiah yang relevan. Dapat dipahami bahwa hukum nasional, instrumen HAM internasional, dan hukum adat memiliki tujuan yang sama dalam melindungi martabat manusia, namun berbeda dalam mekanisme perlindungan dan penyelesaian sengketa. Kelemahan utama berupa implementasi hukum, harmonisasi hukum adat dengan prinsip HAM, dan efektivitas kelembagaan. Dapat disimpulkan bahwa pembaharuan hukum melalui penguatan regulasi, koordinasi kelembagaan, pendidikan HAM, dan harmonisasi hukum adat diperlukan untuk mewujudkan perlindungan HAM yang lebih efektif.

**Kata kunci:** *Hak Asasi Manusia, Perbandingan Hukum, Pembaharuan Hukum*

## 1. INTRODUCTION

Human rights are fundamental rights inherent in every individual by virtue of their dignity and humanity. These rights are universal, inalienable, and must be respected, protected, and fulfilled by the state. In a rule-of-law state, the protection of human rights constitutes a fundamental indicator of democratic governance.<sup>1</sup> Indonesia has demonstrated its commitment to human rights protection through the Constitution of the Republic of Indonesia of 1945, particularly Articles 28A–28J, which are further reinforced by Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on the Human Rights Court. Collectively, these legal instruments provide a normative framework for the promotion, protection, and enforcement of human rights in Indonesia.

Despite the existence of a relatively comprehensive legal framework, effective human rights protection remains a significant challenge. Human rights violations continue to occur across various regions of Indonesia, reflecting diverse social and legal contexts.<sup>2</sup> This condition demonstrates a persistent gap between law in the books and law in action. Such challenges may arise from weak law enforcement, institutional limitations, low levels of public legal awareness, and tensions between state legal norms and prevailing socio-cultural values.

East Nusa Tenggara (NTT) represents one of the regions where human rights issues remain particularly complex. Human trafficking has emerged as a critical concern due to high levels of labor migration, limited access to education and economic opportunities, and inadequate supervision of labor recruitment processes.<sup>3</sup> Moreover, the strong influence of customary law in NTT presents distinctive challenges for human rights protection. While customary law plays an important role in maintaining social order and resolving community disputes, certain customary practices may create discriminatory effects on vulnerable groups, particularly women and children.<sup>4</sup> Consequently, greater harmonization between customary law, state law, and universal human rights principles is required.

Human rights challenges in NTT are further exacerbated by limited public access to reporting mechanisms and remedies for human rights violations, thereby reducing

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<sup>1</sup> Jimly Asshiddiqie, *Hukum Tata Negara Dan Pilar-Pilar Demokrasi*, 2nd ed. (Sinar Grafika, 2011).

<sup>2</sup> Zachary Raihan et al., “Peran Komnas HAM Dalam Mengawasi Dan Memastikan Hak Asasi Manusia Berdasarkan Kepres Nomor 50 Tahun 1993,” *Limbago: Journal of Constitutional Law* 4, no. 2 (2024): 241–59, <https://doi.org/10.22437/limbago.v4i2.33384>.

<sup>3</sup> Adara Khalfani, “Tindak Pidana Perdagangan Orang Studi Kasus Di NTT,” *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 1, no. 1 (2023): 1–25.

<sup>4</sup> Fajar Sugianto et al., “Ketimpangan Hak Berbasis Gender Dalam Hukum Waris Adat Suku Lamaholot,” *DiH: Jurnal Ilmu Hukum* 17, no. 2 (2021): 152–66, <https://doi.org/10.30996/dih.v17i2.4854>.

the effectiveness of victim protection and access to justice.<sup>5</sup> In this context, a comparative legal approach is essential for identifying the strengths and weaknesses of different legal systems in protecting human rights. Through this approach, the present study examines the effectiveness of the human rights protection framework in East Nusa Tenggara, evaluates opportunities for harmonizing customary and state legal systems, and proposes directions for legal reform that are more responsive to societal needs. The findings are expected to contribute to the advancement of human rights and comparative law scholarship while providing a foundation for the development of more effective policies aimed at achieving equitable, inclusive, and sustainable human rights protection in East Nusa Tenggara.

The study of human rights has evolved considerably across normative, philosophical, and practical dimensions. Previous research suggests that human rights issues are not merely associated with the existence of legal instruments but are also closely linked to the effectiveness of implementation, law enforcement mechanisms, the protection of vulnerable groups, and the reconciliation of local values with universal human rights standards. In the Indonesian context, human rights challenges are particularly complex due to the country's social, cultural, and legal diversity. Nevertheless, studies specifically examining human rights protection in East Nusa Tenggara through a comparative legal perspective remain relatively limited.

Research conducted by Triputra argues that the implementation of international human rights norms within the Indonesian legal system must be aligned with the values of Pancasila as the nation's legal and philosophical foundation. The study demonstrates that the universality of human rights cannot be applied in a purely mechanical manner without taking into account the social and cultural characteristics of Indonesian society.<sup>6</sup>

Furthermore, Supriyanto examined the implementation of human rights legislation in Indonesia and found that mechanisms for addressing human rights violations continue to encounter significant challenges, particularly regarding the effectiveness of the Human Rights Court and the resolution of gross human rights violations.<sup>7</sup> Although these studies have made substantial contributions to the development of human rights theory and practice in Indonesia, they have not specifically examined the implementation of human rights protection within particular regional contexts.

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<sup>5</sup> Vitorio Mantalean and Diamanty Meiliana, "Komnas HAM RI Buka Akses Aduan Masyarakat Di NTT," Kompas.Com, 2022, <https://nasional.kompas.com/read/2022/05/23/19152081/komnas-ham-ri-buka-akses-aduan-masyarakat-di-ntt>.

<sup>6</sup> Yuli Asmara Triputra, "Implementasi Nilai-Nilai HAM Global Ke Dalam Sistem Hukum Indonesia Yang Berlandaskan Pancasila," *Jurnal Hukum Ius Quia Iustum* 24, no. 2 (2017): 279–300, <https://doi.org/10.20885/iustum.vol24.iss2.art6>.

<sup>7</sup> Bambang Heri Supriyanto, "Penegakan Hukum Mengenai Hak Asasi Manusia (HAM) Menurut Hukum Positif Di Indonesia," *Jurnal Al-Azhar Indonesia Seri Pranata Sosial* 2, no. 3 (2014): 151–68.

In the context of East Nusa Tenggara (NTT), research conducted by Firdaus provides a more focused analysis of the protection of human rights defenders within the Mollo indigenous community. The study identified various forms of intimidation and threats directed toward human rights advocates involved in defending indigenous peoples' rights, particularly in relation to natural resource management. These findings suggest that human rights issues in NTT are not merely legal in nature but are also shaped by economic interests, political dynamics, and existing power relations.<sup>8</sup> In contrast, studies by Afdini and Sudiro, Agrarini, and Widyastuti primarily examine criminal law reform from a human rights perspective, focusing on policy changes concerning the death penalty, community service sanctions, and correctional system reform.<sup>9</sup> Meanwhile, Balqish Az-Zahra Shahnaz et al. emphasized the importance of harmonizing national and international legal frameworks to enhance the protection of vulnerable groups' human rights.<sup>10</sup>

Previous studies have contributed significantly to understanding various dimensions of human rights, including the implementation of international human rights norms, criminal law reform, and the protection of indigenous peoples and vulnerable populations. Nevertheless, the majority of these studies rely predominantly on normative legal approaches and have not employed comparative legal analysis to evaluate the effectiveness of human rights protection at the regional level. This gap is particularly relevant in East Nusa Tenggara, which possesses distinctive social and cultural characteristics, including the strong influence of customary law, high rates of human trafficking, recurring conflicts over natural resource management, and limited public access to human rights protection mechanisms. Consequently, there is a need for research that examines human rights protection in NTT through a comparative legal perspective in order to develop more effective, context-sensitive legal reform strategies that are responsive to local societal conditions and needs.

This study aims to analyze the similarities, differences, and shortcomings of legal systems governing the protection and enforcement of human rights in East Nusa Tenggara through a comparative legal approach. It further seeks to identify the urgency of legal reforms required to address key human rights challenges in the region, including

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<sup>8</sup> Firdaus Firdaus, "Pembela Hak Asasi Manusia Pada Isu Sumber Daya Alam Di Kabupaten Timor Tengah Selatan Provinsi Nusa Tenggara Timur," *Jurnal HAM* 8, no. 2 (2017): 83–103, <https://doi.org/10.30641/ham.2017.8.83-103>.

<sup>9</sup> Humaira Afdini and Amad Sudiro, "Urgensi Penanggulangan Over Capacity Lapas Sebagai Upaya Pemenuhan Hak Bagi Narapidana," *Syntax Literate: Jurnal Ilmiah Indonesia* 8, no. 11 (2023): 6823–36, <https://doi.org/10.36418/syntax-literate.v8i11.14073>; Lintang Sely Puspita Agrarini, "Dinamika Pidana Mati Dalam KUHP Baru: Pembaruan Hukum Pidana Dan Tantangan Implementasi," *Jurnal Ilmiah Advokasi* 13, no. 2 (2025): 509–27, <https://doi.org/10.36987/jiad.v13i2.7359>; Bheti Widyastuti, "Kajian Pidana Kerja Sosial Ditinjau Dari Segi Sosiologi Hukum," *Jurnal Hukum Dan Pembangunan Ekonomi* 8, no. 2 (2021): 56–63, <https://doi.org/10.20961/hpe.v8i2.49756>.

<sup>10</sup> Balqish Az-Zahra Shahnaz et al., "Pertanggungjawaban Pidana Pemalsuan Dokumen Status Kewarganegaraan Pengungsi Dalam Perspektif Hukum Nasional Dan Hukum Internasional," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 3 (2026): 3706–17, <https://doi.org/10.61104/alz.v4i3.5881>.

human trafficking, the protection of indigenous communities, the harmonization of customary law with universal human rights principles, and the effectiveness of institutions responsible for human rights protection. Ultimately, this research seeks to formulate policy recommendations that are more effective, responsive, and sustainable in strengthening mechanisms for the protection, fulfillment, respect, and enforcement of human rights in East Nusa Tenggara.

## **2. RESEARCH METHODOLOGY**

This study employs a normative legal research method combined with a comparative law approach to examine the protection and enforcement of human rights in East Nusa Tenggara (NTT), Indonesia. This methodology is appropriate because the research focuses on analyzing legal norms, principles, doctrines, and regulatory frameworks governing human rights protection within different legal systems. The comparative approach is utilized to identify similarities, differences, strengths, and weaknesses among national law, international human rights instruments, and customary law practiced by local communities in NTT.

The research adopts three complementary approaches: the statutory approach, the conceptual approach, and the comparative approach. The statutory approach examines relevant legislation and legal instruments concerning human rights protection and enforcement. The conceptual approach explores legal theories and doctrines related to human rights, legal pluralism, and the interaction between state law and customary law. Meanwhile, the comparative approach evaluates and contrasts regulatory frameworks and protection mechanisms across different legal systems.

The study relies on primary, secondary, and tertiary legal materials collected through an extensive literature review. These materials are analyzed qualitatively using descriptive-analytical and prescriptive methods to assess the effectiveness of existing human rights protection mechanisms and formulate recommendations for legal reforms that are effective, context-sensitive, and aligned with universal human rights standards.

## **3. RESEARCH RESULT AND DISCUSSION**

### **3.1. Similarities, Differences, and Weaknesses of Legal Systems Governing Human Rights Protection and Enforcement in East Nusa Tenggara**

From a normative perspective, Indonesian national law and international human rights instruments share several fundamental similarities. Both legal systems recognize that human rights are inherent to every individual by virtue of their humanity and must be protected and guaranteed by the state. Within Indonesia's legal framework, human rights protection is enshrined in the Constitution of the Republic of Indonesia of 1945, particularly Articles 28A–28J, and is further strengthened by Law No. 39 of 1999 on

Human Rights as well as various sector-specific regulations. Similarly, international human rights instruments, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), place the protection of human dignity at the core of their normative framework.

Another area of convergence is the prohibition of human trafficking and the exploitation of vulnerable groups. Both national and international legal regimes explicitly classify human trafficking as a serious violation of human rights. In Indonesia, this commitment is reflected in Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking, which is substantively aligned with a range of international conventions and protocols addressing trafficking in persons. Consequently, Indonesia's legal framework demonstrates a considerable degree of harmonization with international human rights standards in this area.

Notwithstanding these similarities, significant differences emerge when national and international legal frameworks are compared with customary law practices that continue to operate within communities in East Nusa Tenggara (NTT). National law and international human rights instruments conceptualize human rights as universal individual rights that must be guaranteed without discrimination. In contrast, customary legal systems tend to emphasize communal interests and collective rights within indigenous communities. As a result, dispute resolution mechanisms under customary law generally prioritize the restoration of social harmony, community cohesion, and familial reconciliation rather than the formal vindication of individual rights as recognized in contemporary legal systems.<sup>11</sup>

These differences are particularly evident in dispute-resolution mechanisms. The national legal system relies primarily on judicial institutions and formal state procedures, while international human rights instruments provide additional mechanisms for international monitoring, reporting, and accountability. By contrast, customary legal practices in various regions of NTT prioritize *musyawarah* (deliberative consensus-building) as a means of achieving reconciliation and preserving social harmony. In many instances, customary mechanisms have proven effective because they facilitate rapid conflict resolution and enjoy strong social legitimacy within local communities. Nevertheless, such mechanisms do not always conform to contemporary human rights standards, especially in cases involving the rights of victims, women, children, and other vulnerable groups.

Several weaknesses can be identified within the existing human rights protection framework in NTT. The first relates to deficiencies in legal implementation and enforcement. Although Indonesia possesses a relatively comprehensive legal framework

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<sup>11</sup> Yahya Ahmad Zein and Dewi Nurvianti, "Konsepsi Hak Masyarakat Hukum Adat Sebagai Hak Asasi Manusia Dalam Peraturan Perundang-Undangan Di Indonesia," *Veritas et Justitia* 3, no. 2 (2017): 414–36, <https://doi.org/10.25123/vej.v3i2.2689>.

for the protection of human rights, its practical implementation continues to face significant structural challenges. The persistent prevalence of human trafficking cases involving residents of NTT demonstrates that existing regulations have not been fully effective in preventing human rights violations. Structural factors such as poverty, limited educational opportunities, inadequate employment prospects, and weak oversight of labor migration pathways continue to increase community vulnerability to exploitation and trafficking.

The second weakness concerns limited public access to legal protection mechanisms. Many victims of human rights violations, particularly those residing in rural and remote areas, encounter substantial barriers in accessing legal assistance, law enforcement institutions, and judicial remedies. Furthermore, the archipelagic geography of East Nusa Tenggara, which consists of numerous dispersed islands, poses additional challenges to effective monitoring, supervision, and law enforcement. Consequently, many cases of human rights violations cannot be addressed promptly, comprehensively, or effectively, thereby undermining the overall effectiveness of human rights protection in the region.

A third weakness lies in the relationship between customary law and universal human rights principles. The findings indicate that certain customary dispute-resolution practices remain predominantly oriented toward collective interests and do not fully accommodate the protection of individual rights. In some instances, customary settlements emphasize the payment of customary fines or the restoration of harmony between groups rather than the rehabilitation of victims' rights. Such practices may give rise to substantive injustices, particularly for women and children who are victims of human rights violations.

The findings of this study are consistent with those of Supriyanto, who concluded that the enforcement of human rights in Indonesia continues to face substantial challenges despite the existence of a relatively comprehensive legal framework.<sup>12</sup> Likewise, this study supports the findings of Triputra, which underscore the importance of harmonizing universal human rights norms with local values embedded within Indonesian society.<sup>13</sup> However, unlike previous studies, the present research specifically examines these dynamics within the context of East Nusa Tenggara through a comparative legal perspective.

Furthermore, the results of this study are closely related to the findings of Firdaus concerning the protection of human rights defenders within the Mollo indigenous community in East Nusa Tenggara. Firdaus demonstrated that the protection of human rights is frequently constrained by economic interests and conflicts associated with

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<sup>12</sup> Bambang Heri Supriyanto, "Penegakan Hukum Mengenai Hak Asasi Manusia (HAM) Menurut Hukum Positif Di Indonesia."

<sup>13</sup> Triputra, "Implementasi Nilai-Nilai HAM Global Ke Dalam Sistem Hukum Indonesia Yang Berlandaskan Pancasila."

natural resource exploitation.<sup>14</sup> The present study extends this analysis by showing that barriers to effective human rights protection arise not only from economic factors but also from the inadequate integration of state law, international human rights law, and customary law in the development of a coherent and effective human rights protection framework.

The findings suggest that human rights challenges in NTT cannot be attributed solely to deficiencies in legal regulation. Rather, they are more significantly influenced by issues related to legal structure and legal culture. This observation is consistent with Friedman's theory of the legal system, which posits that legal effectiveness is determined by the interaction of three principal components: legal substance, legal structure, and legal culture.<sup>15</sup> In the context of NTT, the legal substance governing human rights protection is relatively well developed; however, the effectiveness of law enforcement institutions and the legal culture of society continue to require substantial strengthening in order to ensure the effective realization of human rights protection.

The study further reveals a significant gap between the normative standards established by law and their practical implementation. Although national legislation and international human rights instruments provide comprehensive standards of protection, their implementation remains constrained by social, cultural, economic, and geographical challenges. Consequently, strengthening human rights protection in NTT requires an integrated approach that harmonizes national law, international human rights principles, and customary legal values that are consistent with respect for human dignity. Such an approach would enable the development of a human rights protection framework that possesses not only legal legitimacy but also social legitimacy within the communities that it is intended to protect.

### **3.2. The Urgency of Legal Reform in Addressing Human Rights Challenges in East Nusa Tenggara**

Although Indonesia possesses a relatively comprehensive legal framework for the protection of human rights, the realization of effective human rights protection in East Nusa Tenggara (NTT) continues to face numerous structural and cultural challenges. These conditions demonstrate the urgent need for comprehensive legal reform. Normatively, guarantees of human rights protection are embodied in the Constitution of the Republic of Indonesia of 1945, Law No. 39 of 1999 on Human Rights, Law No. 26 of 2000 on the Human Rights Court, and various sector-specific regulations. Nevertheless, these legal instruments have not fully addressed the complex and multidimensional human rights issues that persist in NTT.

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<sup>14</sup> Firdaus, "Pembela Hak Asasi Manusia Pada Isu Sumber Daya Alam Di Kabupaten Timor Tengah Selatan Provinsi Nusa Tenggara Timur."

<sup>15</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (Russell Sage Foundation, 1975).

Human trafficking remains one of the most serious forms of human rights violations in the region. Although Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking provides a robust legal basis for prosecuting offenders and protecting victims, its implementation continues to encounter substantial challenges. Empirical evidence and previous studies indicate that many victims originate from socially and economically vulnerable communities. Factors such as poverty, limited educational attainment, inadequate employment opportunities, and weak oversight of migrant worker recruitment processes significantly increase the vulnerability of local populations to exploitation and trafficking. These circumstances demonstrate that a purely punitive legal approach is insufficient unless accompanied by broader policy reforms aimed at addressing the underlying social and economic conditions that facilitate human trafficking.

In this regard, law should not be understood merely as a system of formal rules but as an instrument for achieving substantive justice within society.<sup>16</sup> From this perspective, legal reform in the field of anti-trafficking policy should focus on strengthening preventive protection measures, expanding public access to legal information, and enhancing the responsibility of local governments in monitoring labor mobility and migration processes. Accordingly, legal reform should extend beyond the prosecution of offenders and place greater emphasis on prevention and the protection of vulnerable groups.

Another critical issue concerns the protection of indigenous communities, which continue to face challenges in obtaining recognition and effective protection of their rights. Indigenous peoples in several regions of NTT maintain strong historical, cultural, and spiritual relationships with customary lands, natural resources, and traditional social institutions. However, conflicts frequently arise between indigenous communities, government authorities, and private-sector actors, particularly in relation to natural resource management and development projects. These circumstances indicate that existing legal protections for indigenous communities remain inadequate and require substantial improvement.

Consequently, legal reform is necessary to strengthen the recognition and protection of indigenous peoples' rights through more concrete and enforceable legal mechanisms. Such recognition should not remain limited to constitutional guarantees but must be translated into implementing regulations that provide legal certainty regarding land tenure, participation in decision-making processes, and access to fair and effective dispute-resolution mechanisms. Strengthening these protections is essential to ensure that economic development initiatives do not undermine the rights of indigenous communities, which are protected under both national and international human rights frameworks.

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<sup>16</sup> Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* (Genta Publishing, 2009).

Furthermore, there is an urgent need to harmonize customary law with universal human rights principles. The findings of this study indicate that customary law continues to enjoy strong social legitimacy within NTT communities and remains an important mechanism for social regulation and dispute resolution. Customary deliberation and consensus-based dispute-resolution processes are often perceived as more effective because they preserve social harmony and are widely accepted by local communities. Nevertheless, certain customary practices may conflict with the principles of equality, non-discrimination, and the protection of vulnerable groups enshrined in national legislation and international human rights instruments. As a result, legal reform must seek to reconcile customary legal norms with contemporary human rights standards while preserving the cultural values and social functions of customary institutions. Such harmonization is essential for establishing a human rights protection framework that is both legally effective and socially legitimate within the unique socio-cultural context of East Nusa Tenggara.

From Soepomo's perspective, customary law embodies the values, traditions, and social norms that are deeply rooted within society and therefore deserves recognition and preservation.<sup>17</sup> Nevertheless, respect for customary law should not serve as a justification for disregarding universal human rights principles. Consequently, legal reform should be directed toward harmonizing customary law and state law through constructive dialogue, normative reconstruction, and the strengthening of human rights education at the community level. Such harmonization is essential to ensure that local cultural values are preserved without compromising the protection and fulfillment of individual rights.

Another critical issue concerns the effectiveness of institutions responsible for human rights protection. Human rights institutions at both the national and regional levels continue to face significant challenges in carrying out their mandates effectively. Limited institutional resources, the vast and fragmented geographical characteristics of NTT, low levels of public reporting of human rights violations, and weak coordination among relevant agencies have constrained the effectiveness of human rights protection mechanisms. As a consequence, many cases of human rights violations are not addressed promptly, comprehensively, or effectively.

Accordingly, legal reform should encompass not only substantive legal provisions but also institutional restructuring. Institutional reform should focus on strengthening institutional authority, enhancing the capacity of human resources, and developing more effective coordination mechanisms among local governments, law enforcement agencies, the National Human Rights Commission (Komnas HAM), and civil society organizations. Such measures are expected to improve the responsiveness, accessibility,

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<sup>17</sup> Soepomo Soepomo, *Bab-Bab Tentang Hukum Adat* (Pradnya Paramita, 1977).

and effectiveness of the human rights protection system while ensuring that it remains oriented toward the needs of local communities.

The findings of this study are consistent with the conclusions of Supriyanto, who argued that the enforcement of human rights in Indonesia continues to encounter significant obstacles despite the existence of relatively adequate legal instruments.<sup>18</sup> The present study also reinforces the perspective advanced by Barda Nawawi Arief, who emphasized that legal reform must be pursued continuously in order to respond to social transformation and increasingly complex forms of legal violations.<sup>19</sup> Furthermore, the results corroborate the findings of Firdaus, which demonstrate the persistence of barriers to human rights protection in NTT, particularly those related to indigenous communities and access to justice.<sup>20</sup>

The urgency of legal reform in NTT arises not merely from deficiencies in legal regulations but also from the lack of alignment among legal norms, institutional structures, and the prevailing legal culture of society. Viewed through the lens of Friedman's legal system theory<sup>21</sup>, the human rights challenges faced in East Nusa Tenggara illustrate that effective human rights protection requires a balanced interaction among legal substance, legal structure, and legal culture. Consequently, legal reform must be undertaken comprehensively by integrating these three interrelated dimensions.

In conclusion, legal reform constitutes an urgent necessity for strengthening human rights protection in East Nusa Tenggara. Such reform should encompass the enhancement of legal frameworks for combating human trafficking, the protection of indigenous peoples' rights, the harmonization of customary law with universal human rights principles, and the improvement of the effectiveness of human rights protection institutions. Through progressive, adaptive, and substantively justice-oriented legal reform, the human rights protection system in NTT is expected to provide stronger guarantees for the respect, protection, and fulfillment of the fundamental rights of all citizens.

### **3.3. Legal Policy for Strengthening the Protection, Fulfillment, Respect, and Enforcement of Human Rights in East Nusa Tenggara**

Strengthening human rights protection in East Nusa Tenggara (NTT) requires a fundamental shift in legal policy from a predominantly reactive and punitive approach toward a preventive, participatory, and community-based framework. To date, human rights policies have largely focused on responding to violations after they occur.

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<sup>18</sup> Bambang Heri Supriyanto, "Penegakan Hukum Mengenai Hak Asasi Manusia (HAM) Menurut Hukum Positif Di Indonesia."

<sup>19</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, 2nd ed. (Kencana, 2008).

<sup>20</sup> Firdaus, "Pembela Hak Asasi Manusia Pada Isu Sumber Daya Alam Di Kabupaten Timor Tengah Selatan Provinsi Nusa Tenggara Timur."

<sup>21</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective*.

However, the persistence of human trafficking, migrant worker exploitation, conflicts involving indigenous peoples' rights, and violations against vulnerable groups demonstrates that preventive measures are considerably more effective than post-violation interventions. This perspective is consistent with Roscoe Pound's concept of law as a tool of social engineering, whereby law functions not only as a mechanism for regulating social behavior but also as an instrument for directing social transformation toward greater justice and social welfare.

The first policy recommendation is the strengthening of regional legal frameworks that are specifically oriented toward human rights protection. Most existing human rights regulations remain national in scope, whereas the human rights challenges faced in NTT possess distinctive local characteristics that require more context-sensitive policy responses. The prevalence of human trafficking, the vulnerability of migrant workers, and the ongoing challenges surrounding the protection of indigenous communities necessitate regulatory measures tailored to local conditions through regional legislation and policy initiatives. Accordingly, local governments should formulate regulations that specifically address the prevention of human trafficking, the protection of vulnerable groups, the monitoring of labor migration, and the safeguarding of indigenous peoples' rights. Such regulations should be developed in accordance with both national legal standards and international human rights principles to ensure legal certainty and effective protection.

The existence of legal regulations alone, however, is insufficient without effective institutional coordination.<sup>22</sup> Therefore, the second policy recommendation is to strengthen synergy among institutions responsible for human rights protection. One of the primary factors contributing to the limited effectiveness of human rights protection in NTT is the lack of coordination among local governments, law enforcement agencies, the National Human Rights Commission (Komnas HAM), customary institutions, agencies responsible for the protection of women and children, and civil society organizations. In many cases, responses to human rights violations are implemented in a fragmented and sectoral manner, thereby reducing the effectiveness of victim protection and legal remedies. Consequently, an integrated coordination mechanism is required to facilitate information sharing, strengthen oversight, and improve the efficiency of case handling. Such an institutional model is essential to ensure that human rights protection is implemented comprehensively rather than being constrained by institutional fragmentation.

Another important factor contributing to the persistence of human rights violations is the relatively low level of public legal awareness. Many members of the community remain unfamiliar with their fundamental rights and the legal mechanisms

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<sup>22</sup> Linda Maimunah, "Efektivitas Satgas PPK UNJ Dalam Memberikan Perlindungan Hukum Terhadap Korban Dan Saksi Kekerasan Seksual Di Lingkungan Perguruan Tinggi," *Jurnal Ragam Pengabdian* 3, no. 1 (2026): 2236–46, <https://doi.org/10.62710/3k30cx55>.

available for seeking protection when those rights are violated. Accordingly, the third policy recommendation is the expansion and institutionalization of human rights education and public awareness programs. Human rights education should target not only students at schools and universities but also the broader community, including customary leaders, religious leaders, and other influential social actors within NTT society. This recommendation is consistent with the perspective advanced by Donnelly, who argues that effective human rights protection depends upon public awareness and understanding of human rights, enabling individuals to participate actively in the prevention, monitoring, and reporting of violations.<sup>23</sup> By enhancing human rights literacy, members of society can move beyond their role as passive beneficiaries of legal protection and become active participants in fostering a culture of respect for human rights and the rule of law.

The fourth policy recommendation identified in this study is the strengthening of the capacity of law enforcement personnel. The effectiveness of human rights protection is closely linked to the quality and competence of the human resources responsible for implementing and enforcing the law.<sup>24</sup> In practice, limited understanding of human rights principles has, in some cases, hindered the effective handling of cases and reduced the focus on victim-centered protection. Therefore, continuous capacity-building programs should be provided for police officers, prosecutors, judges, correctional personnel, and local government officials regarding national and international human rights standards. Such programs should encompass legal substance, victim-assistance techniques, rights-based approaches, and sensitivity toward vulnerable groups, including women, children, persons with disabilities, and indigenous communities. Through these measures, law enforcement processes can move beyond a narrow focus on procedural compliance and ensure greater respect for human dignity and fundamental rights.

Furthermore, strengthening human rights protection in NTT requires the harmonization of customary law with universal human rights principles. Communities in East Nusa Tenggara continue to maintain a strong attachment to customary law as a mechanism for dispute resolution and social regulation. Consequently, legal policies should recognize and accommodate customary law as an integral component of local cultural identity. At the same time, harmonization efforts are necessary to ensure that customary practices potentially inconsistent with the principles of equality, non-discrimination, and the protection of vulnerable groups are reconstructed in accordance with contemporary human rights standards. To achieve this objective, it is essential to strengthen dialogue among government institutions, customary authorities, academic

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<sup>23</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice*, 2nd ed. (Cornell University Press, 2003).

<sup>24</sup> Rahmat Hidayat Hasibuan and Ahmad Fadli Nasution, "Implementasi Hak Asasi Manusia Dalam Sistem Hukum Indonesia: Refleksi Sejarah Dan Tantangan Kontemporer," *Indonesian Journal of Multidisciplinary Scientific Studies* 3, no. 5 (2025): 398–402, <https://doi.org/10.33151/ijomss.v3i5.712>.

institutions, and civil society organizations in developing an integrated framework that reconciles customary law with human rights principles. Such an approach is crucial for enhancing the social legitimacy of human rights policies while preserving the continuity of local cultural values.

The findings of this study are consistent with those of Triputra, who emphasized the importance of harmonizing universal human rights values with the socio-cultural values embedded within Indonesian society.<sup>25</sup> The study also reinforces the conclusions of Supriyanto, who demonstrated that weaknesses in human rights enforcement in Indonesia are attributable not only to regulatory deficiencies but also to shortcomings in implementation and institutional coordination. However, the present study contributes a novel perspective by formulating policy recommendations specifically tailored to the social, cultural, and geographical characteristics of East Nusa Tenggara. In this regard, the study not only identifies existing challenges but also proposes contextual and operational policy solutions aimed at improving the effectiveness of human rights protection in the region.

Effective human rights protection cannot be achieved solely through the enactment of legal regulations. Rather, it requires a holistic approach that integrates legal frameworks, institutional capacity, public education, legal culture, and community participation. As argued by Friedman, legal effectiveness depends upon the interaction of three fundamental components: legal substance, legal structure, and legal culture.<sup>26</sup> In the context of East Nusa Tenggara, these three dimensions must be strengthened simultaneously to ensure the successful implementation of human rights protection policies.

Accordingly, the development of effective legal policies for human rights protection and enforcement in NTT must be pursued through a comprehensive and sustainable strategy. Such a strategy should include the strengthening of regional regulations grounded in human rights principles, enhanced coordination among relevant institutions, continuous human rights education and public outreach, capacity building for law enforcement personnel, and the harmonization of customary law with universal human rights norms. The findings of this study demonstrate that sustainable human rights protection can only be achieved through collaborative efforts among the state, local communities, and other stakeholders in building a legal system that not only guarantees legal certainty but also promotes substantive justice and respect for human dignity for all residents of East Nusa Tenggara.

#### 4. CONCLUSION

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<sup>25</sup> Triputra, "Implementasi Nilai-Nilai HAM Global Ke Dalam Sistem Hukum Indonesia Yang Berlandaskan Pancasila."

<sup>26</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective*.

This study examines the similarities, differences, and weaknesses of legal systems governing the protection and enforcement of human rights in East Nusa Tenggara (NTT) through a comparative legal approach. It further evaluates the urgency of legal reform and formulates recommendations for the development of more effective and sustainable human rights policies. The findings demonstrate that Indonesian national law, international human rights instruments, and customary law in NTT share a common objective of safeguarding human dignity and fundamental rights. However, significant differences exist in their approaches to rights protection and dispute resolution. National and international legal frameworks primarily emphasize individual rights and formal legal procedures, whereas customary law places greater importance on communal values, social harmony, and consensus-based conflict settlement.

The study identifies a major weakness in the existing human rights protection system, namely the gap between normative legal standards and their practical implementation. This discrepancy is reflected in persistent issues such as human trafficking, inadequate protection of indigenous peoples' rights, limited harmonization between customary norms and universal human rights principles, and the suboptimal performance of institutions responsible for human rights enforcement. These challenges indicate that human rights problems in NTT are influenced not only by legal substance but also by weaknesses in legal structure and legal culture. Therefore, comprehensive legal reform, institutional strengthening, and greater integration of customary law with national and international human rights standards are essential to establish a more inclusive, responsive, and effective human rights protection system in East Nusa Tenggara.

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