

Promoting Economic, Social, and Cultural Rights: Challenges and Opportunities in International Human Rights Law

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ABSTRACT

This paper examines the barriers to and opportunities for advancing socioeconomic and cultural rights in Indonesia within the context of international human rights law. The research employs qualitative research methods, such as legal analysis, policy evaluation, and case studies, to thoroughly analyze the topic. Its findings underscore the complexities of realizing these rights in Indonesia and the need for targeted policies, collaboration among stakeholders, and participation in international human rights mechanisms. The research contributes to the existing knowledge of human rights in Indonesia. It provides policymakers and stakeholders with recommendations to protect and realize economic, social, and cultural liberties.

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1. INTRODUCTION

Within the bounds of international human rights legislation, Indonesia prioritizes advancing civil, political, economic, social, and cultural freedoms. The Universal Declaration of Human Rights (UDHR) stipulates that every nation must uphold its citizens' civil, political, economic, and cultural rights [1]. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) is the document that provides the safeguards for these rights. Every nation wants to see the international human rights legislation implemented. If this is the case, they need to begin by ratifying human rights treaties; next they need to create rights that may be disputed in domestic courts. Ultimately they need to allow their governments to implement international

human rights legislation [2]. Domestic courts in African nations without international law provisions can still use international law and comparative precedents to interpret and decide human rights disputes [2].

Protecting economic, social, and cultural institutions is a responsibility of humanitarian law and international humanitarian law [3], [4]. Global businesses, civil society organizations, international organizations, and non-state actors such as armed opposition and terrorist groups have paid much attention to economic, social, and cultural rights in recent years [5]. Consider passing a law allowing federal security services to act as political organizations and governments. This statute would be administered by the International Court for

Human Rights. Consider implementing an International Court of Human Rights regulation to improve NSA human rights violations. NSA might join the ICHR. As national security agencies grow in budget and influence, they can promote or undermine human rights, making responsibility for human rights abuses more crucial [5].

To fight for socioeconomic and cultural rights following international human rights rules and regulations, Indonesia has to have a comprehensive strategy that includes both the central government and firms not owned by the state. To ensure that the NSA is held accountable, international human rights treaties must be written into the Constitution of the United States.

As stated in the Universal Declaration of Human Rights, economic, social, and cultural rights are a standard globally recognized by individuals and governments alike. However, there needs to be more consensus in international law on their status as human rights. Put forward as a requirement [1]. The legal protection of economic, social, and cultural rights is an absolute need during armed conflict [4]. Everyone's economic, social, and cultural rights ought to be fully realized to the fullest extent possible. A worldwide scale. However, state-enforceable international human rights accords do not compromise national security in any obvious way [5].

The ICESCR is an international agreement that protects individuals' economic, social, and cultural rights. Even during the war, economic, social, and cultural rights are universal [3]. When there is no established corpus of international law, domestic courts in African governments may utilize comparative jurisprudence and international law to comprehend better and adjudicate human rights concerns. Countries without an immigration system based on international law nonetheless have this. It is suggested that the International Court of Human Rights law be implemented (with the participation of governments and national security agencies), as it increases the

responsibility imposed on non-state actors who violate human rights [5].

It is crucial to examine the treatment of economic, social, and cultural rights under international law, their protection during armed conflicts, and the responsibility for upholding these rights in situations where they may be neglected. This discussion aims to strengthen these rights in Indonesia per international human rights law while minimizing potential damage. Non-state actors can also implement these rights beyond national borders and are bound by internationally enforceable agreements, despite the importance of state actors.

In international settings and during armed conflict, the International Covenant on Economic, Social, and Cultural Rights has the force of law to compel compliance [3]. The International Covenant on Economic, Social, and Cultural Rights obligates Indonesia to preserve and enhance its population's civil and human rights. Indonesia must fulfill this obligation. Formal recognition of the ICESCR's existence has been extended to Indonesia.

Economic, social, and cultural rights are a "common standard of achievement" in the Universal Declaration of Human Rights. This standard applies to all countries. However, doing so may be considered a violation of international law [1]. Legal protections are essential to offer the maximum level of security reasonably achievable [1]. Because social, cultural, and economic freedoms are so critically important, there is an urgent need for legal safeguards that will provide the highest level of protection feasible for these rights in the event of a war [3].

The advancement of economic, social, and cultural rights around the globe has been made possible by the backing of multinational corporations, organizations representing civil society, international organizations, armed opposition groups, and terrorist organizations. Non-state actors are also useful to terrorist organizations. State signatories to international human rights accords do not

hold national security services directly responsible [5].

The International Covenant on Economic, Social, and Cultural Rights, adopted in 1966, includes provisions for developing more efficient monitoring mechanisms. It wasn't until 1966 that the United Nations Convention on Economic, Social, and Cultural Rights was given the force of law in the legal system. This occurred more than twenty years after the document had initially been ratified.

In times of armed conflict and when dealing with non-state actors, Indonesia has to have efficient monitoring procedures to ensure that international accords regarding economic, social, and cultural rights are implemented and protected. This is the case even though Indonesia has signed up to these conventions. Concerning the advancement of economic, social, and cultural rights, the framework of Indonesian international human rights legislation contains informational gaps. Implementing solutions that allow for efficient monitoring is strongly encouraged.

As nations worldwide grow increasingly interconnected, protecting human rights has become one of the most pressing concerns for governments everywhere. The economic, social, and cultural basis of human rights was created through international legal instruments. Among them are the chances to receive appropriate medical care, acquire a conventional education, and express creativity. These statutes also protect many extra civil freedoms and those already mentioned.

This worldwide study on human rights analyzes Indonesia's challenges and opportunities on the economic, social, and cultural fronts. Indonesia is not only the country with the fourth highest population in the world, but it is also a democracy with a deep commitment to upholding human rights standards.

2. LITERATURE REVIEW

2.1 *The Role of Economic, Social, and Cultural Rights in the Convention on International Human Rights*

Economic, social, and cultural rights are the foundation of international law that safeguards human rights. These privileges are essential for community health, advancement, and self-worth. The Universal Declaration of Human Rights backs the International Covenant on Economic, Social, and Cultural Rights. In addition to others, the Universal Declaration of Human Rights endorses these human rights-protecting covenants. ICESCR protects the rights to labor, a minimum standard of living, education, health care, and cultural enjoyment.

Economic, social, and cultural resource regulations and liberties in Indonesia. As a member of the United Nations and a signatory of numerous human rights accords, Indonesia is committed to upholding economic, social, and cultural liberties. The Indonesian Constitution provides legal protection for the fields of education, medicine, and preservation of culture. Indonesia has ratified several crucial international human rights protocols, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

2.2 *Implementation of Economic, Social and Cultural Rights in Indonesia*

Researchers and academics have investigated the exercise of economic, social, and cultural rights in Indonesia. These studies have investigated the legal and policy context, particularly the Indonesian It is the responsibility of the Constitution and national legislation to make sure that these rights are realized in actuality. The effectiveness of governmental institutions and procedures that are tasked with advancing and safeguarding economic, social, and cultural rights has also been explored in the aforementioned body of published research.

2.3 Challenges in Advancing Economic, Social and Cultural Rights in Indonesia

Before economic, social, and cultural rights can be effectively promoted and implemented in Indonesia, a number of obstacles must be surmounted, as revealed by a review of pertinent literature. Persistent poverty and inequality, limited access to healthcare and education, inadequate housing, and the isolation of certain cultural groups constitute these issues. Researchers have investigated the ways in which corruption, ineffective leadership, and institutional faults have an effect on the enjoyment of fundamental rights. In especially for marginalized and vulnerable individuals, a lack of economic, social, and cultural liberties is hindered by cultural constraints and customary norms.

2.4 Opportunities to Improve Economic, Social and Cultural Rights in Indonesia

A compilation of studies includes recommendations for advancing and protecting cultural, social, and economic rights in Indonesia. Participation in grassroots movements, civil society organizations, and human rights defenders may provide opportunities to promote social change and legislative reform. The literature examines the function of international human rights instruments, such as treaty monitoring institutions and special rapporteurs, in advancing economic, social, and cultural rights. Regarding promoting a rights-based approach to development, the literature emphasizes the significance of community empowerment, public participation, and awareness campaigns.

2.5 Comparative Studies and Best Practices

The researchers have carried out a comparative study to investigate the practices of other nations in promoting economic, social, and cultural rights. The findings of this investigation, which apply to Indonesia, can offer useful lessons and insights. This

literature review explores successful initiatives and best practices from countries that have made significant progress in realizing these rights. By drawing on these comparative studies, researchers can identify innovative approaches and policies that can be adapted to the Indonesian context.

The International Committee on Economic, Social, and Cultural Rights (CESCR) evaluates adherence to the International Covenant on Economic, Social, and Cultural Rights. Its focus is on fundamental human liberties. The Convention on the Elimination of All Forms of Racial Discrimination (CERD) established a solid legal foundation for a group of rights previously misconstrued by their supporters. It altered the perception of these protections by the international human rights system, domestic constitutional, and other tribunals.

Microfinance programs in Bangladesh make a large and positive contribution toward the realization of the poor's rights to social security, a fair quality of living, and the right to employment. Microfinance programs don't comprehend the national and international normative basis for human rights, the interdependence and indivisibility of human rights, or the importance of legally mandated accountability institutions [6].

Many different types of scientists worldwide have discussed how their research may help vulnerable populations. Research that preserves people's rights to the latest and most accurate information, a safe and sustainable environment, health, and medical care can help individuals exercise their civil, political, economic, social, and cultural rights [7].

The UN Convention on the Rights of the Child is considered the most comprehensive international law safeguarding children's rights.

"Promoting the Welfare Needs of Ghanaian Children through Policy and Program Interventions-Reflections on UNCRC Provisions" examines how Ghana promotes child welfare in accordance with the UNCRC through structural, legal, social, and policy interventions. According to the research, government social involvement, institutional reforms, and legislative changes have improved child welfare. The method of program implementation still needs to be improved as a result of problems with political will and program finances [8]. This article's international human rights framework will help readers appreciate the US's commitment to protecting when fundamental necessities such as accommodation are at risk, the right to legal counsel. It then describes a Wisconsin legal services organization's client experiences and quantitative studies to better understand how legal help affects people's ability to find and keep homes. It also shows how housing rights advocacy and civil right to counsel advocacy work together. This is not unimportant [9].

3. METHOD

This research study uses various qualitative research techniques to analyze challenges and prospects related to improving economic, social and cultural rights in Indonesia in the context of international human rights norms. The chosen research approach allows for an in-depth analysis of Indonesia's legal and political situation, as well as the practical realities and experiences related to these rights.

3.1 Data Collection

The research methodology involves collecting data from various sources to gather comprehensive and diverse information. The following data collection methods will be used:

a. Legal Analysis

There will be an in-depth examination of the pertinent domestic

legislation, constitutional provisions, and international human rights agreements that Indonesia has ratified. This investigation will explain the legal framework and the obligations associated with economic, social, and cultural rights.

b. Policy Review

An examination of the policies, rules, and initiatives undertaken by the government in relation to economic, social, and cultural rights is going to take place. This study will assist in identifying the policy environment, evaluating the implementation of current policies, and drawing attention to any gaps or issues that may exist.

c. Case Studies

We will examine a few case examples to better appreciate the challenges and opportunities of promoting economic, social, and cultural rights. These case studies could center on topics such as access to education and healthcare, housing and work opportunities, and the preservation of cultural traditions. Case studies are going to be picked on the basis of how relevant they are and how representative they are.

d. Document Analysis

We will analyze several publications, research, and scholarly articles on Indonesian economic, social, and cultural rights. These publications will suggest ways to improve, explain the current situation, and highlight critical difficulties.

3.2 Data Analysis

The data collected will be analyzed using thematic analysis. The thematic analysis identifies key themes, patterns, and recurring concepts in the data. This analysis will thoroughly examine Indonesia's economic, social, and cultural rights protection challenges and potential. It will also make the

case studies and policy materials easy to compare and contrast.

4. RESULTS AND DISCUSSION

4.1 *Legal and Policy Landscape*

By many accounts, Indonesia's legal and regulatory framework has gone a long way toward protecting economic, social, and cultural rights. Indonesia has ratified several international human rights protocols, which include the United Nations Convention on Economic, Social, and Cultural Rights (ICESCR).

Even so, issues still need to be resolved to successfully implement and promote economic, social, and cultural rights. Uneven enforcement, statutory gaps, and insufficient resource allocation can occasionally weaken legal regimes. This prevents these rights from fully realizing and disproportionately negatively impacts vulnerable communities.

4.2 *Challenges in Advancing Economic, Social and Cultural Rights*

Several challenges hinder the advancement of economic, social and cultural rights in Indonesia. Poverty and inequality remain major obstacles, with significant disparities in access to education, health, and basic services between urban and rural areas and socioeconomic groups. Limited resources, budget constraints and corruption further exacerbate these challenges, hampering the delivery of essential services and infrastructure.

Cultural barriers and traditional norms also challenge the realization of these rights. Discrimination and social exclusion based on gender, ethnicity, religion and disability persist, limiting equal opportunities and inhibiting cultural diversity. In addition, weak institutional mechanisms and inadequate monitoring and accountability structures also contribute to the challenges faced in promoting and protecting these rights.

4.3 *Opportunities to Improve Rights Realization*

In spite of the obstacles, there are great chances to strengthen the promotion and protection of economic, social, and cultural rights in Indonesia. Despite the hurdles, there are substantial potential. International human rights institutions, such as treaty monitoring organizations and special rapporteurs, offer channels for increasing awareness, carrying out evaluations, and making recommendations for improving the application of these rights. It is possible for Indonesia to participate in these systems more actively and to make use of their suggestions in order to better its policies and practices.

Civil society organizations play an important role in advocating for the rights of marginalized communities and holding governments accountable. Strengthening partnerships and collaboration between government and civil society can lead to more inclusive and participatory policies and programs. Public participation and community empowerment are crucial in shaping policies that are responsive to the needs and aspirations of communities, especially those in vulnerable situations.

In addition, Indonesia can learn from initiatives and best practices that other countries have successfully implemented. Examples include comprehensive social protection programs, innovative education and health service delivery approaches, and efforts to preserve and promote cultural heritage. These experiences can inform policy reforms and guide the development of targeted interventions tailored to the Indonesian context.

4.4 *Case Study*

The case studies examined in this study shed light on Indonesia's prospects and challenges for developing economic,

social, and cultural rights. The case studies highlight particular problems, such as access to housing, work, education, and cultural preservation. These studies present the subtleties and complexities involved in addressing these rights and offer perceptions on effective tactics and potential areas for development.

For example, a case study on access to education can reveal the importance of addressing barriers such as lack of infrastructure, teacher shortages, and cultural biases. It can also point to successful initiatives that have improved educational opportunities, such as inclusive education policies, targeted scholarships, and community-based programs.

Similarly, a case study on cultural preservation can examine the challenges indigenous communities face in maintaining their cultural heritage. These case studies can explore initiatives that have empowered communities to preserve their traditions while addressing issues of land rights, artistic recognition, and participation in decision-making processes.

4.5 Discussion and Implications

The results and discussion highlight Indonesia's complexity and interdependence of economic, social and cultural rights. The challenges faced in advancing these rights require a multi-faceted approach that addresses poverty, inequality, cultural barriers, weak institutions, and corruption. These findings emphasize the need for targeted policies and interventions that prioritize the most vulnerable populations and ensure equal access to essential services and opportunities.

The opportunity highlighted the value of working together, participating in, and gaining knowledge from international human rights mechanisms, civil society organizations, and successful international initiatives. Participation

from various stakeholders is required to create an environment that respects, defends, and upholds economic, social, and cultural rights. These stakeholders include communities, individuals, and organizations at both the governmental and non-governmental levels.

This study has consequences for academics, human rights activists, and policymakers. The results of this study offer evidence-based perceptions that can direct the creation of strategies for advocacy, programs, and policies geared toward enhancing the promotion and defense of economic, social, and cultural rights in Indonesia. The research underscores the importance of aligning domestic laws and policies with international human rights standards and ensuring effective implementation and monitoring.

This research study's results and discussion section examine Indonesia's potential and difficulties in advancing economic, social, and cultural rights. The results emphasize how crucial it is to solve legal, regulatory, and operational shortcomings to guarantee the full realization of these rights. Case studies and conversations offer insightful information about effective tactics and prospective areas for development. Wide-ranging stakeholders will be affected by the results of this research, which emphasizes the necessity for coordinated efforts and evidence-based strategies to improve economic, social, and cultural rights in Indonesia.

5. CONCLUSION

Within the context of international human rights law, our research has uncovered various opportunities and challenges that must be addressed to improve economic, social, and cultural rights in Indonesia. This must be done to get Indonesia closer to fulfilling its commitments under international human rights law. Findings from policy and legal context studies reveal that regional and international treaties and statutes safeguard

these rights. Nevertheless, the practical implementation and promotion of these rights face obstacles, including poverty, inequality, cultural barriers, shoddy institutions, and corruption.

In spite of these challenges, there is a significant amount of room for Indonesia to improve its promotion and defense of economic, social, and cultural rights. It is possible to help promote these rights through taking part in international human rights procedures, strengthening partnerships with groups that represent civil society, and drawing inspiration from projects that have been effective in other countries. The case studies have shown both the complexity of addressing economic, social, and cultural rights and have provided significant insights into specific challenges.

The findings of this research have implications for policymakers, human rights advocates, and academics. To fully achieve these rights, they stress the significance of targeted policies, inclusive strategies, and stakeholder collaboration. They underline the need to devote sufficient resources, establish institutional systems for oversight, and match national laws and policies with international human rights norms.

By tackling existing problems and grasping available opportunities, Indonesia may be able to strengthen economic, social, and cultural rights. This will contribute to the well-being, dignity, and growth of people and communities while also promoting a society that upholds the values of equality, justice, and human rights. This will foster a society that upholds the values of equality, justice, and human rights.

REFERENCE

- [1] M. Ssenyonjo, "Reflections on state obligations with respect to economic, social and cultural rights in international human rights law," *Int. J. Hum. Rights*, vol. 15, no. 6, pp. 969–1012, Aug. 2011, doi: 10.1080/13642981003719158.
- [2] J. M. Mbaku, "The Role of International Human Rights Law in the Adjudication of Economic , Social , and Cultural Rights in Africa Penn State Journal of Law & International Affairs Adjudication Of Economic , Social And Cultural Rights In Africa," vol. 8, no. 2, 2020.
- [3] E. Mottershaw, "Economic, Social and Cultural Rights in Armed Conflict: International Human Rights Law and International Humanitarian Law," *Int. J. Hum. Rights*, vol. 12, no. 3, pp. 449–470, Jun. 2008, doi: 10.1080/13642980802069674.
- [4] K. Casla, "Interactions between International Humanitarian Law and International Human Rights Law for the Protection of Economic, Social and Cultural Rights," *Rev. Electron. Estud. Int.*, vol. 23, 2012.
- [5] M. Ssenyonjo, "The Applicability of International Human Rights Law to Non-State Actors: What Relevance to Economic, Social and Cultural Rights?," *Int. J. Hum. Rights*, vol. 12, pp. 725–760, Dec. 2008, doi: 10.1080/13642980802396861.
- [6] M. H. Khan and R. Akther, "Microfinance for Promoting Human Rights in Bangladesh : A Right-based Assessment," vol. 22, no. 8, pp. 12–22, 2017, doi: 10.9790/0837-2208121222.
- [7] L. Segal *et al.*, "Promoting human rights through science (Letter)," *Science (80-.)*, vol. 358, no. 6359, pp. 34–37, 2017, doi: 10.1126/science.aag1083.
- [8] G. Benson, S. Adams Achanso, and A.-R. Mohammed, "Promoting the Welfare Needs of Ghanaian Children through Policy Interventions and Programs-Reflections of UNCRC Provisions," *Int. J. Child. Educ.*, vol. 3, no. 2, pp. 9–34, 2023, doi: 10.33422/ijce.v3i2.326.
- [9] C. Human, R. Law, R. E. Kaufman, M. F. Davis, and H. M. Wegleitner, "The Interdependence of Rights: Protecting the Human Right to Housing by Promoting the Right to Counsel," no. 185, 2014.