



PROBLEMS OF FULFILLMENT OF THE RIGHT TO EXPECT OPINIONS AND VIOLATIONS OF THE RIGHT TO HEALTH IN INDONESIA

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Abstract

The purpose of this paper is to find out the problem of fulfilling the right to express opinions and violations of the right to health in Indonesia. This type of research is normative legal research specifically discussing human rights in the field of expressing opinions and rights to health. Data analysis in this study was carried out systematically based on the research problems described qualitatively. In relation to expressing opinions in public, such as demonstrations or demonstrations with many participants, restrictions on freedom are usually associated with "public order" or public orders. The most difficult is how to provide a balance between freedom and public order. Demonstrations by a number of doctors certainly have an impact on patient care, which in principle has harmed the public interest. In addition, the demonstration by blocking the road body certainly hurts the public interest, namely the interests of all road users. Based on the results of Komnas HAM's investigation, at least 15 types of human rights violations were affected by Lapindo mudflow victims. The problem when it is associated with the right to health is in the form of: not a few refugees whose health is disrupted resulting in people falling ill and some dying due to the absence of a proper environment for displaced people; and gas contaminated air and clean water facilities that are damaged are not handled properly by the government.

Keywords: *Human Rights, Freedom of Opinion, Right to Health*

1. INTRODUCTION

The existence of laws and regulations is absolutely necessary as an effort to protect and enforce human rights, especially laws and regulations that have the nuances of human values. In addition to the laws and regulations that regulate human rights material, regulations relating to the implementation mechanism are also needed. Without laws and regulations governing the mechanism for implementing human rights, the implementation of human rights in practice is not only difficult but will also cause various problems.¹

Efforts to regulate human rights in laws and regulations have been started since the beginning of independence, namely with the inclusion of human rights material into the 1945 Constitution. The Provisional Constitution 1950 also includes human rights as one of its content materials. This proves that from the start, the founders of the country have realized the importance of regulating human rights in the legislation. In addition to the three constitutions that have been and are still in effect, human rights arrangements are also

¹ Bagir Manan, *Perkembangan Pemikiran dan Pengaturan Hak Asasi Manusia di Indonesia*, Yayasan Hak Asasi Manusia, Demokrasi dan Supremasi Hukum, PT Alumni, Jakarta, 2006, hlm. 152-153.

contained in various Decrees of the People's Consultative Assembly and laws.² Especially for human rights issues related to politics, one of which is the right to express opinions in public. Meanwhile, one of the human rights issues related to the economic, social and cultural fields is the right to health.

It has become a consensus in the Indonesian constitution that the right to health is a fundamental right for humans. Health problems do not stand alone. The realm of health is closely related to other factors of human life. The political, economic, legal, social and cultural dimensions as well as education have a significant influence on the quality of health of individuals and communities in a country. Talks about the right to health, in principle, cannot be separated from other basic human rights, such as the right to education, politics, economy, social and legal protection.³

Although there are many criticisms of the results of the amendments to the 1945 Constitution because they have not been able to produce an ideal constitution, at least the amendments to the 1945 Constitution have begun to lead to the demands of the doctrine of constitutionalism. Moreover, in the context of human rights, the 1945 Constitution as a result of the amendment materially contains articles from the substance of the first generation to the fourth generation of human rights.⁴

The conceptual understanding of human rights in the history of international legal instruments has at least gone beyond three generations of development. The first generation contains thoughts on the concept of human rights that have long developed in the discourse of scientists. The culmination of the development of the first generation of human rights was at the signing of the United Nations Universal Declaration of Human Rights in 1948 after previously the ideas for protecting human rights were contained in historical texts, such as in England with the Magna Charta and the Bill of Rights. , in the United States with the Declaration of Independence, and in France with the Declaration of Rights of Man and of the Citizens. The basic concept of the first generation of human rights covers the question of the principle of integrity, namely the integration between basic needs and the principles of civil and political liberties.⁵ In a further development that can be referred to as second generation human rights is the concept of human rights which includes efforts to ensure the fulfillment of the need to pursue economic, social and cultural progress, including the right to education, the right to determine political status, the right to enjoy a variety of inventions-scientific discoveries, and so on. The peak of this second development was reached with the signing of the International Covenant on Economic, Social and Cultural Rights in 1966.⁶

² *Ibid.*, hlm. 153.

³ Majda El Muhtaj, *Dimensi-dimensi HAM: Mengurai Hak Ekonomi, Sosial, dan Budaya*, PT RajaGrafindo Persada, Jakarta, 2008, hlm. 152-153.

⁴ Eko Riyadi dan Supriyanto Abdi (Editor), *Mengurai Kompleksitas Hak Asasi Manusia (Kajian Multi Perspektif)*, Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII), Yogyakarta, 2007, hlm. 264.

⁵ Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-pilar Demokrasi: Serpihan Pemikiran Hukum*, Media dan HAM, Konstitusi Press, Jakarta, 2005, hlm. 220.

⁶ *Ibid.*, hlm. 220.



Human rights is part of constitutionalism, is the essence of constitutionalism. The more human rights are adopted in the constitution, the more bound the authorities are. His powers are limited. The government will be fragile when it injures the civil rights (and human rights) of the citizens. The ruler's power did not last long. On the other hand, when the government respects the civil rights of the citizens, the government becomes more powerful (be a strong government) because it has the support of the people as the holder of the highest sovereignty.⁷

There are some opinions which state that civil and political rights require immediate implementation. Meanwhile, economic, social and cultural rights do not require immediate implementation, but are positive and continuous in accordance with the conditions and capabilities of the country concerned. However, this opinion is not entirely correct because the Civil and Political Human Rights on the one hand and Economic, Social and Cultural Human Rights on the other hand cannot be separated explicitly in its implementation. The implementation of one area of human rights can strengthen other areas of human rights. On the other hand, restrictions on certain areas of human rights will have the effect of not working in other areas of human rights.⁸ Every violation of human rights, whether in the serious category or not, always creates an obligation for the state to seek a resolution. The resolution is not only important for the reparation of victims' rights, but also for the prevention of similar violations in the future. So efforts to resolve human rights violations must be seen as part of the steps to promote and protect human rights as a whole. No matter how small the settlement step is, it must still be seen as a concrete step against impunity. That is the goal of resolving human rights violations, because there is no human right without reparation for the violation. That is tantamount to saying that impunity will continue if there are no concrete steps to fulfill the rights of victims of human rights violations and restore order as a whole.⁹ The formulation of Human Rights (HAM) which is included in the 1945 Constitution of the Republic of Indonesia can be divided into several aspects, namely:

1. Human rights are related to life and living;
2. Human rights related to the family;
3. Human rights are related to education, science and technology;
4. Human rights related to work;
5. Human rights are related to freedom of religion and belief, freedom of attitude, opinion and association;
6. Human rights are related to information and communication;
7. Human rights are related to a sense of security and protection from treatment that degrades human dignity and status;
8. Human rights are related to social welfare;
9. Human rights are related to equality and justice;

⁷ Laica Marzuki, *Konstitusionalisme dan Hak Asasi Manusia*, Jurnal Konstitusi, Volume 8, Nomor 4, Agustus 2011, hlm. 486.

⁸ Eko Riyadi dan Supriyanto Abdi (Editor), *Op. Cit.*, hlm. 69.

⁹ Knut D. Asplund, Suparman Marzuki, dan Eko Riyadi (Penyunting/Editor), *Hukum Hak Asasi Manusia*, PUSHAM UII, Yogyakarta, 2008, hlm. 70-71.

10. Human rights are obliged to respect the rights of other people and parties.¹⁰

Basically, the implementation of human rights as outlined in laws and regulations cannot be separated from the legal ideals, values, and views of life adopted by Indonesia as contained in Pancasila. These three things form the basis of the philosophy of implementing human rights in laws and regulations. This means that the guarantee of the protection of human rights in the 1945 Constitution in its implementation must be interpreted holistically in relation to the legal ideals, values and outlook on life of the Indonesian nation.¹¹ The legal ideals, values, and way of life of the Indonesian people as contained in the formulation of the five principles of Pancasila which are the basis for the philosophy of human rights show that the meaning and implementation of human rights in Indonesia emphasizes balance and harmony between human rights and obligations.¹²

Based on the description above, it is known that the right to express opinions in public is one of the human rights in the political field. Meanwhile, the right to health is a fundamental right for humans, with the provisions of this right being inseparable from other basic human rights, such as the right to education, politics, economy, social and legal protection. From the two main points regarding human rights in the civil and political fields as well as human rights in the economic, social and cultural fields mentioned above, it is known that the study of these matters will certainly be interesting. Therefore, this study specifically conducts a study of human rights related to the right to express opinions in public and the right to health with the title "Problems of Fulfilling the Right to Express Opinions in Public and Violations of the Right to Health in Indonesia".

Based on the foregoing, the problems studied in this study are the problems of fulfilling the right to express opinions and violations of the right to health in Indonesia. Therefore, the purpose of this paper is to find out the problems of fulfilling the right to express opinions and violations of the right to health in Indonesia.

2. IMPLEMENTATION METHOD

This type of research is normative legal research that specifically discusses human rights in the field of expressing opinions and the right to health. The data collection method used is a literature study by conducting a study of the literature related to the object of this research. Data analysis in this study was carried out systematically based on research problems described qualitatively.

3. RESULTS AND DISCUSSION

3.1 The Right to Express Opinions in Public

¹⁰ Majelis Permusyawaratan Rakyat Republik Indonesia, *Panduan Pemasyarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Sesuai dengan Urutan Bab, Pasal, dan Ayat*, Sekretariat Jenderal MPR RI, Jakarta, 2005, hlm. 115.

¹¹ Mahrus Ali, *Pengawasan Peredaran Barang Cetak, Due Process of Law dan Hak Atas Kebebasan Mengeluarkan Pendapat*, Jurnal Konstitusi, Volume 8, Nomor 4, Agustus 2011, hlm. 523.

¹² *Ibid.*, hlm. 525.



Another form of Article 28 of the 1945 Constitution is “Independence... expressing thoughts... and so on...” If you look at the context of this sentence, then there are several rights that are not included in the form of association and assembly, or verbally and in writing. The right is to express opinions in public. Although the form of expressing opinions in public can be oral or written, it seems that this right has its own characteristics that are different from other rights. In principle, it is realized that freedom of expression is always accompanied by necessary restrictions. However, these restrictions must not eliminate the essence of freedom itself. In short, the debate lies not in the presence or absence of restrictions, but regarding the form, material, and procedures for restrictions.¹³ In relation to expressing opinions in public, such as demonstrations or demonstrations with large crowds of participants, restrictions on freedom are usually associated with "public order" or public order. The most difficult thing is how to strike a balance between freedom and public order. Public order is often identified with the interests of the people, while expressing opinions is an individual right. Therefore, restrictions on the right to express opinions in public can be seen as an effort to maintain a balance between various individual human rights and group rights (between individual rights and community rights).¹⁴

3.2 Important Cases (Abandoned Patients Due to Doctors Conducting Demos and Demos Harming Road Users)

The demonstration of a number of doctors in Depok, West Java, has begun to have an impact on patient care. At the city's Regional General Hospital, Wednesday 27 November 2013, patients had to wait for hours to be examined. One of the patients with lung disease, Hermawati, was even forced to wait for hours because the pulmonary specialist did not come. Because until noon there was no specialist doctor, Herawati had to be treated by a general practitioner. Not only Hermawati, a number of patients also complained of the same fate. Generally, they complain about the slowness of hospital services. In Semarang, Central Java, the same thing happened. The queue of patients at Dr Kariadi Hospital is quite long. Doctors take action in front of the Central Java DPRD office, Jalan Pahlawan, Semarang. Ari Wijayanto, 45, an outpatient said that he had been waiting for more than two hours, but had not been served. Haryoso, an old man who admitted that he had been waiting in line for three hours at the Kariadi surgical outpatient clinic, had not been called. Aryanti, a nurse on duty, apologized to all the patients while explaining that the doctors were protesting.¹⁵

Hundreds of people in Kampar Riau District demonstrated by blocking the road. Riau-West Sumatra traffic is paralyzed. The masses concentrated their action on a bridge in Lake Bingkuang Village, Tambang District, Kampar, Riau. Since 11.00 WIB, they have burned used tires in the middle of the road. As a result, traffic flow is completely paralyzed. There was a queue of vehicles. From Pekanbaru to Kampar there was a long line of 3 km.

¹³ Bagir Manan, *Op. Cit.*, hlm. 185-186.

¹⁴ *Ibid.*, hlm. 186.

¹⁵ Hadi Suprpto, Puspita Dewi (Semarang), Zahrul Darmawan (Depok), *Cerita Pasien Telantar Gara-gara Dokter Demo: Dokter Spesialis Tak Ada, Herawati Terpaksa Ditangani Dokter Umum*, dalam: <http://news.viva.co.id/news/read/461931-cerita-pasien-telantar-gara-gara-dokter-demo>, diakses tanggal 27 Juni 2019.

Meanwhile, from the opposite direction, the queue reached 5 km. According to Supratman, one of the drivers (tank driver) who was caught in the queue said that he had been caught in the blocking action by these residents and was finally forced to join the queue even though it had been walking for 3 (three) hours at the location. According to him, the residents' demonstrations have caused trouble for other people by curtly saying that if you want a demonstration, just go for a demonstration, don't block the road. For the time being, the police diverted the flow of vehicles to make further detours. Vehicles from Pekanbaru were partially diverted through Sei Pinang Village which later could penetrate Bangkinang City, the capital of Kampar. But the distance will be further. The demonstration of hundreds of residents is only a matter of land that will be built by the Kampar Regency Government to invest in a palm oil mill. Kampar Regency Government has provided compensation to local residents. However, some still claim that they have not been compensated.¹⁶ Based on this, it is known that the organizers of the “demo” activity did not notify the Police.

The organizer is obliged to notify the Police before the activity of expressing opinions in public is carried out. This notification does not constitute a license, and is made solely to avoid interruptions while the activity is being carried out. One of the restrictions is the notification time limit, which is no later than 3 times 24 hours before the activity is carried out. In addition, it is forbidden to express opinions in public within the Presidential Palace, places of worship, military installations, hospitals, air and sea ports, train stations, army terminals, vital objects and on national holidays. Still in relation to restrictions, the Police can dissolve the activity of expressing opinions if:

1. Does not respect the rights and freedoms of others.
2. Not respecting generally accepted moral rules.
3. Not complying with applicable laws.
4. Not maintaining and respecting public order.
5. Not maintaining the integrity of the nation's unity and integrity.
6. Done in a forbidden place and time.
7. Bringing objects that can endanger public safety.
8. Not notifying.
9. The notification does not include the intent, purpose, place, time, route and so on.¹⁷

3.3 Right to Health

The Indonesian government has ratified the International Covenant On Economic, Social and Cultural Rights (ICESCR), hereinafter referred to as the Covenant, through Law Number 11 of 2005. Therefore, the Indonesian government is obliged to fulfill social and cultural security and must make it happen through the rule of law and government policies. The Covenant recognizes several rights including the right to work, the right to enjoy just

¹⁶ Chaidir Anwar Tanjung – detikNews, *Warga Kampar Demo Terkait 'Cekcok' dengan Bupati, Akses Riau-Sumbar Lumpuh*, dalam: <http://detik.com/news/read/2014/06/04/153951/2599714/10/>, diakses tanggal 27 Juni 2019.

¹⁷ Bagir Manan, *Op. Cit.*, hlm. 190-191.



and favorable working conditions, the right to form and join trade unions, the right to social security, including social insurance, the right to the broadest possible protection and assistance for families, mothers and children. and young people, the right to an adequate standard of living, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to education and the right to participate in cultural life.¹⁸

The rights mentioned above are categories of rights that must be fulfilled by the state. The state is obliged to take concrete actions to fulfill the economic and social rights so that it can be felt directly by the community. Fulfillment of economic rights is very important to support development and welfare, such as the right to food which can support the achievement and fulfillment of other rights. The right to food is a basic human right that should not be ignored. The state cannot carry out sustainable development without paying attention to these basic rights. In addition to the basic right to food, there are several other basic rights contained in the Covenant which are mutually supportive, such as the right to water and its availability which supports the right to food. If water is not available then there will be no right to food. From the right to food to other basic rights, it also needs to be supported by several other rights, such as the right to housing/residence, the right to health, the right to education, the right to work and the right to participate in cultural life.¹⁹ Based on this, the right to health cannot be ignored.

Health is one thing that is very important for every human being, so there needs to be an effort to maintain the stability of the condition of the human body in order to achieve a better condition every day. The state provides protection for the health rights of every human being through various laws and regulations, including Article 4 of Law Number 36 of 2009 concerning Health which states, "Everyone has the right to health". This statement means that the right to health is owned by every human being.²⁰

3.4 Important Cases (The Lapindo Mud Case in the form of an Improper Environment, Gas Polluted Air, and Damaged Clean Water Facilities for Refugees and Cases of Women's Rights to Reproductive and Sexual Health)

Komnas HAM urges the government to continue to demand accountability from parties related to the Lapindo mudflow issue. Accountability is not only through the provision of compensation, but also criminal sanctions. For the issue of criminal responsibility, Komnas HAM hopes that law enforcement officers can use the concept of absolute responsibility or strict liability. According to the chairman of the National Human Rights Commission, accountability must continue to be pursued in order to provide justice for the victims. The perpetrators of these human rights violations are the government, both central and local, as well as companies related to drilling activities. Komnas HAM conveys such a recommendation because based on the results of the investigation it was found at least 15

¹⁸ Eko Riyadi (Editor), *To Promote: Membaca Perkembangan Wacana Hak Asasi Manusia di Indonesia*, PUSHAM UII, Yogyakarta, 2012, hlm. 302.

¹⁹ *Ibid.*, hlm. 302-303.

²⁰ Yuliana Primawardani, *Perlindungan dan Pemenuhan Hak Anak (Balita) atas Kesehatan terhadap Bahaya Asap Rokok*, Jurnal Hak Asasi Manusia, Volume 3 Nomor 2, Desember 2012, hlm. 104.

types of violations of the human rights of the people affected by the Lapindo mudflow, which are as follows:

1. The right to life. The government is considered to have failed to fulfill the rights and proper environment for residents who were displaced due to the Lapindo mudflow. As a result, not a few refugees whose health is disturbed, causing residents to fall ill and some die.
2. The right to information. Komnas HAM found that the public did not know about the oil and gas exploration plans carried out by Lapindo Brantas Inc. Meanwhile, the process of determining the work area carried out by the central government is closed. In addition, referring to existing laws and regulations, especially in the regions, Komnas HAM said that East Java province was not designated as a mining area.
3. The right to security. Related to the potential threat of the mud retaining embankment breaking which can occur at any time. If that happens, the houses of residents around the embankment can be hit by mud. In addition, the emergence of gas bubbles in a number of villages can cause fires.
4. The right to self-development. Due to the mudflow, residents cannot develop themselves normally in their daily lives. Komnas HAM sees this as arising from the breakdown of existing social relations and horizontal conflicts among victims/citizens.
5. The right to housing. According to Komnas HAM records in March 2007 as many as 11,974 people lost their right to housing because efforts to control the mudflow failed to protect people's homes. At the same time, Komnas HAM also noted that the residents had not received full compensation.
6. The right to food. Komnas HAM considers the government to have failed to fulfill the food rights of refugees in Pasar Baru Porong. As a result, as many as 604 families no longer get food supplies because Lapindo Brantas Inc has stopped food rations since May 1, 2008. In addition, along Jalan Raya Porong, many refugees have become beggars and are threatened with starvation.
7. The right to health. The investigation team formed by Komnas HAM assessed that the government had violated the right to health of the residents in 12 villages that were submerged in mud. In addition, villages that are not affected by mud also receive negative impacts. For example, air is polluted with gas and clean water facilities are damaged. Komnas HAM received complaints from at least 700 residents who experienced health problems when the mudflow containing gas came out for the first time, on June 2, 2006. Ironically, the government did not take any action against the residents.
8. The right to income. The reason is, based on the results of the study on the losses suffered due to the mudflow reaching tens of trillions of rupiah. The data relates to the existence of factories, agricultural areas, small businesses that were swallowed by the Lapindo mud.
9. The right to work, because the government is considered to have failed to protect the livelihoods and jobs of residents or people who work around the mudflow. From



government data, Komnas HAM stated that as many as 2,288 people lost their formal jobs because factories were closed.

10. The right to education. The reason is that 33 elementary, middle and Islamic boarding schools were damaged. As a result, more than 1,774 students have their rights to education deprived, namely the absence of school buildings.
11. The right to have a family and continue offspring, the mudflow resulted in limited facilities in the refugee camps. Especially for the distribution of biological needs and reproductive rights. And the development of the family is also hampered.
12. The right to welfare (property rights), the destruction of houses, factories and agricultural land worsens the economic condition of the residents. As a result, residents are unable to meet their daily needs.
13. The right to social security, namely the violation of the right to life, self-development and welfare. As a result, the right to social security is also violated.
14. The rights of refugees, Komnas HAM is of the opinion that the government has failed to protect the rights of refugees. Especially for vulnerable groups such as children, women, people with disabilities and the elderly. Based on the refugees' confessions, Komnas HAM found that refugees often received stale food, inadequate toilet facilities and limited clean water. Refugees also said that the refugee camps were inadequate and that health services were minimal.
15. The rights of vulnerable groups, the government is considered to have failed to fulfill the rights of vulnerable groups. For example, for women, there is no special place for breastfeeding. Komnas HAM also believes that the government does not provide trauma healing service units for refugee children.²¹

The mudflow incident that occurred at the Lapindo Brantas Inc (Lapindo) mining site in Sidoarjo, East Java, which has occurred since May 2006 until now has not stopped. To find out the existing problems, Komnas HAM formed an investigative team in 2006. A similar team was again formed and served from June 2009 to August 2012. Previously, the police had stopped investigating the Lapindo mudflow case in 2009 on the grounds that there was not enough evidence to continue the case.²²

Reproductive health based on the world population conference held in Cairo 1994, was not achieved in many countries of the world due to the following factors: insufficient level of knowledge about sexuality and inappropriate or undervalued information and reproductive health services; the prevalence of high-risk sexual behavior; discriminatory social practices; negative attitudes towards women and girls; and the limited power that many women and girls have over their sexual and reproductive lives. Data on cases of gender-based violence/violence against women collected by KOMNAS Perempuan nationally shows an increase every year. The latest released records, in 2008 increased by

²¹ Ady, *Komnas HAM Usulkan Strict Liability untuk Kasus Lapindo Untuk Meminta Pertanggungjawaban Pidana*, dalam: <http://hukumonline.com/berita/baca/lt502a81b46f48e/komnas-ham-usulkan-istrict-liability-i-untuk-kasus-lapindo>, diakses tanggal 27 Juni 2019.

²² Ady, *Komnas HAM Usulkan Strict Liability untuk Kasus Lapindo Untuk Meminta Pertanggungjawaban Pidana*, dalam: <http://hukumonline.com/berita/baca/lt502a81b46f48e/komnas-ham-usulkan-istrict-liability-i-untuk-kasus-lapindo>, diakses tanggal 27 Juni 2019.

213% or 54,452 from the previous 25,522 cases (2007) and 22,512 cases (2006). Domestic violence cases occupy the highest position (52%) where violence against wives (KTI) physically, psychologically, sexually and neglect by husbands is dominant (95%). This shows that traditional marriage institutions (patriarchy) are problematic and tend to discriminate against women. Some forms of sexual violence in marriage:

1. Forcing sexual relations with the threat of not being given a living.
2. Having sexual intercourse in an unnatural way (porn scenes leading to Sex Maniac).
3. Inserting objects into the vagina (eggplant, cucumber, smeared balm).
4. Forcing sexual intercourse even though you have a venereal disease because your husband often "snacks".²³

The impact on women's reproductive health is vaginal itching, vaginal pain, vaginal bruising, vaginal bleeding, vaginal discharge, and infection with venereal disease. In the law on rape: a woman's body is reduced to a certain body part (vagina). Rape is limited to the context of intercourse. There must be evidence of penetration of the penis into the vagina: presence of sperm, wound/tear of the hymen. Other forms have never been accommodated, such as: oral coercion, the use of objects, the use of body parts outside the penis, and so on. That rape as coercion which is not only physical has never been considered (because the experience of women is disqualified by law). Sexual violence, which is a violation of the integrity of the body, is not categorized under the law as a crime against people, but as a violation of decency. Community values that are used as benchmarks – the construction of masculine sexuality. All of the situations described above are basically violations of women's reproductive and sexual rights. The problem that is also very concerning and conspicuous from women's health is the phenomenon of the high number of women/maternal mortality (MMR) in Indonesia. Namely (373/100,000 live births). The high MMR in Indonesia is often only reported as a result of bleeding (46.7%), pregnancy poisoning (14.5%) and infection (8%) (MOH 1996). However, further analysis from the 1995 Household Health Survey (SKRT) showed that abortion contributed 11% to maternal mortality in Indonesia. This figure may be even greater considering that there is no official record of abortion data, especially unsafe abortion. Gulardi indicated that 10-50 percent of AKI was due to unsafe abortion (WHO: Gulardi, 2001). The Director General of Public Health Development, Ministry of Health, RI, estimates that 50% of MMRs are due to unsafe abortions (Kompas 2002). This situation was forced by women because of the lack of access to health due to the absence of clear regulations for abortion. The majority of women who are vulnerable to becoming victims are those who are married (87%), who have abortions due to various emergency/forced factors that are not solely due to medical factors such as family planning failure (36%), economic and psychosocial pressures, poor maternal age. too old or young, pregnancies that are too close apart, and birth trauma. The problem of high MMR is a common concern in many places. Therefore, in the world agreement regarding the

²³ Ratna Batara Munti, *Mewujudkan Hak Perempuan atas Kesehatan Reproduksi dan Seksual Sebagai HAM*, dalam: <http://majalahtantri.wordpress.com/2010/01/27/mewujudkan-hak-perempuan-atas-kesehatan-reproduksi-dan-seksual-sebagai-ham/>, diakses tanggal 27 Juni 2019.



Millennium Development Goals (MDG's) which are targeted to be realized in 2015, – which the Indonesian government is also involved in, placing the problem of reducing the high maternal mortality rate as the fifth goal of the MDG's that must be achieved, namely from the 1990 figure. Assuming that the 1990 ratio is around 450, the MDG's target is around 110 by 2015. This target still seems difficult to achieve. Instead of decreasing, in some reports, the number of MMR has even increased, namely 420/100,000 births. This is a worrying number. Compare this with the Philippines, 230, Malaysia, which is only 62, Singapore, 14. (UNFPA, 2008. State of The World Population Report) The fact that the woman's death is clearly a violation of human rights, namely:

1. The right to life for women who in their reproductive process face the risk of physical and mental disorders, disability and death, and
2. The right to obtain quality standard services, including the use of reproductive health technology and related information, without discrimination.²⁴

4. CONCLUSION

Based on the above description of the problems of fulfilling the right to express opinions in public and the violation of the right to health in Indonesia, the following conclusions can be drawn: First, in relation to expressing opinions in public, such as demonstrations or demonstrations with large crowds of participants, restrictions on freedom usually associated with "public order" or public order. The most difficult thing is how to strike a balance between freedom and public order. The demonstration of a number of doctors certainly has an impact on patient care, which in essence has harmed the public interest. In addition, demonstrating by blocking the road will also harm the public interest, namely the interests of all road users. Based on the results of Komnas HAM investigations, it was found at least 15 types of human rights violations of the people affected by the Lapindo mudflow. The problem when it comes to the right to health is in the form of: not a few refugees whose health is disturbed, causing residents to fall ill and some die because there is no proper living environment for the displaced residents and air polluted with gas and clean water facilities that are not damaged. handled well by the government.

Suggestions from this study are as follows: First, the Police should disband the activity of expressing opinions if it is carried out without respecting the rights and freedoms of others, does not maintain and respects public order, and is carried out in a prohibited place and time. State institutions, especially judicial institutions such as the Supreme Court, must impose sanctions on judges suspected of committing violations. Furthermore, the Judicial Commission must examine cases of ethical violations of the judges. In addition, the National Police Chief was also asked to ensure that the investigating officers avoided patterns of criminalization of beliefs and ordered the field of internal control to examine those suspected of violating them. Second, the government must take effective and professional handling of violations of the right to health for community members living

²⁴ Ratna Batara Munti, *Mewujudkan Hak Perempuan atas Kesehatan Reproduksi dan Seksual Sebagai HAM*, dalam: <http://majalahtantri.wordpress.com/2010/01/27/mewujudkan-hak-perempuan-atas-kesehatan-reproduksi-dan-seksual-sebagai-ham/>, diakses tanggal 27 Juni 2019.

around the Lapindo mudflow, which can be done, among other things, by finding a suitable place to live for the refugees with a decent living environment in the absence of good air. polluted by gas and good clean water facilities.

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