

Indonesia's Strategic Role in Enhancing ASEAN Human Rights Integration Towards ASEAN Human Rights Court Establishment: Integrating and Balancing Governance, Human Rights, Security, and Economic Development by Drawing Lessons From ECHR and EU

Isroni Muhammad Miraj Mirza
University of Groningen, the Netherlands
E-mail: i.m.m.mirza@rug.nl

ABSTRACT

Southeast Asia's (SEA) human rights protection is impeded by ASEAN's guiding principles of state sovereignty, non-interference, and consensus. While the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Human Rights Declaration (AHRD) signal advancement, these frameworks lack judicial power, enforcement mechanisms, and normative clarity to tackle structural human rights violations. This article discusses Indonesia's critical role in advancing ASEAN's human rights protection and the long-term vision of an ASEAN Human Rights Court (AHRC). As SEA's largest democracy and economy, Indonesia can lead this reform by aligning governance, security, and economic priorities, drawing from the experiences of the European Convention on Human Rights (ECHR) and European Union (EU).

The core research question is how can Indonesia use its political, legal, and economic influence to be a regional hegemon within ASEAN to improve human rights integration and bring an ASEAN Human Rights Court into existence, based on the example of ECHR and EU? The rationale behind this question lies in concerns about a democratic deficit, human rights enforcement problems and the region's authoritarian survival. As ASEAN deepens its integration via initiatives like Community Blueprints, the success of these efforts will largely rely on rights-based, credible governance. With Indonesia's constitutional human rights obligations, strong civil society and regional advocacy background, it is uniquely positioned to be the prime mover in this process.

Concerning solution, this study recommends a two-level reform approach. At the minimum, Indonesia should champion AICHR's mandate expansion to include judicial functions, individual and NGO access, and ECHR-inspired due process protections. At maximum, Indonesia should advocate for a gradual establishment of an ASEAN Human Rights Court under a treaty-based protocol to the ASEAN Charter, patterned after the Strasbourg Court. Such reforms will slowly transform ASEAN from a declaratory, state-centric architecture to one that actually enforces human rights. Comparative legal study of The ECHR yields important benchmarks-judicial independence, access, fair process, binding judgments-that might inform an ASEAN court. Simultaneously, the EU example shows how a human rights architecture can strengthen good governance, security and economic development through legal certainty, the rule of law, and regional confidence.

Concerning evaluation, this research assesses the viability and resistance to such reforms. The major hurdles are ASEAN's non-interference, inconsistent commitments to democracy, and sensitivities over sovereignty. These can be mitigated by a gradualist approach to reform, opt-in arrangements, and confidence-building measures. A vanguard of states committed to rights could begin with a subregional adjudicatory body that could be expanded to ASEAN-wide in the future, akin to the EU's multi-tiered integration. Indonesia's geopolitical centrality, G20 membership, and ratification of the core UN treaties position it to have the legitimacy and leverage to drive these changes.

Preliminary findings indicate that human rights leadership from Indonesia is possible and normatively legitimate. ASEAN is currently lagging behind the ECHR, as well as the African and Inter-American systems, which have already established regional courts. This gap is costing ASEAN some of its legitimacy as a people-oriented community. The creation of such a court, however, would strengthen ASEAN's identity as a rules-based community, improve regional security by addressing rights-based

grievances, and help with economic integration by providing legal certainty. Indonesia, as a Muslim-majority democracy and aspiring middle power, is particularly well-placed to mediate between Western conceptions of rights and Southeast Asia's multiple legal cultures, and is therefore central to the emergence of an ASEAN-style rights court.

This study bridges an important literature gap. Past work on ASEAN has focused on its human rights deficits (Tay & Thio, 2021; Pech & Chee, 2019) or Indonesia's domestic path (Butt, 2020; Lindsey & Butt, 2018). The push by Indonesia for a supranational human rights court has been neglected. Combining comparative international law, regional integration theory and ASEAN studies, this paper forges an innovative framework for legal reform. It also contributes to the debate about how regional organizations outside Europe can adapt the ECHR model to their own political and cultural contexts, rather than transplant it.

In Conclusion, Indonesia is a key to ASEAN's human rights future. Advancing an ASEAN Human Rights Court would underscore its democratic leadership, promote regional stability, and enable ASEAN's economic and security aspirations to become rights-respecting governance. The long-term goal is for ASEAN to develop similar to the Europe through EU and Council of Europe into a rule-based community with an independent human rights court. This transformation would be a milestone for Southeast Asia and a contribution to global human rights pluralism while the added value is the integrated and balanced policies on Governance, Human Rights, Security and Economic Development.

Keywords: *Indonesia, ASEAN, Human Rights, Economic Development, Governance, Security, Integration, ECHR, and EU*

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