



The Role of Law and Human Rights in the Formation of State Institutions: A Comparative Study of Indonesia and Nigeria

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Abstract

An efficient state institution, grounded in law and human rights, serves as the primary pillar for political stability and sustainable development, as evidenced by the comparison between Indonesia and Nigeria, two countries that face similar challenges despite their distinct historical backgrounds. This study aims to examine the role of law and human rights in the development of state institutions in both Indonesia and Nigeria, as well as to identify the similarities and differences in how these principles are applied in each nation. The research uses a normative legal approach, incorporating statutory, conceptual, and comparative methods to assess the regulations, legal concepts, and the application of law and human rights in the formation of state institutions in both countries, utilizing primary, secondary, and tertiary legal materials analyzed qualitatively. The results indicate that law and human rights play a significant role in shaping state institutions in both Indonesia and Nigeria, despite their differing legal systems. Indonesia follows the 1945 Constitution, emphasizing the separation of powers and the establishment of the National Commission on Human Rights (Komnas HAM), while Nigeria operates under the 1999 Constitution with a presidential and federal system, along with the creation of the National Human Rights Commission (NHRC). The findings of this study confirm that law and human rights play an important role in the establishment of state human rights institutions in both Indonesia and Nigeria. As a result, strengthening human rights institutions and implementing structural reforms are essential to achieving more inclusive and equitable governance. This research recommends the need for further studies on the implementation of the authority of the National Commission on Human Rights (Komnas HAM) in Indonesia and Nigeria in various cases of human rights violations.

Keywords: Human Rights, Law Enforcement, State Institutions.

A. INTRODUCTION

State institutions are one of the main pillars that support the structure of government in a modern country (Hananto Widodo, Pudjiastuti, Budi Hermono, Dita Perwitasari, 2024). The existence of strong and effectively functioning state institutions is a prerequisite for the creation of political stability, economic development, and respect for human rights (Muhammad Hoiru Nail, 2021). In the current global context, where domestic and international challenges are intertwined, the role of law and human rights is becoming increasingly important in forming state institutions that are able to carry out their duties properly (Agus, E., 2021). Law is a normative basis that regulates the relationship between the state and society, while human rights provide ethical and legal limits on state power to prevent abuse of authority (Bourguignon & Platteau, 2023). In this study, Indonesia and Nigeria are the objects of comparison to illustrate how the role of law and human rights influences the formation of state institutions, considering that the two countries have different backgrounds but face similar challenges in these aspects. Indonesia, as the largest archipelagic country in the world with a population of more than 270 million people, has come a long way in building its governance and institutional systems (Harapan et al., 2023).

Since its independence in 1945, Indonesia has experienced various changes in its political, economic, and social systems (Prasetio, 2022). In the early days of independence, Indonesia's governance system was dominated by parliamentary democracy, which later changed to guided democracy under President Soekarno. This system was then replaced by the New Order era under President Soeharto, which was characterized by an authoritarian, centralistic government with minimal respect for

human rights (Suwito & Rohmah, 2021). It was only in the reform era of 1998 that Indonesia began major steps towards democracy, the rule of law, and respect for human rights (Masnun, Muh. Ali, Noviyanti, Santoso, Irwan Bagyo, Wedhatami, Bayangsari, Abiyoga, 2024). This reform involved significant changes in the constitution, the establishment of new institutions such as the National Human Rights Commission (Komnas HAM), and decentralization of power through regional autonomy (Pasha et al., 2024). However, although the reforms have brought many positive changes, challenges in building strong state institutions still remain. For example, corruption is still a chronic problem that erodes the integrity of state institutions, from the legislative to the judiciary (Setiawan & Jesaja, 2022).

In addition, law enforcement in Indonesia is often considered weak, with various cases of human rights violations that have not been resolved to date, such as cases of gross human rights violations in the past. Inequality in access to justice is also an important issue, where marginalized groups, such as indigenous peoples and minority groups, are often victims of discrimination and injustice (Rofingi et al., 2022)(Van der Burg, 2022). Nigeria gained independence from British colonialism in 1960, but its political journey since then has been marked by instability, including military coups, civil wars, and sectarian conflicts (Abubakar et al., 2022). Like Indonesia, Nigeria also has a great diversity of cultures, religions, and ethnicities, which have often been a source of social and political tensions. In recent decades, Nigeria has made efforts to strengthen its democratic and legal systems, especially since the end of military rule in 1999. The current Nigerian constitution emphasizes the importance of the rule of law, respect for human rights, and democratic principles (Udom & Okolie, 2022). However, in practice, Nigeria faces serious challenges in

building strong state institutions. Corruption is one of the main problems that undermines the integrity of state institutions, with Transparency International frequently ranking Nigeria on the list of countries with high levels of corruption (Glynn, 2022). Human rights violations are also an ongoing issue, especially in the context of armed conflict in northern Nigeria, where extremist groups such as Boko Haram have caused great suffering to civilians (Onapajo & Ozden, 2020). In addition, weaknesses in the judicial system, including the lack of judicial independence and corruption among law enforcement officers, also hamper Nigeria's efforts to build a fair and transparent legal system (Ibukun, 2020).

The comparison between Indonesia and Nigeria is relevant because although the two countries have different historical and cultural backgrounds, both face similar challenges in terms of law, human rights, and institutions. As developing countries with large populations, both countries are faced with the dynamics of globalization, international pressure to increase respect for human rights, and the need to create domestic stability (Heryadi et al., 2024). This study aims to explore how the role of law and human rights influences the formation of state institutions in both countries, and to seek lessons that can be learned from their respective experiences in overcoming these challenges.

In the legal context, the role of the constitution as the main foundation in the formation of state institutions cannot be ignored. In Indonesia, during the reform era, the 1945 Constitution has undergone four amendments to strengthen the principles of democracy, the supremacy of law, and respect for human rights (Dicky Eko Prasetyo, 2021). These changes also include the establishment of new institutions, one of which is the Constitutional Court, which has a vital role in maintaining the constitution and

resolving disputes over authority between state institution (Tibaka & Rosdian, 2018)(Ibtissem, 2024). However, challenges in implementing the constitution still remain, especially related to the imbalance between legal norms and practices in the field. Meanwhile, in Nigeria, the constitution is also an important element in the institutional structure of the state. The 1999 Nigerian Constitution, which is often considered a product of the transition from military to civilian rule, emphasizes the importance of respect for human rights and the rule of law (Faga et al., 2020). However, as in Indonesia, the implementation of the constitution in Nigeria is often hampered by various factors, including political pressure, corruption, and the weak capacity of the judiciary (Faga et al., 2020).

In this context, this study will analyze how the two countries use their constitutions to strengthen state institutions, as well as the extent to which human rights principles are integrated into their legal systems (Gunawan & Permana, 2024). Human rights are an important element in the formation of state institutions because human rights principles provide a normative framework that must be followed by the government in carrying out its duties (Evans, 2009). In Indonesia, respect for human rights has been a major focus since the reform era. The establishment of Komnas HAM in 1993 reflected Indonesia's commitment to improving protection of individual rights (Anisah & Hadi, 2023). However, despite progress in the legal and institutional framework, human rights violations still occur frequently, especially in the context of natural resource conflicts, violations of indigenous peoples' rights, and violence by security forces (El Muhtaj, 2022).

In Nigeria, human rights issues are also one of the biggest challenges in the development of state institutions. Armed conflict in the northern region, repressive

actions by security forces, and lack of accountability in cases of human rights violations indicate that much work still needs to be done to improve respect for human rights in Nigeria (Muslim, 2024). In this study, the experiences of Indonesia and Nigeria in dealing with human rights issues will be compared to identify factors that support or hinder the protection of human rights in the context of state institutions. In addition, the role of the judiciary as the main pillar of law enforcement is also an important focus in this study. In Indonesia, the Constitutional Court and the Supreme Court play a significant role in ensuring that government policies are in line with the constitution and human rights principles (Pujayanti et al., 2024). However, challenges such as corruption, lack of independence, and inequality in access to justice often become obstacles to creating a fair and transparent justice system. In Nigeria, the justice system faces similar challenges, including corruption among judges and lack of public trust in the judiciary (Muslim, 2024).

Pressure from the international community also plays an important role in encouraging countries to improve respect for the law and human rights. In this era of globalization, both Indonesia and Nigeria cannot ignore the influence of international organizations such as the United Nations (UN) and regional human rights institutions (Wibowo, 2023). However, responses to this pressure often differ, depending on the dynamics of domestic politics and national priorities of each country. Against this background, this study aims to contribute to understanding how the role of law and human rights influences the formation of state institutions in Indonesia and Nigeria. Through a comparative approach, this study is expected to provide new insights into how both countries can learn from each other's experiences to strengthen their legal systems and institutions. In addition, this study also has practical relevance for

policymakers, academics, and the international community interested in issues related to law, human rights, and state institutional development.

Research on the role of law and human rights in the formation of state institutions has become a topic of interest to many academics. Several previous studies have examined certain aspects related to this topic, especially in the Indonesian context. Similar studies that discuss human rights institutions in a country include Davis (2024) who discusses the absence of a National Human Rights Institution (NHRI) in the United States, and its implications for human rights monitoring and implementation at the domestic and international levels (Davis, 2024). Another study was conducted by Haque and Susetyo (2024) who analyzed the performance and challenges faced by National Human Rights Institutions (NHRIs) in Bangladesh and Indonesia in meeting international standards under the Paris Principles, including structural barriers, politicization of membership, and failure to respond effectively to human rights violations (Md Mahbubul Haque, 2024). Further research conducted by Parente (2025) comprehensively analyzes how domestic public preferences influence democratic leaders' decisions to comply with international court rulings, particularly in the context of the Inter-American Court of Human Rights (Parente, 2025).

From the three previous studies above, research that discusses the role of state institutions in their efforts to realize law enforcement in the field of human rights in Indonesia and Nigeria is actually an original research because it has not been discussed by the three previous studies also because the discussion of law enforcement in the field of human rights by human rights enforcement agencies in a country whose democracy is developing has not received attention from the three previous studies.

Therefore, the study entitled "The Role of Law and Human Rights in the Formation of State Institutions: A Comparative Study of Indonesia and Nigeria" offers a significant contribution by filling this gap. By conducting a comparative analysis, this study is expected to identify best practices and lessons that can be learned by both countries in an effort to strengthen state institutions through a legal framework and respect for human rights. The formulation of the problem in this study is as follows: (i) what is the role of law and human rights in the formation of state institutions in Indonesia and Nigeria? And (ii) what are the similarities and differences in the implementation of law and human rights in forming state institutions in both countries?

This study applies a normative legal research approach, with the aim of examining and analyzing laws and regulations, legal principles, and related legal doctrines in the formation of state institutions and their relationship to law and human rights, this method is very relevant because this study focuses on normative analysis of the regulations and legal systems applied in Indonesia and Nigeria, as well as the application of law and human rights in the process of forming and strengthening state institutions (Muhaimin, 2020).

The approaches applied in this study include a legislative approach, a conceptual approach, and a comparative approach (Marzuki, 2017). The legislative approach is applied to analyze various laws and regulations in force in Indonesia and Nigeria related to law and human rights, including the constitution and relevant sectoral laws. The conceptual approach is used to understand various concepts of law and human rights and their influence on the formation of state institutions. The comparative approach is applied to compare regulations, legal implementation, and respect for human rights in both countries, with the aim of identifying similarities,

differences, and best practices that can be adopted. The legal sources in this study are grouped into three categories, namely primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations in force in Indonesia and Nigeria, such as constitutions, laws, and international agreements relating to human rights. Secondary legal materials include books, scientific journals, research reports, and opinions of legal experts relevant to the topic being studied.

Meanwhile, tertiary legal materials function as complementary materials, such as legal dictionaries and encyclopedias, which provide a deeper understanding of the concepts being analyzed. The data in this study were collected through library research, involving the collection of legal materials from various sources, such as regulatory documents, scientific journals, books, and official reports. Researchers also utilize access to international and national legal databases to obtain more in-depth information regarding regulations and policies relating to law and human rights in both countries. This approach allows for comprehensive and relevant data collection to support normative and comparative analysis. The data analysis method applied in this study is qualitative analysis, where the collected data is analyzed in depth to reveal the meaning, purpose, and legal impact of laws and regulations and other relevant documents (J. Moleong, 2017).

In the context of a comparative approach, the analysis is carried out by comparing the legal systems and implementation of human rights in Indonesia and Nigeria. Researchers identify similarities and differences between the two countries to produce findings that can provide policy recommendations. This analysis is carried out systematically, starting from collecting legal materials, grouping data based on relevant themes, to concluding the research results. With this structured methodology,

the research is expected to provide a deep understanding of the role of law and human rights in the formation of state institutions in Indonesia and Nigeria, as well as contributing to the development of law in both countries.

B. RESULT AND DISCUSSION

1. The Role of Law and Human Rights in the Formation of State Institutions in Indonesia and Nigeria

The formation of state institutions is a fundamental part of governance that reflects the principles of law, democracy, and respect for human rights (Sari et al., 2024). In this context, Indonesia and Nigeria, as two countries with different legal systems and government structures, have unique approaches in designing their state institutional systems. The formation of state institutions in both countries is not only intended to run the government efficiently but also to ensure that human rights principles are used as the basis for every policy and its implementation (Brigitta Raras Ayu Roesedi et al., 2022). By understanding how Indonesia and Nigeria regulate the structure of state institutions based on their respective constitutions, we can evaluate the extent to which respect for human rights is reflected in their governance. In Indonesia, the formation of state institutions is based on the 1945 Constitution (UUD NRI 1945) as the highest constitution that regulates the country's government system (Prasetio et al., 2025). The 1945 Constitution contains provisions that regulate the structure and authority of state institutions in detail, including the division of roles and functions of each institution.

After undergoing four amendments in the period 1999–2002, the 1945 Constitution became more in-depth and comprehensive in establishing the basic

principles of state governance. This amendment also strengthened the aspects of democracy and supervision in the Indonesian state system (Soesatyo, 2024). State institutions regulated in the 1945 Constitution include the President as head of state and head of government, the People's Representative Council (DPR), the Regional Representative Council (DPD), the Supreme Court (MA), the Constitutional Court (MK), and the Audit Board (BPK) (Tatara, 2024). The application of the principle of separation of powers or *trias politica* requires each institution to have different but complementary duties and functions, with the aim of maintaining a balance of power in government. This division is important so that no single institution dominates, thus creating a more transparent, accountable, and democratic government system. In addition to regulating state institutions, the 1945 Constitution also pays great attention to respecting human rights (Isra, 2020). This is regulated in Chapter XA on Human Rights, which consists of Articles 28A to 28J. These articles affirm the right of every citizen to receive recognition, protection, and fair legal certainty.

For example, Article 28D paragraph (1) stipulates that everyone has the right to recognition, guarantee, protection, and fair legal certainty as well as equal treatment before the law. This shows the state's commitment to respecting the human rights of every individual. The provisions in this article not only affirm the importance of human rights as a basic principle in government, but also provide a legal basis for the establishment of institutions tasked with protecting the rights of citizens. One of the institutions formed is the National Human Rights Commission (Komnas HAM), which has an important role in ensuring that every citizen receives their rights in accordance with applicable legal provisions. Thus, the 1945 Constitution not only regulates the structure of government, but also pays attention to the protection of basic human rights

as part of the state's legal system. Komnas HAM was established based on Law Number 39 of 1999 concerning Human Rights, with the main mandate to conduct investigations, monitor, and provide recommendations related to human rights violations that occur in Indonesia (Dahris Siregar et al., 2023). As an independent institution, Komnas HAM plays an important role in ensuring that the basic rights of citizens are respected and protected by the state. Its presence also reflects the real commitment of the Indonesian government in upholding the principles of human rights in all aspects of community life (Pasha et al., 2024).

In addition, the Constitutional Court, as a judicial institution that has the authority to test laws against the 1945 Constitution, also makes a significant contribution to strengthening the protection of human rights in Indonesia. The function of the Constitutional Court further confirms that human rights must be the main basis for formulating policies and regulations taken by the government (Rishan, 2024). The existence of these two institutions complement each other in efforts to maintain and uphold the basic rights of citizens in the rule of law of Indonesia (Khiswatul Barokah, Redemptus Denaryo, Gladysta Viola Serafim, Sabrina Amaliya Lutfiana, 2024). Unlike Indonesia which adheres to a unitary state system, Nigeria is a federal state that regulates its institutional system based on the 1999 Constitution of the Federal Republic of Nigeria. This constitution emphasizes that Nigeria is a democratic country with a presidential system of government. In this system of government, the President of Nigeria has a dual role as head of state and head of government. The President has the authority to form a cabinet and manage the government at the national level, and is responsible for regulating the running of the country as a whole (C. O. Okorie et al.,

2022). The legislative structure in Nigeria consists of two chambers, namely the Senate and the House of Representatives, which together form the National Assembly.

These two chambers function to make laws and oversee the running of the government. On the other hand, the Nigerian judicial system is headed by the Supreme Court, which is the highest court in the country (Ozoigbo, 2010). The Supreme Court has the authority to hear constitutional disputes and provide final legal interpretations, ensuring that legal decisions in Nigeria are final and binding (Mahmuzar, 2019). The Respect for human rights in Nigeria is guaranteed in Chapter IV of the Constitution of Nigeria 1999, which regulates fundamental rights. These rights include the right to life, personal liberty, freedom of expression, freedom from discrimination, and access to justice. To support the implementation of human rights, Nigeria established the National Human Rights Commission (NHRC) under the NHRC Act 1995. The NHRC is tasked with protecting and promoting human rights through investigations, advocacy, and policy recommendations to the government (Igwe et al., 2019).

However, the implementation of the spirit of human rights in Nigeria faces various challenges, especially in terms of social inequality, corruption, and ethnic conflict. This challenge shows that although the legal framework has regulated human rights protection in detail, its implementation is often not optimal due to various structural and institutional obstacles (H. Okorie, 2018). In this context, the role of the NHRC becomes very important as an independent institution tasked with supervising and providing recommendations regarding human rights violations in the country. The similarities between Indonesia and Nigeria in the formation of state institutions lie in the use of the constitution as the main foundation. Both countries also uphold the principle of separation of powers by clearly dividing the executive, legislative, and

judicial functions. In addition, both Indonesia and Nigeria have special institutions tasked with protecting and promoting human rights, namely the National Human Rights Commission in Indonesia and the NHRC in Nigeria. These institutions are clear evidence that both countries are committed to placing human rights as one of the pillars in their governance.

However, there are clear differences in the institutional structure and approach between the two countries. Indonesia, as a unitary state with a decentralized system, gives certain powers to local governments to regulate local affairs (Mendy, 2024). On the other hand, Nigeria as a federal state gives more autonomy to state governments. This difference affects how the two countries manage the relationship between the central and local governments, including in terms of respect for human rights. In addition, in terms of handling human rights violations, the Indonesian Constitutional Court has a special role to test laws against the constitution, including those related to human rights. In Nigeria, this function is mostly carried out by the Supreme Court, which although it has broad authority, is not specifically tasked with testing the constitutionality of laws as in Indonesia. Despite having different legal systems and institutions, both countries face similar challenges in ensuring the implementation of the spirit of human rights in government. In Indonesia, the main challenge lies in weak law enforcement and limited resources of related institutions. Meanwhile, in Nigeria, the problems of corruption and social conflict often hinder the implementation of human rights principles in government.

In facing these challenges, both countries need to strengthen the capacity of institutions tasked with protecting human rights. In Indonesia, Komnas HAM needs to be given broader authority and adequate budget support to carry out its duties

effectively. In Nigeria, the NHRC also needs to receive sufficient political support and resources to ensure that its recommendations are implemented by the government. In conclusion, the formation of state institutions in Indonesia and Nigeria reflects a commitment to placing law and human rights as the main foundation of governance. Despite differences in structure and approach, both countries share the same goal of creating a system of government that is just, democratic, and respects the basic rights of citizens. However, to realize this vision, greater efforts are needed to strengthen state institutions, improve law enforcement, and overcome structural obstacles that hinder the implementation of the spirit of human rights in government.

2. The Implementation of Law and Human Rights in the Formation of State Institutions: Similarities and Differences

In every country, the formation of state institutions is not a reactive or unfounded matter. On the contrary, state institutions are formed based on strong legal principles, one of which is state law or the constitution which is the basis for regulating these government institutions (Ramadhan & Prasetyoningsih, 2024). The applicable regulations govern how state institutions operate and function to ensure state stability and public welfare. In this case, human rights have a very crucial role, because the formation of state institutions must be in line with human rights principles (Dicky Eko Prasetyo, Muh. Ali Masnun, Arinto Nugroho, Denial Ikram, 2024). This aims to ensure that state institutions not only function to maintain order and welfare, but also protect the basic rights of every individual under the jurisdiction of the country (Hidayah, 2023). To further analyze how law and human rights play a role in the formation of state institutions, this discussion discusses the similarities and differences in the

implementation of law and human rights in the context of the formation of state institutions in Indonesia and Nigeria (Mariner, 2021).

The comparison of law and human rights between Indonesia and Nigeria is conducted due to historical similarities and basic legal systems, as well as differences in the application and enforcement of laws influenced by socio-cultural and political contexts. This comparison is important to understand the challenges and opportunities in law enforcement and human rights protection, as well as to improve legal policies in both countries in addressing contemporary issues such as discrimination, human rights institutionalization, and the role of the state in ensuring minority rights. The similarity in the regulation of human rights in Indonesia and Nigeria lies in the regulation of human rights as fundamental rights inherent to every individual universally and must be protected by the state. In Indonesia, this is emphasized in Law Number 39 of 1999 on Human Rights, which states that human rights are natural, universal, and enduring (Mandala, 2022). In Nigeria, although the regulation of human rights is more related to law enforcement and protection during armed conflicts, the recognition of basic human rights is also regulated in the constitution and international laws adopted by the country (Worluh-Okolie, Nkechinyere Huomachi, Joseph-Asoh, 2024).

Indonesia explicitly regulates the protection of human rights in the 1945 Constitution, specifically Articles 28A to 28J, which encompass various fundamental rights such as the right to life, freedom of religion, the right to education, and equality before the law (Aditya & Al-Fatih, 2021). Nigeria also regulates human rights in its constitution and refers to international legal instruments such as the Geneva Conventions of 1949 and Additional Protocol II of 1977 for the protection of civilians

in armed conflicts (Olasupo et al., 2024). In general, both Indonesia and Nigeria use national and international legal instruments to regulate and enforce human rights. Indonesia has specific laws on human rights as well as standards, norms, and regulations formulated by the National Commission on Human Rights (Komnas HAM) as an independent institution. Nigeria uses international legal provisions, such as the Geneva Conventions and the Rome Statute, to regulate human rights violations, especially in the context of armed conflicts and crimes against humanity committed by militias.

Indonesia and Nigeria also affirm the right to fair and non-discriminatory legal protection, freedom of thought, opinion, expression, and the right to equality before the law. In Nigeria, despite the challenges in the implementation of human rights, particularly related to internal conflicts and violations by militias, the state continues to strive to regulate and uphold civil and political rights through the national legal system and international mechanisms (Olasupo et al., 2024). In general, the similarities in the regulation of human rights in Indonesia and Nigeria lie in the recognition of human rights as universal and fundamental rights that must be protected by the state, the protection of human rights enshrined in each country's constitution, the use of national and international legal instruments for the enforcement of human rights, and the state's obligation to protect the civil and political rights of its citizens.

The differences in the regulation of human rights enforcement between Indonesia and Nigeria, particularly concerning the institutions related to human rights enforcement. In Indonesia, to ensure the implementation and enforcement of law in the field of human rights, the National Commission on Human Rights (Komnas HAM) was established based on Law Number 39 of 1999 concerning Human Rights and

strengthened by Law No. 26 of 2000 concerning Human Rights Courts and Law No. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination. The National Commission on Human Rights (Komnas HAM) is an independent state institution that holds an equal status to other state institutions and has a clear mandate for research, outreach, monitoring, mediation, and investigation of serious human rights violations (Sari et al., 2024). In Nigeria, the National Human Rights Commission (NHRC) was established based on the National Human Rights Act of 1995, which was later amended in 2010 (Ifejika & Ojo, 2024). This institution functions as a national body to promote and protect human rights, including through extrajudicial mechanisms and cooperation with NGOs and other human rights stakeholders (Aidonojie et al., 2025). In Indonesia, the National Commission on Human Rights (Komnas HAM) has the status of an independent state institution with the same standing as other state institutions. This is different from Nigeria, where the NHRC operates as a national institution based on law, but specific information regarding its status at the same level as other state institutions or its level of independence is relatively less clear compared to Komnas HAM Indonesia. NHRC also operates branches at the state level to facilitate public access. In Indonesia, the National Commission on Human Rights (Komnas HAM) has a wide range of functions including review, research, outreach, monitoring, mediation, and investigation of serious human rights violations. Komnas HAM can form ad hoc teams for investigations and has the authority to oversee racial and ethnic discrimination. In Nigeria, the NHRC strives to provide extrajudicial mechanisms for social justice. NHRC collaborates with civil society organizations and human rights stakeholders to promote human rights, but it does not specifically mention the authority to investigate

serious human rights violations like Komnas HAM. In general, although the National Commission on Human Rights (Komnas HAM) in Indonesia has clear authority, it faces challenges such as limited resources, non-binding recommendations, and political obstacles in the enforcement of human rights law, particularly in cases of serious human rights violations. In Nigeria, the NHRC also faces challenges such as armed conflicts and violations by militias. NHRC strives to promote justice through extrajudicial mechanisms and cooperation with NGOs, but its effectiveness is also influenced by the political and security conditions in Nigeria (Uroko, 2024). Therefore, the main difference lies in the clearer and more independent institutional status in Indonesia, as well as the authority to investigate serious human rights violations held by the National Commission on Human Rights (Komnas HAM), while the National Human Rights Commission (NHRC) of Nigeria focuses more on the promotion of human rights and extrajudicial mechanisms with a structure spread across state levels.

C. CONCLUSION

Law and human rights (HAM) play an important role in the formation of state institutions in Indonesia and Nigeria, as the main foundation for fair and democratic governance. In Indonesia, the law based on the 1945 Constitution guarantees the separation of powers through the executive, legislative, and judicial institutions, and upholds human rights through Chapter XA which regulates the rights of citizens and the establishment of the National Human Rights Commission as a protector of human rights. In Nigeria, the 1999 Constitution regulates a presidential system with a federal structure, guarantees human rights in Chapter IV, and establishes the National Human Rights Commission (NHRC) to protect basic rights. Although the two countries have different legal systems, they both face challenges such as weak law enforcement and

social inequality. By strengthening human rights protection institutions and overcoming structural obstacles, both can optimize respect for human rights in state governance. The fundamental similarity between Indonesia and the United States in implementing law and human rights to form state institutions is the use of the constitution as the main foundation.

A comparison between the legal systems and human rights in Indonesia and Nigeria shows similarities in the recognition of human rights as universal fundamental rights, as well as the use of national and international legal instruments for their protection. However, it also highlights significant differences in institutional frameworks and implementation, where Indonesia has more independent institutions and clearer authority in handling serious human rights violations, while Nigeria tends to rely on extrajudicial mechanisms with effectiveness influenced by domestic political and security conditions. This research recommends the need for further studies on the implementation of the authority of the National Commission on Human Rights (Komnas HAM) in Indonesia and the National Human Rights Commission (NHRC) in Nigeria in various cases of human rights violations.

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