

LEGAL PROTECTION OF HUMAN RIGHTS IN THE STATE ADMINISTRATION PROCESS IN SINGAPORE

Gresnita Br Marpaung^{*}, Selly Ani Monica Sirait, Antha Fabriano Sirait

Fakultas Ilmu Sosial dan Ilmu Politik, Ilmu Hukum, Universitas Maritim Raja Ali Haji

Jl. Raya Dompok, Tanjungpinang, Kepulauan Riau 29111, Indonesia

Email: marpaungresnita06@gmail.com

Abstract

This research discusses aspects of legal protection of human rights in the context of state administrative processes through a comparative study approach examining the legal systems and cultures between Indonesia and Singapore as two ASEAN member countries with fundamental differences. The focus of the study is directed at identifying differences in administrative law systems, administrative court mechanisms, and procedures for resolving administrative disputes in both countries. This research uses a normative method with analysis of legislation and literature review to reveal differences and similarities in the implementation of state administrative law as part of public law. The study highlights significant differences in the system of government and administrative judiciary institutions, where Indonesia has the State Administrative Court specifically handling administrative disputes, while Singapore resolves such administrative disputes through general courts with a judicial review mechanism. In addition, there are differences in the enforcement of immigration administrative sanctions; Indonesia tends to emphasize aspects of protection and systematic regulation, while Singapore implements sanctions that are repressive in nature with the aim of creating a deterrent effect for violators. These findings make a significant contribution to the development of administrative law and serve as a reference for policy innovation to sustainably improve public welfare.

Keywords: HAM, Judicial Review, Law Enforcement

INTRODUCTION

Human Rights (HAM) are fundamental rights inherent to every individual, which must be respected, protected, and fulfilled by the state without exception. In the governance process, the protection of human rights is essential because every policy or action taken by the government directly affects the rights of citizens. The government holds the authority to make decisions, formulate policies, and provide services to the people. Therefore, a strong legal system is needed to ensure that all government actions are carried out fairly, in accordance with the law, and with respect for human rights. Indonesia and Singapore, as two ASEAN member states with different legal systems and cultures, offer interesting observations regarding the protection of human rights within government. Indonesia implements a Civil Law system based on written law, while Singapore uses a Common Law system that takes into account previous court decisions. These differences influence how both countries protect

human rights in governance. In Indonesia, there are special institutions such as PTUN and the Ombudsman to resolve administrative violation cases. Meanwhile, Singapore resolves disputes through general courts with a Judicial Review mechanism.

These differences result in varying impacts on effectiveness, transparency, and accountability. Therefore, this study is important to understand how both countries protect human rights within their governance systems. In practice, in Indonesia, human rights protection often faces obstacles such as complex bureaucracy, suboptimal law enforcement, and low government compliance with the law. Singapore, with its efficient and highly disciplined governmental system, faces limitations in terms of public participation and political freedom, making human rights protection more formal and procedural than substantive. This shows that human rights protection can be carried out in various ways according to the political context, legal culture, and governance system of each country.

The comparative approach between Indonesia and Singapore is crucial to understand the strengths and weaknesses of both countries in maintaining a balance between governmental authority and individual rights. Through this approach, the study explores how fair legal principles are applied, how good governance principles are implemented, and how accountability and transparency mechanisms operate within administrative processes. The findings of this study are expected to enrich the understanding of administrative law and provide policy recommendations that can genuinely improve human rights protection in Indonesia. In Indonesia, the administrative legal system guarantees the rights of citizens to obtain justice through various means, such as administrative procedures and administrative courts. Law Number 30 of 2014 on Government Administration establishes several fundamental principles, such as legal certainty, transparency, proportionality, and accountability, which serve as the basis for administrative decision-making. Although these principles have been formally established, their implementation still requires improvement so that bureaucracy does not merely follow written rules but truly upholds justice in every service provided. Therefore, it is essential to strengthen the principle that human rights must not only exist as written norms but must also be evident in administrative practices. On the other hand, Singapore implements an efficient administrative law enforcement method, with strict supervision and a Judicial Review mechanism that enables fair and swift examination of administrative decisions.

Such an approach emphasizes stability, order, and economic development as part of tangible human rights protection. Although public participation is limited, Singapore's administrative system prioritizes professionalism and bureaucratic accountability. This demonstrates that strong human rights protection can also be achieved through legal certainty and strict discipline among state officials. In the context of state institutions, Indonesia has bodies such as Komnas HAM, which oversees human rights violations comprehensively, the Ombudsman, which handles maladministration in public services, and PTUN, which provides protection through administrative litigation mechanisms. The synergistic role of these institutions is crucial in overseeing and ensuring citizens' rights within the administrative governance system. However, the main challenges involve inter-institutional coordination, the improvement of bureaucratic culture, and certainty in the implementation of court decisions to ensure effective restoration of rights.

Singapore, on the other hand, relies solely on general courts as the main mechanism for

overseeing administrative processes with the support of institutions such as the Public Service Commission, which monitors civil servant conduct. With a more centralized oversight system, Singapore's bureaucracy can maintain consistent quality and professionalism. However, because the number of non-judicial bodies is limited, the space for citizens to submit complaints is more restricted compared to Indonesia. Political factors and legal culture also influence the human rights protection systems in both countries. Indonesia, which adheres to a constitutional democratic system, provides broader political space and more comprehensive human rights protection.

However, because its bureaucracy tends to be decentralized, the implementation of rules can vary across regions. Singapore, which adopts a relatively centralized parliamentary system, places greater emphasis on stability and efficiency, even though certain restrictions on freedom are considered necessary to maintain order and the public interest. In conclusion, the comparison between Indonesia and Singapore illustrates two different approaches to protecting human rights within governance. Indonesia excels in terms of comprehensive legal norms and public participation, while Singapore excels in efficient procedures and well-organized bureaucracy. Therefore, combining the strengths of both systems can serve as inspiration for administrative law reform in Indonesia to enhance the protection of human rights more effectively and comprehensively within governmental processes.

IMPLEMENTATION METHOD

The research method used in this study is a normative legal research method with a comparative approach. The normative legal method was chosen because this study focuses on examining legal norms written in statutory regulations and applicable legal doctrines, without conducting field research or empirical observation. This approach allows the research to gain an in-depth understanding of the laws governing the protection of Human Rights (HAM) in the context of state administration, especially in Indonesia and Singapore. In this study, various primary legal sources such as the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999 concerning Human Rights, Law Number 30 of 2014 concerning Government Administration, as well as relevant Singaporean regulations and constitutions are used as materials of analysis. In addition, legal doctrines, scientific literature, and administrative court decisions are also used to deepen the understanding of human rights protection mechanisms through state administrative processes.

The comparative approach is applied by comparing the legal systems and human rights protection mechanisms in Indonesia and Singapore. This approach is highly appropriate because both countries have different legal systems, namely the civil law system in Indonesia and the common law system in Singapore. These differences influence how human rights protection is implemented in administrative processes. Through the comparative approach, the research aims to identify similarities, differences, strengths, and weaknesses of each system, as well as the impact of legal and political cultural differences on the effectiveness of the law. The comparative analysis is carried out systematically by comparing legal sources, supervisory institutions, administrative judicial mechanisms, and the practical implementation of human rights protection. The data used are secondary data derived from official legal documents, academic literature, scientific articles, and previous research findings.

Primary data include laws and government regulations, administrative court decisions, and the constitutions of both countries. Meanwhile, secondary data include books, journals, articles, and expert opinions that provide critical reviews of administrative law implementation and human rights protection. The data collection technique is conducted through literature study and documentation, in which the researcher collects and classifies various legal documents and literature supporting the analysis.

Data analysis uses a qualitative and descriptive comparative approach. The analysis begins with mapping and interpreting the contents of regulations and the roles of institutions in protecting human rights in each country. This is followed by a comparison of legal aspects, administrative dispute resolution mechanisms, and the ways governments exercise administrative oversight. This approach helps the research uncover the legal and social implications of differences in legal systems and provides a deep understanding of the factors influencing the effectiveness of human rights protection in state administration. The analysis results are systematically compiled to present similarities, differences, and the strengths and weaknesses of each legal system.

To ensure validity, this study uses recognized official data sources and credible references, as well as implementing data triangulation to ensure the accuracy of the information obtained. To achieve reliability, the data collection and processing procedures are carried out systematically and repeatedly, so that the research findings can be scientifically justified. Although this study is normative and uses secondary data, the comparative approach provides in-depth analysis, allowing the research to explain the background and context of legal implementation in both countries conceptually and practically. This study focuses solely on the analysis of legal norms and judicial mechanisms related to human rights protection in state administration between Indonesia and Singapore, without involving field research or interviews. The study only explores normative legal aspects accessible through documents and literature, so the conclusions must take into account differences in cultural contexts and governmental systems in each country.

By applying a comparative based normative legal research method, this study provides a comprehensive overview and critical analysis of human rights protection in state administrative processes, and presents recommendations based on comparative learning of legal systems relevant for policy development and administrative law in Indonesia and other countries. This approach not only presents legal rules normatively but also evaluates the level of relevance, implementation, and opportunities for improvement based on legal practices in Indonesia and Singapore. This method is considered appropriate and adequate to answer the normative and comparative research problems in this study because it successfully combines an in-depth examination of legal norms and administrative systems of both countries with scientific objectivity and systematic analysis.

RESULTS AND DISCUSSION

1. Legal Protection of Human Rights in the State Administrative Process in Indonesia

The protection of human rights within state administration is an essential part of the concept of the rule of law in Indonesia. The Constitution and its implementing regulations position the respect for human rights as a foundation for every governmental action. This means that each administrative decision must respect, avoid harming, and provide guarantees for the basic rights of citizens. To understand how these norms operate at the statutory and practical levels, several studies and legal analyses have examined how the constitutional framework is translated into administrative mechanisms (Yuli, 2015).

Law Number 30 of 2014 on Government Administration provides a formal structure for safeguarding citizens' rights in administrative processes. It reinforces the principles of good governance such as legal certainty, transparency, proportionality, and accountability, while granting citizens the right to file administrative remedies including objections and appeals before or alongside access to the courts. Analyses of the implementation of this law indicate significant implications for the jurisdiction of the State Administrative Court and highlight the need for adjustments in the execution of court decisions to ensure effective restoration of citizens' rights (Romana, 2018).

On the preventive side, the application of good governance principles serves as the main instrument to prevent human rights violations by the bureaucracy. Internal supervision conducted by inspectorates, personnel monitoring, regulated public service procedures, and public information disclosure help reduce the risk of maladministration such as undue delays, discrimination, or abuse of authority, which are common triggers of rights violations. Empirical studies and document reviews suggest that preventive mechanisms still require strengthening so that these principles are applied not only as written rules but also as daily bureaucratic practices (Herman, 2015).

When a violation occurs, several remedial mechanisms are available, including administrative objections, administrative appeals, reports to the Ombudsman regarding suspected maladministration, and litigation before the State Administrative Court to annul or claim compensation for unlawful administrative decisions. Some articles emphasize the importance of effective access to these mechanisms, noting that practical barriers such as cost, time, and limited litigation capacity often hinder citizens from asserting their rights. Efficient procedures and certainty in the enforcement of court decisions are therefore crucial to ensuring that rights are genuinely restored (Herman, 2015).

Independent institutions such as the National Human Rights Commission, the Ombudsman, and the State Administrative Court play a significant role in the system of checks and balances within the administrative sphere. The National Human Rights Commission conducts monitoring and investigations into widespread or systemic human rights violations. The Ombudsman focuses on maladministration in public services, while the State Administrative Court reviews the legality of administrative actions. Collaboration among these institutions can strengthen the protection of citizens, although literature also notes the need for better coordination to prevent overlapping functions and to ensure that recommendations and decisions are effectively implemented (Rahman et al., 2024).

A central challenge in practice is the gap between norms and implementation. Instances of administrative decisions that disregard procedures or fairness principles still occur. There

are also issues related to weak bureaucratic compliance with good governance principles and the limited effectiveness of administrative sanctions. Research highlights the need for continuous bureaucratic reform, human rights training for government officials, simplified access to administrative remedies, and strengthened enforcement of State Administrative Court decisions to ensure that judicial rulings genuinely restore rights (Latuperisa, 2024).

2. Legal Protection of Human Rights in the State Administrative Process in Singapore

Singapore adopts a parliamentary system of government and follows the Common Law tradition. Although the country does not regulate human rights as comprehensively as Indonesia, the protection of rights is still ensured through legal principles, the constitution, and judicial oversight. Despite often being viewed as pragmatic, Singapore consistently emphasizes the practice of the rule of law and procedural fairness as the foundation for safeguarding the rights of its citizens (Chua, 2022).

The Constitution of Singapore serves as the primary source of fundamental rights. Key provisions such as Article 9, which outlines personal liberty, and Article 12, which guarantees equality before the law, provide legal protection against administrative actions that may interfere with individual rights (Type and Date, 2021). Although these provisions allow for certain limitations based on security or public order, they nonetheless establish that administrative power must always operate within a defined legal framework.

In practice, the protection of human rights within administrative processes is largely carried out through judicial review (Chua, 2022). Through this mechanism, citizens may request the courts to examine whether a governmental administrative decision is lawful and fair. Principles such as illegality, irrationality, and procedural impropriety guide judges in determining whether an administrative action violates citizens' rights. Consequently, the judiciary acts as a guardian to ensure that administrative authority is not exercised arbitrarily.

Singapore also maintains institutions such as the Public Service Commission, which is responsible for upholding the integrity and ethical conduct of public officers. This institution ensures that government officials perform their duties professionally and do not abuse their authority in ways that may harm citizens' rights (Type and Date, 2021). Furthermore, parliamentary oversight through debates and public petitions provides additional accountability for executive policies, although public participation remains more limited compared to other democratic states.

Overall, Singapore's approach to human rights protection in administrative governance emphasizes a balance between individual rights and the public interest (Type and Date, 2021). The government views stability, order, and economic development as substantive forms of human rights protection. Thus, even though certain individual freedoms may be restricted, the principles of clean governance, legal certainty, and bureaucratic efficiency are strictly upheld.

In summary, the protection of human rights within Singapore's administrative system is formal, efficient, and grounded in the supremacy of law (Chua, 2022). The country does not rely heavily on non-judicial institutions to handle human rights issues, yet strong legal mechanisms and disciplined administrative practices ensure that the government remains accountable. This model shows that human rights protection does not depend solely on the number of institutions, but rather on consistent legal application and the professionalism of public officials.

3. Comparative Analysis of Indonesia and Singapore

Comparison is a method used to assess two similar subjects based on specific aspects, and the concept of “comparison” refers to identifying similarities and differences between two or more elements. Comparative public administration is a field that uses this method to study how states organize and deliver public services. Differences in administrative law across countries make comparison essential for identifying how administrative systems operate in various contexts, such as comparing administration before and after independence or contrasting traditional and modern administrative models. Several institutions perform their functions within different administrative systems, and some may share common elements such as governance processes, cooperation in carrying out duties, and the achievement of predetermined objectives (Simbolon et al., n.d.).

A comparison of human rights protection within state administration in Indonesia and Singapore reveals two governance models that both uphold the principle of the rule of law, yet implement it through different legal traditions, institutional designs, and political orientations. Both countries seek to maintain a balance between state authority and citizens’ rights, with adjustments that reflect the distinctive characteristics of each administrative system.

A. Similarities and Differences in Legal Structure and Oversight Institutions

Indonesia and Singapore both place law at the core of all administrative processes. In administrative law studies, both systems recognize the importance of legality and accountability principles to prevent the misuse of power by public officials. However, the two countries differ significantly in their legal structures and oversight institutions.

Indonesia adopts a Civil Law system in which written statutes serve as the primary sources of law. Human rights protection is explicitly regulated under Chapter XA of the 1945 Constitution, Law Number 39 of 1999 on Human Rights, and Law Number 30 of 2014 on Government Administration. In addition, the General Principles of Good Governance, including legal certainty, transparency, and proportionality, serve as benchmarks in evaluating administrative actions.

In practice, Indonesia has several oversight institutions that specifically address human rights protection and administrative governance, including:

- a. The National Human Rights Commission, which monitors the implementation of human rights and provides recommendations on violations committed by public officials.
- b. The Indonesian Ombudsman, which oversees public services and addresses maladministration.
- c. The State Administrative Court, which acts as a judicial mechanism for reviewing the validity of administrative decisions or actions (Syafa et al., 2025).

In contrast, Singapore follows the Common Law tradition, in which judicial precedents play a significant role in shaping legal principles. Human rights protections are contained in the Constitution of Singapore, particularly Article 9 on personal liberty, Article 12 on equality before the law, and Article 14 on freedoms of speech, association, and assembly (Type and Date, 2021).

Institutionally, Singapore does not have specialized bodies such as a national human

rights commission. Instead, administrative oversight is primarily conducted through:

- a. The courts, which apply judicial review to allow citizens to challenge governmental administrative actions deemed unlawful, arbitrary, or procedurally improper (Chua, 2022).
- b. The Public Service Commission, which oversees ethics and integrity within the civil service.

Thus, Indonesia's legal structure is more complex and involves multiple institutions, while Singapore maintains a more streamlined and centralized system, relying mainly on the judiciary and a strong ethical oversight mechanism within its bureaucracy as instruments of administrative accountability.

B. Level of Effectiveness in Human Rights Protection

The protection of human rights in administrative processes in both countries demonstrates different levels of effectiveness although they share the same objective, which is maintaining a balanced relationship between state authority and citizens' rights. In Indonesia, the legal framework is comprehensive, yet its implementation is often hindered by slow bureaucratic procedures, overlapping institutional mandates, and weak enforcement of decisions issued by oversight bodies (Manullang et al., 2025). However, this system provides broad opportunities for public participation, enabling citizens to report violations, file complaints, and engage in advocacy through civil society organizations. This reflects a form of human rights protection that is democratic and participatory in substance (Hidayah, 2020).

In contrast, Singapore demonstrates effectiveness through legal certainty and administrative efficiency. Administrative procedures are strictly regulated, and governmental actions can be reviewed by the courts through judicial review (Type and Date, 2021). Discipline within the civil service is strongly maintained, allowing procedural justice to be achieved with relatively few violations. Yet public participation in criticizing government policies is limited, as the state prioritizes social stability and collective interests. As a result, human rights protection tends to be more formal than substantive (Chua, 2022).

Thus, Singapore's administrative system is procedurally effective and efficient but offers limited public democratization, while Indonesia's system highlights participation and democratic values in human rights protection, despite challenges in operational effectiveness.

C. Influencing Factors

a. Political factors

Indonesia adopts a constitutional democratic system that places human rights as a fundamental value in governance. All public policies are required to uphold principles of human rights, including freedom of expression and access to information. In contrast, Singapore adopts a parliamentary system with strong dominance from a single party, where the government emphasizes pragmatism and stability. Human rights protection is implemented as long as it does not conflict with national interests and public order (Syafa et al., 2025).

b. Legal culture factors

Indonesia is still in a transitional stage toward becoming a law abiding society. Although

legal awareness among the public has increased, administrative violations remain relatively common (Hidayah, 2020). Meanwhile, Singapore is known for its disciplined and rational legal culture, with a high level of respect for legal norms and state authority (Chua, 2022).

c. Government system factors

Indonesia applies a presidential system combined with decentralization, providing broad autonomy to regional governments but also creating the risk of inconsistent policy implementation. Singapore adopts a centralized parliamentary system, resulting in more efficient coordination among institutions and uniform implementation of public policies (Hidayah, 2020).

The comparison between Indonesia and Singapore shows that each country possesses strengths in protecting human rights within government administration. Indonesia excels in public involvement and regulatory commitment to rights protection, reflected in broad citizen participation and clearly established legal safeguards. Meanwhile, Singapore demonstrates strength in efficiency and procedural clarity due to its centralized, disciplined system and clear legal standards (Type and Date, 2021).

Therefore, an ideal model for comprehensive human rights protection in governance would combine Singapore's speed and legal precision with Indonesia's democratic values and public participation. Integrating these approaches could lead to a more just, effective, and fully rights protective administrative system.

D. The Role of State Institutions in Protecting Administrative Human Rights

The protection of human rights in administrative affairs in Indonesia is a crucial component of the national legal system. Citizens are entitled to assurance that governmental actions within administrative processes do not violate their rights. Various state institutions including the Administrative Court (PTUN), the Ombudsman, the National Human Rights Commission (Komnas HAM), the House of Representatives (DPR), the Constitutional Court, and executive as well as internal oversight bodies play complementary roles in ensuring administrative supervision and delivering justice for citizens who experience abuse of authority, maladministration, or harmful administrative decisions.

1. Role of the Administrative Court (PTUN)

The Administrative Court serves as a key judicial institution in protecting administrative human rights. It functions as a forum for resolving disputes between citizens and the government concerning administrative decisions. Through PTUN, citizens who feel harmed may file a lawsuit to assess whether an administrative decision is legally valid. If the decision is found unlawful, the rights of the affected citizen can be restored (Deseano, 2025).

2. Role of the Ombudsman of the Republic of Indonesia

The Ombudsman is an external supervisory institution that plays an essential role in protecting administrative human rights. It handles cases of maladministration in public services. When citizens face issues such as poor service, abuse of authority, discrimination, or procedural violations, the Ombudsman can receive reports, conduct independent investigations, and issue recommendations for corrective action (Kurniawan et al., 2024).

3. Role of the National Human Rights Commission (Komnas HAM)

Komnas HAM is an independent body responsible for monitoring and addressing human rights violations, including those occurring in administrative contexts. It may investigate

alleged administrative violations, provide policy recommendations, and mediate disputes between citizens and the government. Through these functions, Komnas HAM ensures that administrative policies do not infringe upon citizens' rights (Archives et al., 2025).

4. Role of the House of Representatives (DPR)

The House of Representatives plays an important role in protecting administrative human rights through its three core functions: legislation, oversight, and representation. DPR formulates laws and administrative regulations that establish a legal framework ensuring fair and non-harmful administrative procedures. Additionally, DPR supervises governmental administrative policies to prevent abuses of power that may harm citizens.

In the academic literature, some studies discuss the role of state institutions broadly, yet others highlight the specific contributions of DPR in advocating administrative human rights as part of the system of checks and balances. For example, an article in *Referendum: Jurnal Hukum Perdata dan Pidana* describes how DPR, Komnas HAM, and the Ombudsman collaborate in promoting human rights protection in Indonesia (Yao and Chng, 2022).

5. Role of the Constitutional Court (MK)

The Constitutional Court holds a significant role in safeguarding administrative human rights at the constitutional level. With the authority to review laws, the Court may annul administrative regulations that contradict the Constitution or core human rights principles. This means that administrative policies permitted under statutory law may be invalidated if they infringe upon human rights, thereby ensuring constitutional supremacy and protecting citizens' rights.

Although not all studies explicitly discuss "administrative human rights and the Constitutional Court," many legal analyses address the role of state institutions including MK in human rights enforcement (Nurhayati et al., 2025).

6. Role of the Executive (President and Ministries)

The President and executive ministries hold direct responsibility for safeguarding administrative human rights since they manage governmental affairs, formulate technical regulations, set bureaucratic procedures, and implement public policies. Their responsibilities include ensuring that administrative regulations do not violate citizens' rights, establishing public complaint mechanisms, and upholding principles of good governance in public services.

Internal oversight bodies such as Inspectorates General and APIP also work alongside executive institutions to ensure administrative officials comply with the law, avoid maladministration, and uphold citizens' rights (Sukriono, 2014).

4. Comparative Analysis of Legal Protection of Human Rights in the State Administration Processes in Indonesia and Singapore

Legal protection of Human Rights (HAM) within government administrative processes in Indonesia and Singapore reflects two different approaches shaped by their legal systems. Indonesia adopts a Civil Law system, whereas Singapore applies the Common Law system. In Indonesia, human rights are treated as essential and must be protected, as outlined in Chapter XA of the 1945 Constitution and comprehensively regulated under Law No. 39 of 1999 on Human Rights. This framework places human rights in a strong and explicit position, allowing them to serve as a basis for stopping unlawful government actions. In contrast,

Singapore does not include a comprehensive list of fundamental rights in its Constitution; only a few rights are mentioned, and even these are subject to statutory limitations. According to Thio Li-ann (2012), Singapore's approach, often described as "selective constitutionalism," prioritizes stability and public order over broad recognition of human rights. These differences indicate that Indonesia possesses a stronger legal foundation for protecting human rights in administrative governance compared to Singapore (Li-ann, 2012).

In terms of administrative operations and judicial mechanisms, both countries exhibit fundamental differences. Indonesia has a specialized institution the Administrative Court (PTUN) that allows citizens to file lawsuits against government decisions that may harm their rights. Indonesia also has the National Human Rights Commission (Komnas HAM) and the Ombudsman, both of which oversee administrative conduct. This structure provides several avenues for protecting human rights within government administration. Singapore, meanwhile, relies on judicial review within its Common Law framework, a mechanism that is effective procedurally yet highly restricted. Courts in Singapore often grant broad deference to the government, particularly in sensitive areas such as security, immigration, and public order. Michael Hor (2009) argues that the scope for judicial intervention in Singaporean policymaking is narrow and tends to favor government interests. As a result, human rights protection in Singapore is strong in terms of procedure but limited in substance. Indonesia, by contrast, applies principles of natural justice more openly in administrative processes, supported by detailed regulations under the Administrative Governance Act (Law No. 30/2014), including requirements for reason-giving, good governance principles, and avenues for appeal through PTUN.

In Singapore, principles of natural justice develop mainly through judicial decisions rather than explicit statutory regulation. Yvonne Lee (2004) notes that procedural fairness in Singapore is shaped by the courts rather than by detailed legislation. However, Singapore's bureaucratic system is highly efficient and exhibits low corruption, resulting in consistent application of procedural standards despite the absence of extensive statutory provisions. In Indonesia, although regulations are more detailed and formal, implementation is sometimes hampered by bureaucratic quality. In non-judicial oversight, Indonesia is stronger due to the presence of institutions specifically dedicated to human rights protection, such as Komnas HAM and the Ombudsman, both capable of addressing administrative violations affecting citizens. Singapore lacks a national human rights institution and does not have an ombudsman responsible for reviewing improper governmental actions. Oversight functions are instead carried out by internal bodies such as the Public Service Commission (PSC) and the Corrupt Practices Investigation Bureau (CPIB), which focus on civil service integrity and corruption prevention rather than the direct protection of human rights. Kevin Tan (2017) notes that the Presidential Council for Minority Rights (PCMR) plays a role in reviewing discriminatory legislation, yet its authority is limited and mostly advisory.

Another key difference lies in how both countries balance state stability with human rights. Singapore emphasizes security and public order, reflected in laws such as the Internal Security Act (ISA), the Public Order Act, and strict media regulations that grant significant powers to the government to limit civil liberties. Eugene Tan (2015) argues that Singapore places national security as its highest priority in governance. Indonesia, on the other hand, provides broader space for freedom of expression, assembly, and citizen participation,

although practical challenges such as abuse of power and legal uncertainty often arise. Overall, the comparative analysis shows that Indonesia excels in human rights norms and institutional frameworks but struggles with implementation. Singapore demonstrates strong administrative efficiency and procedural consistency but provides limited substantive human rights protection, especially when state interests are involved. Thus, Indonesia's system is rich in rights but weak in enforcement, while Singapore's system is strong in enforcement but limited in rights. These philosophical differences highlight how human rights protection within government administration is shaped by each country's political orientation, legal structure, and constitutional choices.

CONCLUSION

This research examines how law protects human rights within governmental processes by comparing the systems of Indonesia and Singapore. Both countries are members of ASEAN yet differ significantly in their legal systems and bureaucratic structures. Indonesia uses a civil law system, supported by institutions such as the Administrative Court, the National Human Rights Commission, and the Ombudsman, which supervise governmental actions that may violate human rights. Singapore adopts a common law system, relying on judicial review through general courts and strict ethical oversight by the Public Service Commission, although it does not have a specialised human rights body as Indonesia does.

In Indonesia, human rights protection in governance is clearly regulated by the constitution and legislation, including Law Number 39 of 1999 and Law Number 30 of 2014, which emphasise principles of good governance such as legal certainty, transparency, proportionality, and accountability. However, challenges remain in practice, including complex bureaucracy, overlapping institutional duties, and low public awareness of court decisions, which hinder optimal human rights protection.

Singapore demonstrates a more disciplined and effective legal system in safeguarding human rights within government processes, with strong judicial review that prevents arbitrary policymaking. Nonetheless, public participation remains limited. Strict law enforcement and rapid administrative procedures lead to a more formal and procedural form of human rights protection, with less space for democratic transparency and broad civic involvement.

From this comparison, Indonesia excels in normative frameworks and human rights oversight institutions, particularly in offering space for public freedom and advocacy. Singapore excels in legal implementation and bureaucratic discipline that ensures smooth administration. These differences are shaped by political orientation, legal culture, and governmental structure: Indonesia's democratic and decentralised system contrasts with Singapore's centralised parliamentary system under dominant party control.

This study recommends strengthening cooperation among Indonesian human rights supervisory bodies and improving human rights education and training for government officials to enhance professionalism and discipline. Reform in governmental procedures is essential to simplify administrative processes and ensure effective enforcement of court decisions so that human rights protection becomes truly realised. Expanding the use of information technology such as electronic government is also expected to enhance transparency and public access to complaint mechanisms and rights recovery.

Indonesia may learn from Singapore's consistent legal enforcement and bureaucratic discipline while maintaining democratic principles and public participation in protecting human rights. Combining these strengths could produce a more effective and just governmental system that prioritises comprehensive human rights protection. This research therefore contributes to the development of administrative law and offers policy insights for strengthening human rights protection in Indonesia in a sustainable manner, aligned with the rule of law that balances governmental power and individual rights.

REFERENCES

- Li-ann, T. (2012). *A treatise on Singapore*.
- Simbolon, S. W., Damayanti, R. L., & Maulidatunisa, S. (n.d.). *Hukum administrasi negara Indonesia dan Singapura: Studi komparatif*.
- Yuli. (2015). *Training tingkat lanjut rule of law dan hak asasi manusia bagi dosen hukum dan HAM*, 3–6.
- Archives, H., No, V., Desember, O., Komnas, P., Pelanggaran, P., & S., R. I. (2025). *Jurnal Kajian Hukum dan Pendidikan Kewar*, 2(1), 25–28.
- Chua, L. J. (2022). *Judicial review of executive power in the Singaporean context, 1965–*. 1–7.
- Deseano, A. A. (2025). Administrative Court as bureaucratic reform catalyst through administrative law enforcement. 29(1), 1–19.
- Herman, H. (2015). *Administrasi negara*. 1(1), 1–6.
- Hidayah, N. P. (2020). Comparative study of legal protection for migrant workers in participation of social security programs in Indonesia and Singapore. 28(1), 47–59. <https://doi.org/10.22219/ljih.v28i1.11786>
- Kurniawan, R., Irawan, A., Alfarisi, M. S., & Negara, A. (2024). Sengketa administrasi negara: Menilai kritis peran ombudsman dalam penyelesaiannya. 1–9.
- Latuperisa, Y. K. (2024). Perlindungan hukum terhadap hak asasi manusia di Indonesia. 1(2), 1–9.
- Manullang, E., Sinaga, B. N. P. D., & Siburian, K. (2025). Protection of human rights in the context of Indonesian constitutional law against the functions of state institutions. 3, 1–11.
- Nurhayati, N., Salamah, N., Marsela, M., Khaerani, N. F., Maydikta, R., Law, C., Konstitusi, M., Manusia, H. A., & Negara, H. T. (2025). Analisis peran Mahkamah Konstitusi dalam perlindungan HAM: Tinjauan dari. 5(1), 1–9.
- Rahman, L. A., Aprily, J. N., Fadhlurrahman, M. F., Komalasari, R., Luthfi, M., Putera, S., Tata, H., Syariah, F., Raya, I. P., Kompleks, A., Centre, I., Obos, J. G., Raya, K. P., & Tengah, K. (2024). Sistem pengawasan dan perlindungan hukum dalam tata kelola administrasi negara. 1–3.
- Romana, F. (2018). Implikasi Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan terhadap fungsi Peradilan Tata Usaha Negara. *Ius*, 601–624. <https://doi.org/10.20885/iustum.vol24.iss4.art5>
- Sukriono, D. (2014). Penguatan budaya hukum dalam penyelenggaraan pelayanan publik sebagai upaya penegakan hak asasi manusia. *Rebacks*, 20–22.

- Syafa, I., Megasari, I. D., & Service, P. (2025). Effectiveness of state administrative law: Comparative perspectives from Indonesia and Singapore in public service. *4*(2), 1–10.
- Type, P., & Date, P. (2021). A reconsideration of equal protection and executive action in Singapore. *21*, 21–22.
- Yao, W., & Chng, K. (2022). Analysing the constitutionality of executive action under Articles 14 and 15 in Singapore: Theoretical and doctrinal perspectives. 26–45.