THE HISTORY OF HUMAN RIGHTS POLITICS
(19TH CENTURY AND THE FIRST DECADE OF THE 20TH CENTURY)

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ABSTRACT

The authors want to look at how human rights politics in the history of human rights development (19th Century and The First Decade of the 20th Century) has changed in the past and now. The authors try to analyze, investigate, and explain the basic structure and political position backgrounds of human rights in historical development. The study of normative law tries to investigate, explain, and analyze the basic structures and political positions of the rights of the people. Then, the normative juridical method is applied to this study. The results show that the power relationship among countries and conflicting alliance patterns have experienced a shifting of basic structure in the past and now, and the power relations among country patterns have experienced a shift of basic structures.

Keywords: Society. Politics. Human rights

1. Introduction

The very prescriptive definition of politics is driven by other definitions emphasizing power, decision-making, politics, distribution of values, and other efforts to obtain a good society. However, politics is the attempt to achieve a society superior to its representative. According to Peter Merkl, politics means "the highest political situation is the accomplishment of a good and fair social order". This is an effort to implement *Politics, Das Besteist*. Orderliness and fairness exist as a background and a purpose of political activity, even uncertain. On the other hand, we have to recognize that our perception of goodness and justice is influenced by an

Generally, politics is an attempt to set rules that the majority of society has agreed upon to lead them towards harmonious coexistence. It needs several activities to obtain a good life, including determining the system's goal and how to get it. The community decides the purpose of the political system.

This way influences the options among the alternatives and the priority of specified goals.

John Rawls sets a political concept of human rights in his book *The Law of the People*. According to Rawls, human rights and their legitimacy can be understood by identifying the role of human rights in world politics, particularly in international and regional politics. Rawls says human rights are "a special group from an urgent right". Furthermore, He says human rights are pluralistic and universal. However, Rawls assures that International human rights are also determined by the role of forming a normative structure of the world system. International human rights are regarded as the content of a normative concept, for example, legitimacy, sovereignty, permitted intervention, and dignified membership in the international community (Nickel, James, 2019).

Rawls suggests a limited list of human rights, except fundamental Freedom, the right to political participation, and equality. This statement is justified because the approved list is universally recognized and based on logic rather than liberal democracy. Moreover, he believes other countries can intervene in serious human rights violations. It is only the most essential right that can get a status. Except for equality protection and democracy from the list of human rights, Rawls can justify an international intervention against gross human rights violations. According to the explanations above, the authors want to look at how human rights politics in the history of human rights development (19th Century and The First Decade of the 20th Century)

2. Reseach Method

The normative juridical method is applied to this study. It indicates that this approach is based on literature studies, meaning that issues observed from the perspective of legal rules are examined in addition to secondary data or literature reviews. (Jhoni Ibrahim, 2022). The study of normative law tries to analyze, investigate, and explain the basics and political position backgrounds of human rights in the history of human rights development,

3. **Results and Discussion**

    3.1. **Human Rights Politics**

    Human rights are not a new opinion that The United Nations or professors explain to the public. Human rights are the rights people have simply because they are human, not because they are subject to state law.

    The need to form human rights and the basic needs of human beings is logical, valid, and valuable to the State that human rights are a right (Muhammad Sadi, 2022).

    Human rights are also a norm for society, at least in the era of Ancient Greece and Rome. For the Greek elite of Athens, the principle of togetherness, the Freedom of expression and union, and the similarity in law are called human rights. In the Romawi era, based on Cicero's statement, the concept of equality was introduced (Nurudin Hady, 2021).

    Human rights are also found in the teachings of every religion. For example, the position of human rights in Islam is in a place of honour. It should be noted that there are other rights, for instance, political, social, and economic rights. The farewell document of the prophet Muhammad S.A.W in Arafah is a document of extraordinary human rights worldwide. In this document, the prophet said that " life, wealth, and dignity are equivalent with today's pureness (Hajj Day).

    Concerning the group differences, Muhammad SAW's prophet said, "Arabs do not have any superiorities over Arabs, and vice versa. Everything is Adam's right. White people are no better than black people, and black people are no better than white people. The superiority comes from legitimacy, and the noblest among you is the most pious". Furthermore, the liberation of theology in the Christian religion aims to release human beings from enslavement and oppression (Robert Hass, 2019).

    The emergence of human rights as a protection concept from arbitrariness of power after the *Magna Carta (1215).* The Magna Carta document did not relate to the individual Freedom of people. However, it

was related to the historical directions for an institution now called constitutions. A constitution was based on the principle of a holder of state power. As a subject of fundamental human rights, a sovereign society must manage a constitution. This was a natural right that was non-transferable or inalienable. The emergence of the Magna Carta was to limit the power of kings and ecclesiastical scholars. Their powers were absolute, and all doctrines and universal commandments were tied. However, the claim was never held back.

The content of the Magna Carta was the release of society from the King's power and a church claiming to be a state. Also, the content of this document was about the concept of human rights that still need to be constituted. The new concept of human rights emerged in the Bill of Rights (1688) after the Glorious Revolution in England. The proclamation of the Bill of Rights was not a societal law right, but it was a parliament's victory over the absoluteness of the King. Also, the meaning of the proclamation was about how society enjoyed its life under a protective law enforced by the parliament without the King's intervention. Moreover, the rights of society would not be deprived of Freedom by excessive regulations and would not be subjected to cruel punishments (Eko Riyadi, 2019).

Regardless of the critics and many interpretations of the Bill of Rights' content, it is a law statement about the monarchy subjected to the authority of Congress, and Congress admits the monarchy as one of its souls. The spirit of law protection in the future era, the Bill of Rights, is viewed as a starting point of the human rights revolution, and its origin and development are influenced by the great thinkers of the 17th Century, for example, Thomas Hobbes and John Locke. The argument in John Locke's document was published in 1960, two years after the Glorious Revolution. The argument was that the government should be based on the consent of society and that the State must fight to protect Freedom (Rahayu, 2023).

Human Humans are frhumansqarel and independent. No one can be removed from their country without their agreement, and they are not subject to others' political power. The only way for humans to get natural Freedom in dealing with society and citizens is for other societies to agree to join and unite in a community. The purpose of this community is to create a comfortable, safe and peaceful social life. It is a comfortable situation and safe for its property (Geoffrey et al., 2022).

The English Revolution resulted in a Bill of Rights that inspired the American Declaration of Independence in 1776, which was preceded by the Virginia Declaration of Rights in 1776, written one month before the declaration of George Mason's Freedom. They justified themselves with John Locke's social contract theory and natural rights (Thomas Pine, 2020).

Fifteen years after the Declaration of American Independence in 1791, America released a Bill of Rights, which mentions individual rights through a series of constitutional amendments. The most prominent amendment is the First Amendment, which protects the Freedom to have religion, the Freedom of mass media, and the Freedom and the right to organization. The Fourth Amendment protects individuals from unfair arrest: Chapter Six. Burdening ourselves (Rigth for not burdening ourselves) and the right to get access to the law. The following amendment of the American constitution continues to expand in terms of scope and content of the Bill of Rights, including the Thirteenth Amendment, which prohibited slavery.

What happened to the United States Constitution triggered the emergence of the French Revolution, which aimed to wipe out the absolute government system and then shift it to a democratic system. The French wrote the proclamation "under the existence and protection of god most high". The Declaration of Human Rights and Citizens in 1789, referring to the French Revolution, articulates the view of absolute anti-government, meaning that true happiness must be sought in terms of

individual Freedom. The sacred of human rights can not be alienable, and it is natural (Widiada Gunakaya, 2019).

3.2. The story of Human Rights Development (19th Century- The First Decade of the 20th Century)

During the 19th decade and first of the 20th Century, the concept of human rights began to develop at the international level. It means that the concept of human rights has been adopted in international relations, as seen in the following developments.

3.1.1. The beginning of rejecting slavery was codified in the Paris Agreement between England and France in 1814. The agreement then developed from bilateral commitment to international commitment with the establishment of the Abolition of Slavery and the Slave Trade Convention, namely *Cleverley conversion 1926* (it had been changed by Amendment to the Protocol to the Slavery Convention, and it was signed in Geneva on 25th September 1926. Also, it was completed by an additional convention to abolish (Slavery 1953), the slavery trade and slavery or the practice of managing slavery in 1556.

3.1.2. In 1863, the International Committee of the Red Cross was established, and they began to arrange a conversation about the improved condition of wounded soldiers in the field. With only 10 chapters, the agreement comprised the basic principles that still exist today. The protection of war victims, including the protection of civilians in the ceasefire conflict, has been added and expanded regarding its scope. The result was the addition of four conventions in Jenewa in 1949. Also, two additional protocols were added in 1977. Conducting an International instrument was initially called martial law, commonly called humanitarian law. It means

protecting the human rights of people in armed conflict, whether included or not in the war.

3.1.3. After the First World War, when the League of Nations was established in 1919, the International Labor Organization (Nansen) was established to respect the human rights of labourers. The mission was to protect the human rights of refugees.

The critical thoughts and ideas, as if they were a history of the society's struggle, appeared throughout France, America, and the French Revolution. They had a significant influence over the development and establishment of human rights organizational concepts until now, and they were used for releasing absolute slavery from the Church. However, these ideas were then interrupted by the tragic massacres of World War I and World War II, signed by the King King's cruelty towards the Church, which proved exceeded.

Four years after the violent war and massive murder of 8.5 million people occurred in the First War, a new world order that must protect human rights was started. However, the concept was not mentioned in the Versailles Peace Conference of 1919 or the Charter of the League of Nations (LBB).

Because of the devastation of humanity and humanitarian civilization following World War I, the theoretical component or doctrine about the fundamentals of those three revolutions and an a priori assessment became historical evidence. This evidence was a thoughtful struggle that reflected the dynamic of social politics in the relationships between power institutions and the controlled subjects. This was the pioneering work of the emergence of the struggle for human rights in their position as citizens in the power of the State and its officials. These three revolutions also inspired the growth of liberal democracy, which was seen as a capable framework for defending individual rights against

the State's innate propensity toward authoritarianism (Apeles et al., 2022).

International commitment to human rights only emerged after the Second World War. Although several international treaties affected humanitarian issues before World War II, the discussion about systematic protection of human rights in the international system only happened after being included in the UN Declaration on 1st January 1942. The declaration stated that victory was essential to protecting life, Freedom, independence, and the right to religion. Also, maintaining human rights and justice were the other essential aspects of the declaration. In the following message pointed to Congress, Mr. President Frenklin D. Rosevelt identified four freedoms that needed to be defended in the war: the Freedom to speak and express ideas, Freedom to have religion, Freedom from living in poverty, and Freedom from fear of war (Ruslan Renggong, 2022).

After the Second World War, International Human Rights rapidly developed. Nazi's atrocity against its population in Germany and the people in its colonies was astounding, so before the end of the war, the Allies had decided that a resolution to the war must include a commitment to protect human rights and to inspire a determination to do an action. This was done to establish an international organization that could defuse international crises and provide a forum for discussions and mediation (Luthfi et al., 2019).

The founders of the United Nations assured that the reduction of war probability and human rights breaches required a preventive way over the massive breach of human rights. Because of this perspective, the beginning of the United Nations' concepts added the roles of human rights development and Freedom.

The initial text of the United Nations Charter (1942 and 1943) comprised the human rights rules that should be adopted by any country that joined the organization. However, some obstacles appeared relating

to the implementation of such rules. Because they worried about their sovereignty prospects, many countries were willing to develop human rights but not to protect them. Finally, it was decided to input a few portions of human rights guidelines in the UN's charter and assign the Human Rights Commission to write an International statement about Human Rights. The charter reaffirmed the assuredness of fundamental human rights, human dignity and worth, the right to equality between man and woman, and the right to equality between a big and a small country. The signatories pledged to take joint action and separated in collaborating with this organization to fight for universal respect, to obey human rights, and to get fundamental freedoms for all humans without distinguishing race, gender, language or religion (Ian Brownlie, 2017).

What the United Nations did was the beginning of the concept of Human Rights Politics study, meaning that the policy of human rights protects human rights from war violations and arbitrariness of state power.

From 1942 until now, the United Nations has issued many human rights policies. The policies were principles and norms to protect human rights, although there was a time when the United Nations experienced a vacuum due to the tensions between the West and East blocks. The three principal human rights policies were the Declaration of Universal Human Rights, the Covenant on Civil Rights and Political Rights, the Covenant on Economics, and social and cultural rights. In the next ten years (1976), these principles were practical. The three primary principles of human rights were UN Human Rights Politics for the protection of human rights, which in the context of this study is categorized as basic policy.

The further development of basic principles of human rights politics led to the emergence of international law human rights norms, which are universally binding, as well as individual national legal norms. Many countries in the world have ratified the derivative covenants of the International Covenant on Civil and Political Rights (ICCPR), deleted the

constitutions against the principle of International human rights, designed new constitutions in line with international human rights law, and designed their country's national laws with ratified international conventions.

Human rights politics, as the protection of human rights in many countries, including Indonesia, had implemented a political law that created problems. Tenforced follow-up action from the basic policy of human rights to protect humans and citizens from the arbitrariness of power and tools of power.

Heading to the 20th Century, we witness the upheaval that fundamentally challenged the stability, injustice, and Freedom that humans experienced during the colonial era. The tools used in the fight for independence were the same, for example, the discourse of democracy and human rights.

The primary protection of human rights by the end of the 20th Century significantly differs from the previous centuries. By this era, the policy relating to Human rights is marked by the tendency of egaliter, meaning that the protection is directed in a collective way and internationally recognized. The tendency for a more egalitarian character of protection in human rights documents is marked by the strengthening of anti-discrimination issues based on race, ethnicity, skin colour, faith, and so on, which is prominent in the current era. The egalitarian character seems to have strengthened the equality fighting between men and women and the protection of groups that are categorized as vulnerable groups, for example, older adults, children, disabled people, pregnant, refugees and minority groups (Delfina Gusman, 2022).

Lately, a law manifesto is more egalite and softens the individualism of classical natural law theory. A new document views people as members of family and society, not isolated individuals who have to look for reasons to enter the civilians. For example, the Universal Declaration states that a family is a collective natural unit and a

fundamental aspect of society. A family has a right to protection from society and the State. An international agreement put a collective right into the human rights framework, and the agreement provided an honourable status to the rights of all people to determine their fate and control over their natural resources. Moreover, although John Rawls attempted to reestablish this relationship, human rights were no longer closely tied to social contract theory (Suparman Marzuki, 2014).

In recent human rights documents, guidelines regarding philosophical grounds are few. The efforts after the war to formulate International human rights norms are directed to a philosophical and ideological split that can not be restored. The philosophical basis for human rights is unfortunately left unformulated in the effort to collect as much support as possible for the human rights movement.

The next difference between human rights and natural rights in the 19th Century is the internationalization of human rights. These rights are not only internationally compulsory but also viewed as worthy goals for action and international concern. Although natural rights in the 19th Century were viewed as a right for all people, they were often used as the criteria to justify the rebellion against the existing government rather than used as the standards if the government breached them. If it were to happen, it would justify the international organizations' scrutiny and application of diplomatic and economic pressure. Even though a country has the power to maintain its sovereignty and wants to prevent an external party from interfering in business, the principle of international scrutiny and non-military sanction or intervention can be justified in the cases of large-scale human rights violations.

The world has achieved the conceptual development and internalization of human rights protection since the declaration of the humaghts in 1948. These aspects could be constructed that all incidents which triggered the emergence of the movement for Freedom and humanity's independence as an individual or group had the characteristics

of oppressive and unjust power relations in the relationship structure between one nation and another one or in the relationship between a government and its society. In the discourse of the struggle for independence and human rights in the Decade of the 20th Century, the prominent struggle was the global struggle of colonized nations against colonial nations. Therefore, the citizens across all colonized states faced the colonial nations. Thus, the people of all colonized countries quickly aroused their enthusiasm to unite in a solidarity movement for the anti-colonial struggle.

Another prominent struggle was the fight against an authoritarian government. The discourse of democracy in a country does not have to be identical to the feelings of people in other countries that are more developed and enjoy a more democratic life. Because of this, the discourse of democracy and human rights is now also implemented by the groups of society who feel oppressed and by the governments of other countries who have an interest in promoting democracy and human rights in countries that are considered undemocratic.

Consequently, the power relationship among countries and conflicting alliance patterns have experienced a shifting of basic structure in the past and now. In the past, the international relationship between the government and its citizens was divided into government-to-government relations and people-to-people relations. On the other hand, the relationship pattern was changed and became diverse, for example, government to government, government to society, and society to society. Any opportunities can emerge led by state institutions or by the public based on human rights protection and other governments (Serlika Aprita, 2020).

In other words, the first problem is the comprehension of the human rights concept, which must be seen from the context of a correct *relationalism of power*. Even the concept of power relationships also experiences change because the power elements nowadays are still being

determined in terms of political position, powers over economic resources, and advances in technology and industry. Thus, human rights politics should now be seen from the context of political, economic, and industrial power relations.

4. Conclusion

The difference between human rights now and natural rights in the 19th Century is the internationalization of human rights. These rights are not only internationally compulsory but also viewed as worthy goals for action and international concern. Although natural rights in the 19th Century were viewed as a right for all people, they were often used as the criteria to justify the rebellion against the existing government rather than used as the standards if the government breached them. If it were to happen, it would justify international organizations' scrutiny and diplomatic and economic pressure application. Even though a country has the power to maintain its sovereignty and wants to prevent an external party from interfering in business, the principle of international scrutiny and non-military sanction or intervention can be justified in the cases of large-scale human rights violations.

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