

Advocating for Justice: The Role of Amnesty International Indonesia in the Haris and Fatia Case

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ABSTRACT

This study examines the role of Amnesty International Indonesia in the criminalization case against Haris Azhar and Fatia Maulidiyanti, who criticized the involvement of public officials in Papua's mining industry. The case illustrates serious challenges to freedom of expression in Indonesia, particularly through the use of elastic articles in the Electronic Information and Transactions Law (UU ITE). The purpose of this research is to analyze how Amnesty International Indonesia performs its role as a civil society organization in strengthening democracy and protecting human rights. This study employs a descriptive-qualitative method with a literature review, drawing on official documents, human rights reports, media coverage, and relevant academic studies. The findings indicate that Amnesty International Indonesia plays a strategic role through three main civil society functions: advocacy, empowerment, and social control. The organization actively issued public statements, conducted campaigns, mobilized solidarity actions, and sent formal communications to both the government and international institutions. In addition, Amnesty raised public awareness of the risks of criminalization and monitored the judicial process, which was often deemed unjust. Thus, Amnesty International Indonesia is proven to be an important actor in expanding democratic space and defending freedom of expression in Indonesia.

Keywords: Civil Society Organization, Amnesty International Indonesia, freedom of expression, activist criminalization, democracy

ABSTRAK

Penelitian ini membahas peran Amnesty International Indonesia dalam kasus kriminalisasi terhadap Haris Azhar dan Fatia Maulidiyanti yang menyoroti keterlibatan pejabat publik dalam bisnis tambang Papua. Kasus tersebut mencerminkan tantangan serius terhadap kebebasan berekspresi di Indonesia, terutama melalui penggunaan pasal-pasal karet dalam Undang-Undang Informasi dan Transaksi Elektronik (UU ITE). Tujuan penelitian ini adalah untuk memahami bagaimana Amnesty International Indonesia menjalankan perannya sebagai civil society organization dalam memperkuat demokrasi dan melindungi hak asasi manusia. Metode penelitian yang digunakan adalah deskriptif-kualitatif dengan studi literatur, melalui penelaahan dokumen resmi, laporan hak asasi manusia, pemberitaan media, serta kajian akademik relevan. Hasil penelitian menunjukkan bahwa Amnesty International Indonesia memainkan peran strategis melalui tiga fungsi utama organisasi masyarakat sipil, yaitu advokasi, pemberdayaan, dan kontrol sosial. Amnesty aktif mengeluarkan pernyataan sikap, kampanye publik, aksi solidaritas, hingga mendorong kesadaran publik tentang ancaman kriminalisasi serta mengawal jalannya proses hukum yang dinilai sarat ketidakadilan. Dengan demikian, Amnesty International Indonesia terbukti menjadi aktor penting dalam memperluas ruang demokrasi sekaligus membela hak kebebasan berekspresi di Indonesia.

Kata kunci: *Civil Society Organization, Amnesty International Indonesia, kebebasan berekspresi, kriminalisasi aktivis, demokrasi*

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INTRODUCTION

In Indonesia, Amnesty International has an official branch called Amnesty International Indonesia, officially established in 2017. Its presence aims to strengthen the protection of human rights at the national level while also bridging the global human rights struggle with the local context. Komnas HAM, in its report on violations of freedom of expression and opinion in 2020–2021, recorded 44 cases of violations of freedom of opinion and expression in Indonesia (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, 1945). Of this number, 29 cases originated from public complaints, while the remaining 25 cases were obtained from media monitoring. Komnas HAM also noted that most violations occurred in the digital sphere, accounting for approximately 52 per cent of the total cases. The modes of violation identified were quite varied, ranging from criminalisation, intimidation, threats, digital attacks, to doxxing practices. These data show that freedom of expression in Indonesia still faces serious challenges (Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia, 1999).

One of the most prominent cases is the matter involving Haris Azhar and Fatia Maulidiyanti. Both are human rights activists who openly criticised the involvement of public officials in mining businesses in Papua through a discussion on a YouTube channel. These critical statements were later considered defamatory and brought them into legal proceedings. Amnesty International Indonesia, together with other civil society networks, views this case as a serious threat to freedom of expression. This raises concerns as it opens space for silencing criticism through legal instruments and ultimately weakens the quality of democracy in Indonesia (Undang-Undang Nomor 17 Tahun 2013 Tentang Organisasi Kemasyarakatan, 2013).

Studies on the criminalisation of Haris Azhar and Fatia Maulidiyanti have been widely carried out by researchers, emphasising various perspectives. For example, research entitled “Juridical Analysis of Defamation (Case Study of Luhut Pandjaitan)” highlights the use of the Criminal Code (KUHP) and Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), as amended by Law Number 19 of 2016, as the legal basis for prosecuting the two. This study shows that such legal

instruments still leave gaps that may be used to criminalise public criticism (Nabiyyin, M. H., & Sinambela, 2023a). This demonstrates that freedom of opinion in Indonesia remains vulnerable to restrictions by legal instruments that should provide protection.

Another study by Imam Wildan Alaudy and Nadia Utami Larasati (2024), entitled “Criminalisation of Activists by State Officials from the Perspective of Conflict Theory”, employs conflict theory to examine the phenomenon of the criminalisation of activists, including the case of Haris Azhar and Fatia. This study emphasises that criminalisation is a strategy employed by state officials to maintain political dominance and silence criticism (Alaudy & Larasati, 2024). Such a practice is regarded as a form of struggle for interests between the elite and civil society, which results in the narrowing of democratic space.

Based on the background and previous research, which mostly emphasised normative legal aspects and political power analysis, this study seeks to present a different perspective by highlighting the role of civil society in defending freedom of expression (Instruksi Menteri Dalam Negeri No. 8 Tahun 1990, 1990). The focus of the study is directed at how civil society, particularly Amnesty International Indonesia, fulfils its role in advocacy, empowerment, and social control in the context of the criminalisation of Haris Azhar and Fatia Maulidiyanti. With this different emphasis, the problem formulation of this study is how Amnesty International Indonesia carries out its function as a civil society organisation in supporting the freedom of expression of human rights defenders in Indonesia. The purpose of this study is to provide a deeper understanding of the contribution of civil society in strengthening democratic space while ensuring the protection of human rights.

RESEARCH METHODS

This study employs a qualitative descriptive method, as explained by (Moleong, 2013), which aims to understand phenomena comprehensively through the description of words in a natural context. Data were collected through a literature study sourced from documents of Amnesty International Indonesia, human rights reports, media, and academic literature. According to (Nazir, 2014), (Arikunto, 2002), and (Zed, 2014), the literature study includes the examination, collection, and processing of various written sources to build the theoretical foundation and conceptual framework of the research (Sugiyono, 2007). Through this approach, the study obtained a strong theoretical basis and a

comprehensive understanding of the role of Amnesty International Indonesia in pursuing justice in the criminalisation case of Haris and Fatia.

RESULTS AND DISCUSSION

The Criminalisation Case Against Haris Azhar and Fatia Maulidiyanti

The criminalisation case experienced by Haris Azhar and Fatia Maulidiyanti became one of the major highlights in the issue of freedom of expression in Indonesia. This matter began when the two discussed a research report entitled “The Political Economy of Military Deployment in Papua: A Case Study in Intan Jaya” on Haris’ YouTube channel on 20 August 2021. In the discussion, Haris and Fatia talked about findings from several civil society organisations that revealed a connection between military operations and mining business interests in Intan Jaya, Papua (Alaudy, I. W., & Larasati, 2024).

The report mentioned the possibility of an affiliation between high-ranking state officials and mining companies. These remarks were later considered to have defamed the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Pandjaitan. On 22 September 2021, Luhut officially reported both of them to the police on allegations of defamation using Article 27 Paragraph (3) of the Electronic Information and Transactions Law and articles in the Criminal Code (Soekanto, 1990).

Since the beginning of the legal process, there were several irregularities. The mediation process was considered unilateral and inconsistent, while the handling of the case also appeared discriminatory (Alaudy & Larasati, 2024). During the trial, the Public Prosecutor (JPU) even raised questions deemed irrelevant to the subject matter, including insinuations that the defendants requested compensation in the form of shares. Such matters were not recorded in the Minutes of Investigation nor in the indictment, creating the impression that the prosecutor sided with the interests of the complainant (Suharto, 2005). Furthermore, access to the courtroom was often restricted for the public, journalists, and legal aid, even though the principle of open justice should guarantee transparency in every legal process (Bogdan, R. C., & Taylor, 1975).

The legal process then continued to the prosecution stage. On 6 March 2023, the police handed the case files over to the Prosecutor’s Office and, from that moment, the trial officially commenced at the East Jakarta District Court. The prosecutor demanded a sentence of 3 years and 6 months’ imprisonment for Fatia, while Haris was sentenced to 4 years’ imprisonment and a fine. The prosecutor argued that the discussion in the YouTube video constituted an act of insult and defamation. This case then attracted widespread

public attention, including that of national and international human rights institutions (Nabiyin, M. H., & Sinambela, 2023b).

Amnesty International described the case as a form of judicial harassment against human rights defenders. Front Line Defenders and various other organisations also expressed solidarity, viewing the criminalisation of Haris and Fatia as a threat to democratic space and civil liberties in Indonesia (Cohen, David, 1999). The trial went on for months with many aspects considered to violate the principles of a fair trial. For example, the proceedings were marked by excessive security, including the presence of military personnel and tactical vehicles, even though the case did not involve violent crime. In addition, the hearing schedule often changed without transparency.

These circumstances further reinforced the view that the judicial process was conducted in an atmosphere full of pressure. However, after a lengthy series of proceedings, on 8 January 2024, the East Jakarta District Court finally ruled that Haris Azhar and Fatia Maulidiyanti were not guilty (Mulyawan, n.d.). The panel of judges stated that their statements could not be categorised as defamation as charged. The judge also affirmed that the claims regarding Luhut's connection with mining companies and military operations in Papua were not false news or slander, but rather part of a discussion based on research reports. This acquittal was widely welcomed as a victory for freedom of expression while also giving new hope for Indonesian democracy (YAPPIKA-ActionAid Non-Governmental Organization (NGO), 2023).

Advocacy Function of Amnesty International Indonesia in the Case of Haris and Fatia

Amnesty International Indonesia, from the outset of the criminalisation case against Haris Azhar and Fatia Maulidiyanti, demonstrated its advocacy function comprehensively through various strategic measures (Sulistiyani, 2004). The first form of advocacy carried out was issuing an official statement condemning the state's actions against the two. In the statement "Serious ITE Coalition regarding defamation charges against human rights activists Fatia Maulidiyanti and Haris Azhar", Amnesty, together with several organisations, considered that the criminal charges against Haris and Fatia constituted a form of criminalisation of criticism (Meiliana, 2023). The statement emphasised that freedom of expression is a fundamental right guaranteed by the constitution through Article 28E Paragraph 3 of the 1945 Constitution and international law, particularly the International Covenant on Civil and Political Rights (ICCPR), which Indonesia ratified through Law Number 12 of 2005 (Coulby, 2010).

In addition to the official statement, Amnesty specifically affirmed its stance through the Urgent Action: Human Rights Defenders Fatia Maulidiyanti and Haris Azhar Threatened with Imprisonment, which was published on the organisation's official website. In the publication, Amnesty highlighted that the two were charged under the Electronic Information and Transactions Law (UU ITE) merely for delivering research-based criticism. According to Amnesty, the use of the UU ITE in this case potentially violates the principle of freedom of expression and threatens democracy in Indonesia (Komisi Nasional Hak Asasi Manusia Republik Indonesia, 2022). This publication is not only an organisational record but also an important public advocacy document for documenting potential legal abuse.

Advocacy functions are also evident through public campaigns and the mobilisation of solidarity. Amnesty International Indonesia supported digital campaign movements through the use of hashtags such as #BebaskanFatiaHaris and #KitaBerHAKKritis, which became widely discussed on social media and served as symbols of civil society's resistance against the suppression of criticism (Diamond, 1999). This effort was strengthened by direct solidarity actions, such as the call to attend the verdict hearing on 8 January 2024 at the East Jakarta District Court. The call was disseminated through a digital poster entitled "Solidarity Action #BebaskanFatiaHaris", which was uploaded on the official account of Amnesty International Indonesia as a means to reinforce moral support and pressure the state through public participation.



Figure 1. Post by Amnesty International Indonesia relating to the “Solidarity Action #BebaskanFatiaHaris”

Source: *Amnesty International Indonesia (2024)*

Amnesty International Indonesia conducted formal and international advocacy in the criminalisation case of Haris Azhar and Fatia Maulidiyanti. Through an Open Letter (2 November 2022), Amnesty demanded the termination of the criminal process, which was considered to violate human rights principles and highlighted legal irregularities such as investigations that did not comply with the guidelines of the Electronic Information and Transactions Law (UU ITE) and the Chief of Police circular. Amnesty urged the National Police to halt the legal process, protect human rights defenders, and ensure freedom of expression (Dunne, 1999).

At the global level, Amnesty raised this case to the international community, calling for worldwide support and solidarity through urgent action. In addition, Amnesty actively built coalitions with civil society organisations, such as the Serious ITE Coalition and the Civil Society Coalition for Freedom of Expression (Kimberlin, 2010). This collaboration strengthened public pressure and demonstrated Amnesty's strategic role as part of a collective movement to defend freedom of expression and human rights in Indonesia.

The Empowerment Function of Amnesty International Indonesia in the Case of Haris and Fatia

The criminalisation of Haris Azhar and Fatia Maulidiyanti has become a significant event that not only reflects the challenges to freedom of expression in Indonesia, but also opens space for the empowerment function carried out by Amnesty International Indonesia (Suryanto, 2018). This empowerment is important because it does not end with the defence of the two human rights activists, but is instead directed towards raising public awareness, strengthening the capacity of civil society organisations, and fostering the critical agency of society so that it becomes more resilient against future threats of criminalisation. Through various efforts, Amnesty has used this case as a momentum for political and legal education for the public, demonstrating that threats to freedom of expression are systematic and may affect anyone (Entoh, S. S., Mandiana, S., & Setyabudhi, 2024).

The first step taken by Amnesty International Indonesia in its empowerment function was raising public awareness that the criminalisation of Haris and Fatia did not occur in isolation. Amnesty emphasised that this case is part of a broader trend of using the Electronic Information and Transactions Law (ITE Law) to silence criticism. According to its records, Amnesty stated that throughout 2021 there were 84 cases of violations of freedom of expression, with 98 victims prosecuted under the vague provisions of the ITE Law (Amnesty International Indonesia. 2021, 2021). This fact reinforces to the public that

if two figures with strong advocacy capacities such as Haris and Fatia can still be criminalised, then similar threats may also affect anyone who dares to express their opinions. This awareness reminds society that the issue forms part of a structural problem within the legal system that has the potential to weaken the quality of democracy.

In addition to raising awareness, Amnesty International Indonesia also provides education to strengthen public understanding of their rights. One such effort involves the use of the Inventory List of Issues (DIM) on the ITE Bill, compiled together with a civil society coalition and published on its official website. This document not only outlines the weaknesses of the provisions within the ITE Law, but also provides explanations of how these provisions potentially conflict with human rights principles (Gaffar, 2005).

By providing analysis that is accessible to the wider public, Amnesty encourages society to understand the legal basis and the social impact it generates. In the context of the case of Haris and Fatia, the public is then invited to assess that their criticism of public officials is part of a right guaranteed by the Constitution and international law, rather than a criminal act (Ife, 1995). Such education enables the public to gain the capacity to be more critical in evaluating state policies, to understand their position as holders of the right to freedom of expression, and to become actively involved in striving for a healthy democratic space.

Amnesty International Indonesia also opened space for public participation through an Urgent Action that was published on its official website. In a release entitled “Urgent Action: Human Rights Defenders Fatia and Haris Threatened with Decriminalisation”, Amnesty invited the public to take part in defending Haris and Fatia through concrete measures. The public was asked to copy a statement letter and send it directly to the Head of the Jakarta High Prosecutor’s Office, either via email, physical address, or by delivering demands through the institution’s official social media channels (Amnesty International Indonesia. 2023b, 2023). The content of the letter provided emphasised that the allegations of defamation against Haris and Fatia constitute a form of silencing freedom of expression that is contrary to the Constitution and international law.



Figure 2. Amnesty International Indonesia's Public Appeal Letter to Stop the Criminalization of Haris Azhar and Fatia Maulidiyanti

Source: *Amnesty International Indonesia (2023b)*

Through this mechanism, the public does not merely become spectators, but is genuinely involved as actors who also pressure state institutions to halt criminalisation. This participatory action functions as a means of empowerment because it provides the public with knowledge, tools, and concrete channels through which to exercise their right to speak. Thus, the case of Haris and Fatia is no longer understood merely as resistance by individuals or a limited group, but becomes a collective struggle in which the wider public can also express their stance to the government.

The Social Control Function of Amnesty International Indonesia in the Case of Haris and Fatia

The social control function is one of the important roles of Civil Society Organisations (CSOs) in ensuring that state power does not operate without oversight. In the criminalisation case of Haris Azhar and Fatia Maulidiyanti, Amnesty International Indonesia positioned itself as an independent watchdog to ensure that legal practices and actions by state apparatuses remain in accordance with human rights principles. In media coverage on 9 June 2023 (Kompas, 2023), Amnesty highlighted that the East Jakarta District Court granted special treatment to the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Pandjaitan, in this criminalisation case. Amnesty assessed that this preferential treatment was evident in the aspects of trial protocol, such as security arrangements and the delivery of questions that tended to favour the complainant (Giddens, 2009).

This situation was deemed to contradict the principles of a fair trial because it created inequality between the complainant and the defendants, and demonstrated how the court had the potential to serve the interests of one party (United Nations Development Programme, 1997). Such circumstances indicate a serious threat to the independence of the judiciary, and in this regard, Amnesty acted as an independent monitor revealing the exercise of power behind formal procedures (Hanrahan, 2003). The social control function of Amnesty was clearly demonstrated because its monitoring did not stop at criticising regulations alone, but extended to highlighting specific irregularities occurring within the courtroom.

In the case of Haris and Fatia, Amnesty International Indonesia not only carried out advocacy and empowerment functions, but also demonstrated the importance of the social control function exercised by civil society in safeguarding the quality of democracy. This social control was primarily aimed at ensuring that the state did not abuse its authority when dealing with public criticism. Amnesty emphasised that the criminalisation of activists was not merely a matter of applying legal provisions, but a political strategy that created a chilling effect within society (Amnesty International Indonesia. 2022a, n.d.). Through this approach, Amnesty positioned itself as a moral guardian seeking to remind the public not to accept silencing practices as something normal.

One of the other concrete forms of this social control function is criticism of the inconsistency of the authorities in handling the case. Amnesty highlighted that the legal process against Haris and Fatia proceeded very quickly, whereas many similar cases reported by the public were instead prolonged or not processed at all. In its statement, Amnesty noted that, “The forced summons against the two cannot be justified because Haris and Fatia have been highly cooperative, while the discussion they conducted was based on verified research” (Amnesty International Indonesia. 2022b, 2022). This criticism showed how legal treatment of activists did not align with the principles of justice that the state should uphold. Thus, Amnesty International Indonesia played an important role in demonstrating the existence of double standards in law enforcement practices that in turn eroded public trust in legal institutions (Wahyuni, R., Noerman, C. T., Abidin, F. R. M., & Tarina, 2024).

The social control exercised by Amnesty International Indonesia also functioned as a preventive mechanism. By bringing the case of Haris and Fatia into the public sphere, Amnesty warned that criminalisation practices could become a recurring pattern threatening anyone who dared to voice criticism. In the statement of the Koalisi Serius ITE

facilitated by Amnesty, it was emphasised that the use of defamation provisions to silence activists would create fear, causing the public to be reluctant to express their opinions (Amnesty International Indonesia. 2023b, 2023). This statement demonstrated a preventive oversight function, namely not only criticising state actions, but also preventing society from losing the courage to participate critically in the democratic sphere.

In addition to monitoring the trial process and issuing warnings against the threat of silencing, Amnesty International Indonesia also utilized its international network to expand oversight of democratic practices in Indonesia. By reminding Indonesia of its commitment to the International Covenant on Civil and Political Rights, Amnesty demonstrated that the function of social control does not only stop at the domestic level, but also works through global moral pressure (Hikam, 1996). When the case of Haris and Fatia gained international attention, the state could no longer ignore demands for accountability. This moral pressure made the criminalization process not only a national issue, but also one concerning Indonesia's reputation in the eyes of the world. Ultimately, the social control exercised by Amnesty International Indonesia was not merely a reaction to a single case, but part of broader efforts to build a democratic culture that positions public oversight as something normal, important, and to be maintained continuously (Horton, P. B. & Hunt, 1991).

CONCLUSION

Amnesty International Indonesia demonstrates a highly significant role in promoting freedom of expression through the criminalisation case of Haris Azhar and Fatia Maulidiyanti. This case is not merely about two individuals being criminalised for research-based criticism, but also illustrates how legal instruments, particularly the ITE Law, can be used to silence critical voices. Based on research findings, Amnesty International Indonesia emerges as a civil society organisation that consistently performs the three main functions of Civil Society Organisations (CSOs), namely advocacy, empowerment, and social control. These three functions complement one another in strengthening the position of civil society as a watchdog of power and democracy.

The advocacy function is carried out by Amnesty International Indonesia through official statements, urgent action publications, digital campaigns, and open letters rejecting the use of the ITE Law in this case. Amnesty also brought the issue of Haris and Fatia to the international level to exert moral and political pressure on the Indonesian government. The empowerment function is implemented by raising public awareness that this case is part of a broader trend of misuse of the ITE Law. Public education is conducted through

analytical documents and discussion forums, as well as participatory actions such as Urgent Action involving the public to voice their stance through Public Appeal Letters. Meanwhile, the social control function is reflected in criticism of irregularities in the legal process, warnings about the chilling effect, and demands that Indonesia comply with its commitments to global human rights instruments.

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