

Local State Obligation and the Vertical Allocation of Human Rights Obligations in Indonesia

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ABSTRACT

Decentralization does not diminish Indonesia's human rights obligations; it reallocates their institutional performance. This doctrinal study examines how duties concerning equality, non-discrimination, minority protection, and freedom of religion or belief are distributed among central ministries, vertical agencies, and regional governments. Combining statutory, conceptual, and case approaches with a multilevel-governance lens, it distinguishes state obligation, governmental competence, and administrative accountability and identifies normative, competence-implementation, and remedial gaps. The study develops Local State Obligation as a legal-institutional governance model of nationally indivisible but vertically allocated duties, built on a national rights floor, obligation-competence mapping, rights-constrained discretion, preventive supervision, an integrated corrective chain, and residual anti-vacuum responsibility. A limited Jewish-community case lens illustrates how rights can fail at administrative intersections.

INTRODUCTION

Decentralization divides the exercise of public power; it does not divide constitutional dignity by territory. A person living in one regency does not possess fewer constitutional rights than a person living in another. Indonesia's Constitution accommodates regional autonomy through Articles 18 and 18A while simultaneously guaranteeing equality before the law, freedom of religion or belief, protection from discrimination, and state responsibility for the protection, advancement, enforcement and fulfilment of human rights. The constitutional design therefore permits differentiated administration, but it does not authorize differentiated constitutional worth (Indonesia, 1945, arts. 18, 18A, 28D, 28E, 28I, 29).

The same proposition follows from Indonesia's international commitments. By ratifying the International Covenant on Civil and Political Rights (ICCPR) through Law No. 12 of 2005, Indonesia undertook to respect and ensure Covenant rights without discrimination, to provide effective remedies, and to protect freedom of thought, conscience and religion. The Human Rights Committee has repeatedly stressed that these duties bind the State as a whole. They cannot be displaced by internal arrangements concerning decentralization, territorial autonomy, or the distribution of administrative functions (Indonesia, 2005; Nations, 1966, arts. 2, 18, 26).

That apparently straightforward proposition becomes more difficult once rights have to be delivered through government. Citizens rarely encounter 'the State' as a single institution. They deal with ministries, ministerial regional offices, provincial and regency or municipal governments, civil-registration offices, education authorities, governors acting in more than one legal capacity, human rights institutions, ombuds mechanisms and courts. Each body acts under a different source of authority and within a distinct jurisdiction. The legal problem is therefore not exhausted by identifying a constitutional right. It also requires an answer to a more institutional question: which public authority must act, on what legal basis, and who must correct the failure if the right remains ineffective?

Indonesia's treaty-monitoring record demonstrates that the issue is not merely theoretical. In 2013, the Human Rights Committee expressed concern that decentralization had produced subnational laws and policies incompatible with the ICCPR and emphasized that the State could not rely on internal governmental arrangements to justify non-compliance. In its 2024 concluding observations, the Committee again referred to discriminatory provisions in local regulations and recommended that Covenant rights be given full effect at provincial, regional and national levels, including through stronger access to effective remedies. These observations reveal a structural distance between national guarantees and local implementation: rights may be normatively secure at the centre while their practical enjoyment depends on actors and procedures located elsewhere in the administrative system (Committee, 2013, 2024).

Freedom of religion or belief is a particularly useful field in which to test that gap. Under Law No. 23 of 2014 on Local Government, religion is classified as an absolute affair of the Central Government. Yet the practical conditions in

which religious freedom is exercised also intersect with general governmental affairs, civil registration, education, public services, public order and decisions taken by local authorities. The phrase 'religion is a central-government affair' is therefore legally correct but institutionally incomplete. It does not by itself tell a citizen which authority must respond when a religious-freedom issue is expressed through a civil-registration service, an educational service, local public-order measures, or administrative processes connected with a place of worship (R. of Indonesia, 2014a).

This distinction becomes sharper in relation to very small religious communities. The Jewish community is used in this article only as a case lens, not as an empirical object from which general claims about all Jewish citizens are drawn. Indonesian legal discourse frequently uses the shorthand of 'recognized' and 'unrecognized' religions, but that vocabulary can obscure several separate legal questions. The Explanatory Memorandum to Law No. 1/PNPS of 1965 referred to six religions widely practiced in Indonesia while also stating that other religions, including Judaism, were not thereby prohibited. In 2019, the Ministry of Religious Affairs similarly clarified that Judaism was not 'officially inaugurated' by the Government but remained legally protected. Accordingly, freedom of religion, legal protection of a religious community, administrative recording of religious identity and access to public services must not be treated as interchangeable categories (C. C. of the R. of Indonesia, 2010; K. A. R. Indonesia, 2019).

The distinction matters because freedom of religion or belief exists before a person reaches an administrative counter. Registration is an administrative technique; it is not the source of the right itself. The Special Rapporteur on freedom of religion or belief has emphasized that enjoyment of the right cannot be made dependent on prior state approval or registration. This article therefore does not infer the current treatment of 'Judaism' in electronic identity cards or family cards from older studies or media accounts. Where a current operational rule cannot be verified in an official source, no claim is made. The point of the Jewish case lens is instead institutional: how should the State organize authority so that a universal constitutional right remains effective for a person whose religious affiliation may be administratively uncommon (Bielefeldt, 2011).

Against that background, the article asks three questions. First, how should state human rights obligations concerning equality, non-discrimination, minority protection and freedom of religion or belief be distinguished from governmental competence and administrative accountability? Second, how does Indonesia's central-local allocation of authority create potential normative, competence, implementation and remedial gaps? Third, how should that relationship be reconstructed through Local State Obligation? The article advances two related contributions. At the domestic level it proposes obligation-competence mapping: each human rights duty should be connected to the authority legally capable of performing it and to the institution responsible for supervision and correction. At the conceptual level it develops residual anti-vacuum responsibility: when overlapping, contested or unclear competence would otherwise leave a person

without effective protection, the Central Government retains a residual duty to ensure that the administrative structure does not itself become a rights vacuum.

LITERATURE REVIEW

Local Government and Human Rights

Local government is now widely treated as a site of human-rights implementation. The Office of the United Nations High Commissioner for Human Rights (OHCHR) emphasizes clear responsibility, resources, cooperation, and central-local supervision, while legal scholarship links local functions to rights realization and domestic competence (Bosire, 2011; Durmus, 2020; Oomen M., 2018; Pieterse, 2022; Rights, 2022). Recent governance research adds an operational dimension: the depth of local rights institutionalization, leadership, accountability, and organizational capability affect implementation (Dekker A.; Luo Y.; Ciaffaglione A., 2024; Shaham-Maymon, 2025).

The gap is therefore not whether local governments can be human-rights actors. Indonesian studies already examine local freedom-of-religion obligations and the risks created by local restrictions, tolerance regulation, and worship licensing (Ananda et al., 2026; Hadi H., 2026; K. N. H. A. M. R. Indonesia, 2016; Rifa'i N., 2025). What remains insufficiently integrated is the chain connecting human-rights duties, governmental affairs, legal competence, vertical or local implementation, supervision, correction, and responsibility when that chain fails.

State Obligation, Governmental Competence and Administrative Accountability

The conceptual framework separates four legal categories that are often collapsed in public-law discussion: state obligation, state responsibility, governmental competence, and administrative accountability. State obligation identifies the primary standards that must be respected, protected, and fulfilled; state responsibility concerns the consequences of a breach attributable to the State under international law; governmental competence identifies the body or official legally entitled or required to act; and administrative accountability addresses the domestic consequences of using, misusing, or failing to use that authority.

This distinction supports the article's central premise: human-rights standards remain nationally binding even where their performance is distributed among levels and institutions of government. General Comment No. 31 treats Covenant obligations as binding public authorities at national, regional, and local levels, while Indonesian administrative law determines how particular powers are attributed, delegated, mandated, supervised, and corrected (Committee, 2004; R. of Indonesia, 2014b). Local State Obligation is developed from this relationship between nationally indivisible duties and vertically allocated performance.

Multilevel Governance and Institutional Accountability

A multilevel-governance lens complements public law by examining how implementation, coordination, capacity, and accountability operate across territorial and organizational boundaries. Human-rights norms may be nationally binding while their performance depends on institutions with

different mandates and resources (Dekker A.; Luo Y.; Ciaffaglione A., 2024; Schapper, 2017). Public law identifies the right, competence, and legal limits; governance analysis identifies coordination and operational gaps. Indonesian human-rights-city research similarly shows that local commitments operate within wider central-local pressures (Indriana A. N., 2024). Local State Obligation therefore uses governance analysis without displacing doctrinal rules on competence.

METHODOLOGY

This article employs doctrinal legal research informed by a multilevel-governance lens. It examines the legal-institutional architecture through which human-rights duties become governmental action, using statutory, conceptual, and case approaches. The statutory analysis covers the Constitution, the Human Rights and ICCPR-ratification laws, the Local Government and Government Administration laws, civil-registration, public-service and education legislation, and current rules on central supervision, the Ministry of Human Rights, complaints, and human-rights compliance. Governance literature is used only to analyze coordination, capacity, and accountability; the study remains doctrinal. The status of principal regulations was checked against official Indonesian databases as of 25 August 2026 (R. of Indonesia, 2014a, 2014b).

The case approach purposively selects Constitutional Court Decisions No. 97/PUU-XIV/2016, No. 137/PUU-XIII/2015, and No. 56/PUU-XIV/2016 for distinct functions: the first concerns constitutional adjustment of administrative categories, while the latter two define limits on executive annulment of regional regulations. Official materials from Komnas HAM, the Human Rights Committee, OHCHR, and the Ministry of Human Rights test the institutional analysis, while academic literature positions the proposed model against existing scholarship (C. C. of the R. of Indonesia, 2017a, 2017b, 2017c).

The analysis proceeds in three stages: mapping respect-protect-fulfil duties and equality, legality, proportionality, and remedy standards; comparing those duties with governmental affairs, competence, and implementation chains; and reconstructing the central-local relationship. The final stage distinguishes positive-law requirements (*lex lata*), interpretive syntheses, and institutional proposals (*lex ferenda*), so the model is not presented as though every component were already binding law. The Jewish community is used only as an aggregate doctrinal case lens; no individual identity, address, or precise location is collected.

RESEARCH RESULTS

State Obligation, Governmental Competence and Administrative Accountability

A reconstruction of central-local human rights duties must begin by resisting a common shortcut: the proposition that because the State is responsible for human rights, every public body must therefore possess the same authority to realize them. Human rights law and administrative law address different questions. Human rights law sets the substantive standard. Administrative law determines which institution may lawfully decide, regulate, provide a service or

intervene. The constitutional problem arises when the first body of law promises a right that the second body of law does not translate into an identifiable and workable institutional duty.

Article 28I(4) of the Constitution and Articles 71-72 of Law No. 39 of 1999 provide the domestic starting point. The Human Rights Law obliges the Government to respect, protect, uphold and advance human rights and requires effective implementation in legal, political, economic, social, cultural, defence, security and other fields. Read together, these provisions do more than prohibit direct state interference. They require the State to organize public authority in a manner capable of making rights effective (R. of Indonesia, 1999, arts. 71-72).

International law reinforces that reading. General Comment No. 31 explains that the Covenant obligations bind all branches of government and public authorities at national, regional and local levels; the State cannot rely on its internal distribution of powers as a reason for non-performance. Article 4 of the International Law Commission's Articles on State Responsibility similarly attributes the conduct of state organs to the State, including organs of territorial units. Decentralization can therefore determine where a governmental function is performed, but it cannot fragment Indonesia's international legal personality into separate local responsibility regimes (Commission, 2001; Committee, 2004).

The respect-protect-fulfil framework makes the institutional implications more concrete. Respect requires a public authority not to interfere unlawfully with a right. Protect requires reasonable measures against interference by third parties. Fulfil requires positive arrangements - rules, procedures, services, institutions, information and remedies - that allow rights to be enjoyed in practice. General Comment No. 31 recognizes positive protective duties, while General Comment No. 22 insists that restrictions on the manifestation of religion must be prescribed by law, pursue a permissible purpose and satisfy necessity and proportionality. For a minority community, these positive dimensions are often as important as the absence of an explicit prohibition (Committee, 1993, 2004).

A public authority may therefore violate equality not only by openly discriminating but also by administering a formally neutral system in a way that creates a disproportionate or unexplained barrier for a small group. This is where human rights standards meet administrative legality. Legal certainty requires a person to know which institution is responsible, which procedure applies, what criteria govern a decision, how long the process may take and where an adverse decision can be challenged. Without that institutional clarity, a constitutional right can become formally recognized yet practically elusive.

Law No. 30 of 2014 on Government Administration adds a second layer by distinguishing attribution, delegation and mandate. These categories concern the legal source and exercise of administrative authority and have consequences for responsibility within the administration. They must not be confused with the division of governmental affairs into absolute, concurrent and general governmental affairs under the Local Government Law. The former answers how an authority is legally conferred or exercised; the latter identifies the governmental field and level to which an affair belongs. Mixing the two

categories obscures who can lawfully act and who remains answerable for the action (R. of Indonesia, 2014b).

The relationship can be stated in a simple sequence: a human rights obligation determines the substantive duty; governmental competence identifies the legal actor; administrative accountability attaches consequences to the way that actor exercises or fails to exercise the power. International state responsibility sits above this domestic allocation. It prevents Indonesia from treating an internal competence dispute as a defence to a failure of protection. This distinction is central to Local State Obligation because the model is concerned less with assigning abstract blame than with making responsibility traceable before, during and after an administrative failure.

The Jewish case lens illustrates why this distinction is necessary. The relevant legal question is not whether a local government has authority to 'recognize Judaism' as a religion. That formulation collapses constitutional protection, religious freedom and administrative classification. The better questions are sector-specific: if a matter concerns religious policy, which central institution is competent? If it concerns civil registration, which authority administers the record and which national standard governs it? If it concerns education, which level of government must provide or facilitate the service? If a religious activity is disrupted by third parties, which public authorities have protective and public-order duties? A rights analysis that cannot answer these competence questions remains normatively correct but institutionally incomplete (Abidin, 2015; Rachman, 2022).

Table 1. Distinguishing the Legal Layers of Responsibility

Legal layer	Core question	Primary legal basis	Institutional consequence
State obligation	What must the State respect, protect and fulfil?	Constitution, ICCPR, Human Rights Law	Defines the substantive rights standard
State responsibility	When is a breach attributable to Indonesia and what follows?	ICCPR; Articles on State Responsibility	Internal allocation cannot excuse non-performance
Governmental competence	Which body or official may or must act?	Local Government Law; Government Administration Law; sectoral legislation	Determines legality and institutional jurisdiction
Administrative accountability	Who answers domestically for the use or non-use of authority?	Attribution, delegation, mandate; supervision; judicial review	Connects administrative failure to correction and remedy

Vertical Responsibility Gaps in Indonesia's Decentralized Governance

Indonesia's statutory architecture demonstrates why the realization of one right may depend on several administrative regimes. Law No. 23 of 2014

classifies religion as an absolute affair of the Central Government. Yet education, public order, civil registration and a range of public services are allocated differently, while the maintenance of inter-religious harmony forms part of general governmental affairs in which regional heads play an operational role. The legal map is therefore multi-layered: the substantive field of religion may be central, but the conditions that make religious freedom meaningful are not administered exclusively by one central institution (R. of Indonesia, 2014a).

The Ministry of Religious Affairs provides an important example of vertical administration. Its regional offices are not organs of provincial or regency governments; they remain vertically organized parts of the Central Government operating in the regions. The distinction matters because an office physically located in a province may still exercise central authority. At the same time, governors, regents and mayors exercise powers derived from the Local Government Law and sectoral legislation. A sound human rights analysis must therefore distinguish local government from central agencies operating locally, because the source of competence affects both supervision and accountability.

The institutional overlap is particularly visible in the governance of religious harmony and places of worship. The 2006 Joint Regulation of the Minister of Religious Affairs and Minister of Home Affairs assigns roles to regional heads and the Religious Harmony Forums (FKUB) in maintaining harmony and in procedures concerning houses of worship. Whatever one's normative assessment of that instrument, it demonstrates a structural fact: the enjoyment of religious freedom may depend on decisions and administrative conduct involving both central religious authorities and local-government actors (M. of R. A. of the R. of I. & M. of H. A. of the R. of Indonesia, 2006).

Komnas HAM's evaluation, publicly released on 10 March 2026 and catalogued as a 2025 study, identifies continuing obstacles in worship-house administration involving requirements, FKUB, and local responses to majority pressure. Its significance is institutional rather than a claim that all local governments discriminate: rights protection can depend on how allocated competence is exercised. Recent studies reinforce this concern from different angles, examining constitutional limits on local restrictions, the weak human-rights orientation of some tolerance regulations, and majority pressure in worship licensing (Ananda et al., 2026; Hadi H., 2026; K. H. A. M. R. Indonesia, 2025b; Rifa'i N., 2025).

Civil registration exposes a similar relationship between national standards and local delivery. Law No. 24 of 2013 amended the civil-registration framework with an express orientation toward professional, orderly and non-discriminatory administration. Constitutional Court Decision No. 97/PUU-XIV/2016 subsequently held that the treatment of believers in indigenous faiths within identity documents had constitutional consequences for equality and legal certainty. The decision should not be used to equate indigenous belief communities with Jews; the legal categories are different. Its broader significance is institutional: a right guaranteed at constitutional level can require alteration of administrative categories before it becomes effective at the service counter (C. C. of the R. of Indonesia, 2017c; R. of Indonesia, 2013).

Education reveals another form of shared implementation. Law No. 20 of 2003 requires education to be administered democratically, equitably and without discrimination and gives students rights in relation to religious education. For a very small religious community, the practical question may involve availability of teachers, institutional coordination, curricular arrangements and the allocation of responsibility across educational authorities. This article does not claim how religious education for Jewish students currently operates because no sufficiently specific, current official dataset or operational rule has been verified. That evidentiary limit is itself important: a doctrinal analysis should distinguish a legally possible issue from a proven administrative practice (R. of Indonesia, 2013, arts. 4, 11, 12).

These patterns can be organized into three related vertical gaps. A normative gap arises when subnational rules or policies diverge from national and international human rights standards. The Human Rights Committee's 2013 and 2024 observations provide direct support for treating this as a continuing institutional concern. A competence-implementation gap arises when the realization of one right depends on several institutions, each acting under a different legal mandate. A remedial gap arises when the identification of a problem is not connected to an institution able to produce, enforce or monitor effective correction.

The remedial problem is partly shaped by constitutional limits on executive supervision. In Decisions No. 137/PUU-XIII/2015 and No. 56/PUU-XIV/2016, the Constitutional Court restricted the earlier model under which executive authorities could annul regional regulations, reinforcing the role of the Supreme Court in judicial review of regulations below statutes. A contemporary human-rights model should therefore not simply recreate ministerial annulment under a different label. The more constitutionally defensible space for stronger central action lies in *ex ante* harmonization, guidance, compliance assessment, early warning, coordination and ensuring access to judicial or administrative remedies (C. C. of the R. of Indonesia, 2017a, 2017b).

Recent institutional reforms make that possibility more concrete. Presidential Regulation No. 156 of 2024 established the Ministry of Human Rights with functions that include human-rights instruments, strengthening, services, compliance, technical guidance and supervision. Minister of Human Rights Regulation No. 2 of 2025 established regional offices of the Ministry, while Regulation No. 10 of 2025 created procedures for complaints concerning human-rights problems. These instruments give the national human-rights administration a territorial presence that did not exist in the same institutional form when earlier Komnas HAM studies were conducted (K. H. A. M. R. Indonesia, 2025b, 2025a; R. of Indonesia, 2024).

Most significant for the present argument is Minister of Human Rights Regulation No. 15 of 2025 on Human Rights Compliance Assessment for Government Institutions. The regulation is in force and expressly includes local governments. Its assessment dimensions for provincial and regency or municipal governments include human-rights-oriented legal products, planning and budgeting, implementation of human-rights actions and recommendations, and

basic-rights services. In May 2026, the Ministry described the mechanism as a common accountability standard and an early-detection instrument for government institutions. Indonesia therefore already possesses an embryonic mechanism capable of connecting human rights to local governance (K. H. A. M. R. Indonesia, 2025b).

Its current legal function, however, should not be overstated. A compliance assessment is not the same as a power to annul a regional regulation or reverse an administrative decision that legally belongs to another institution. The unresolved question is what happens after a serious compliance problem is found. Which ministry must correct it? What if the issue falls within a local affair? What if the complaint concerns a central vertical agency? Who monitors implementation of the recommendation? The gap between detection and correction is precisely where a vertical responsibility framework remains necessary.

Table 2. Selected Human Rights Functions Across the Central-Local Structure

Actor	Legal position	Human-rights relevance	Potential gap
Central Government / President	National executive authority	National standards; ultimate organization of government	Risk of treating failures as exclusively local
Ministry of Religious Affairs and regional offices	Central ministry and vertical agencies	Religious affairs and central implementation in the regions	Public confusion between central and local institutional responsibility
Governor / regent / mayor	Regional executive authorities; governor also has a distinct central-representative role	General governmental affairs, local services and sectoral implementation	Local discretion may affect the practical enjoyment of nationally guaranteed rights
Civil-registration and education authorities	Sectorally distributed central-local administration	Identity documents, education and other rights-related services	National rights may depend on local administrative capacity and categories
Ministry of Human Rights / regional offices	Central human-rights administration with regional presence	Compliance assessment, complaints, guidance and supervision	Detection does not automatically produce legally enforceable correction
Komnas HAM / Ombudsman / courts	Independent oversight and judicial mechanisms	Monitoring, maladministration review, adjudication and remedies	Remedial findings may still require implementation by another authority

DISCUSSION

Reconstructing Central-Local Relations through Local State Obligation

The gaps identified above do not justify a theory that treats local governments as separate international human-rights subjects with independent standards. Nor do they justify recentralizing every rights-sensitive governmental function. The more useful reconstruction is to distinguish the indivisibility of the obligation from the allocation of its performance. Local State Obligation is therefore proposed as a domestic public-law model for organizing human-rights performance within a decentralized unitary State.

Local State Obligation may be defined as a model under which constitutional and international human-rights standards remain national and non-reducible, while the performance of specific duties is allocated to central, local or vertically organized authorities according to lawful governmental competence, subject to minimum national standards, supervision, correction, remedy and traceable accountability. The word 'State' is deliberate. The local authority acts within the public organization of Indonesia; it is not a separate State. General Comment No. 31 and Article 4 of the Articles on State Responsibility support this basic proposition (Commission, 2001; Committee, 2004).

The model combines three normative levels. Its baseline rules are *lex lata*: the national human-rights floor, legally allocated competence, equality and administrative-law constraints, and constitutional limits on executive supervision. Obligation-competence mapping and rights-constrained discretion are interpretive syntheses that make existing duties traceable. The Human Rights Compatibility Assessment, a mandatory corrective follow-up protocol, and residual anti-vacuum coordination are primarily *lex ferenda*; the integrated corrective chain is mixed because it builds on existing complaint and compliance procedures while proposing a stronger route to effective correction. Thus, Local State Obligation reconstructs existing law and identifies specific reforms rather than treating all six elements as current positive law.

The first component is a national human-rights floor. Local autonomy may vary administrative techniques and priorities but cannot reduce constitutional, statutory, judicial, or international minima. For freedom of religion or belief, the floor includes equality, non-discrimination, protection of forum internum, lawful and proportionate restrictions, protection against third-party interference, non-discriminatory services, and effective remedy. Local democratic choice operates above, not below, that minimum.

The second component is obligation-competence mapping: each respect, protect, or fulfil duty is linked to the primary competent authority, supporting institutions, legal basis, supervisor, corrective route, and remedy. This is more precise than labeling an issue simply 'central' or 'local' and can be applied to civil registration, education, public order, or administrative aspects of religious practice.

The third component is rights-constrained local discretion. Local discretion remains essential because local authorities operate closest to the social context in which rights are exercised. But administrative discretion is not a constitutional blank cheque. It must remain within legality, the general principles of good

administration, equality, non-discrimination and proportionality. Local adaptation is valid when it changes the manner of delivery without reducing the protected substance of a right. This approach preserves the functional advantages of decentralization while rejecting the idea that constitutional standards fluctuate with local political preferences.

The fourth component is preventive human-rights supervision. Because the Constitutional Court limits executive annulment of regional regulations, the model does not restore ministerial cancellation. It proposes a Human Rights Compatibility Assessment during drafting and harmonization of rights-sensitive regional legal products, testing the affected right, differentiation, legitimate aim, necessity, proportionality, minority impact, and available remedy. The assessment is *ex ante* and does not replace judicial review.

The existing Human Rights Compliance Assessment provides an institutional foundation: Regulation No. 15 of 2025 already addresses rights-oriented legal products, planning, implementation, and services. Its development should focus on a defined follow-up protocol, not a new sanctioning power. Serious findings should identify the legally competent corrective authority, deadline, completion criteria, and verification mechanism, with the Ministry of Human Rights acting as a compliance node rather than assuming another body's competence (K. H. A. M. R. Indonesia, 2025b) .

The fifth component is an integrated corrective chain. Regulation No. 10 of 2025 already provides complaint receipt, examination, verification, analysis, recommendations, and monitoring. The model requires a visible route from complaint to competence determination, interim protection where necessary, review, corrective decision, remedy, and implementation monitoring. The complainant should not have to master Indonesia's administrative architecture before the State identifies who must act (K. H. A. M. R. Indonesia, 2025a) .

The sixth and most distinctive component is residual anti-vacuum responsibility. Competence disputes become constitutional problems when uncertainty itself interrupts minimum protection. The Central Government must then ensure continuity while jurisdiction is resolved by designating coordination, securing interim protection where needed, setting a deadline, and preventing service or protection from stopping. This is a residual guarantee, not an automatic takeover of a regional affair.

Residual responsibility follows from the difference between decentralized performance and ultimate state obligation. A State cannot design a system in which every authority can plausibly say, 'this is not our competence,' while no other authority is legally required to intervene. The administrative organization is a means through which constitutional duties are performed; it cannot become a defence to their non-performance. This principle also gives practical meaning to the Human Rights Committee's insistence that Covenant rights must operate effectively at all levels of government.

The model differs from human-rights-city approaches and from multilevel governance as a descriptive concept. Recent scholarship distinguishes symbolic local commitments from deeper institutionalization and emphasizes leadership and operational accountability (Shaham-Maymon, 2025; Dekker et al., 2024).

Local State Obligation is not voluntary: it follows from exercising public power within Indonesia's constitutional order. Multilevel governance explains dispersed authority; Local State Obligation adds legal traceability of the duty, competent actor, supervisor, correction, and remedy (Indriana A. N., 2024; Pieterse, 2023).

Seen through the Jewish case lens, the model avoids searching for a single authority of 'religious recognition'. Religious policy, civil registration, education, public-order protection, and public services fall within different legal regimes and competences. The State need not collapse them into one institution; it must ensure that the boundaries between them do not become places where constitutional protection disappears.

The resulting model can be expressed as a chain: National Human Rights Obligation -> Allocation of Governmental Competence -> Local or Vertical Implementation -> Preventive Supervision -> Correction and Effective Remedy -> Residual State Guarantee. Its contribution lies in connecting human-rights substance with administrative structure. Human rights law states the minimum that government owes; administrative law organizes who must perform it; Local State Obligation seeks to ensure that the distance between the two does not become a gap in responsibility.

Table 3. Core Elements of the Local State Obligation Model

Element	Legal function	Institutional implication
National human-rights floor	Prevents decentralization from constitutional and international minimums lowering and	Local variation remains lawful only above the national rights floor
Obligation-competence mapping	Links each respect-protect-fulfil duty to the competent public authority	Responsibility becomes traceable across sectors and levels
Rights-constrained local discretion	Preserves local adaptation within legality, equality and proportionality	Autonomy is retained without local relativization of rights
Preventive human-rights supervision	Tests rights compatibility before a problematic rule or policy takes effect	Strengthens ex ante review without displacing Supreme Court judicial review
Integrated corrective chain	Connects complaints and findings to a competent corrective authority and implementation monitoring	A remedy must lead to an operational response, not merely a recommendation
Residual anti-vacuum responsibility	Prevents competence disputes or institutional silence from suspending minimum rights protection	Central Government must ensure continuity and resolution when no authority effectively acts

CONCLUSIONS AND RECOMMENDATIONS

This article reaches three conclusions. First, state human rights obligations, governmental competence and administrative accountability must be kept analytically distinct. Constitutional and international human-rights law determines what Indonesia must respect, protect and fulfil; administrative law determines which body can and must perform the relevant governmental act; administrative accountability determines the domestic consequences of the exercise or non-exercise of that authority. Decentralization may allocate performance, but it does not partition the minimum human-rights standard or Indonesia's ultimate responsibility as a State.

Second, Indonesia's central-local design creates recognizable points of vertical vulnerability. Religion is an absolute Central Government affair, yet the practical enjoyment of freedom of religion intersects with general governmental affairs, civil registration, education, public services and local administrative action. The Human Rights Committee's observations, Komnas HAM's evaluation of local implementation and the development of new compliance mechanisms all support treating the issue as an institutional problem rather than merely a question of social tolerance. The most relevant gaps are normative divergence, competence-implementation fragmentation and remedial discontinuity.

Third, Local State Obligation provides a legal-institutional governance model linking indivisible human-rights duties to vertically allocated competence through a national rights floor, obligation-competence mapping, rights-constrained discretion, preventive supervision, an integrated corrective chain, and residual anti-vacuum responsibility. It distinguishes existing law from proposed institutional development. Its distinctive residual guarantee requires continuity of minimum protection when competence ambiguity or institutional silence would otherwise make a right ineffective.

First, the Central Government should develop a cross-sector human-rights obligation-competence matrix for rights whose implementation regularly involves more than one level of government. The matrix should identify the substantive duty, primary competent authority, supporting institutions, legal basis, supervisory body, corrective mechanism and available remedy. It need not create new powers; its purpose is to make existing powers operationally traceable.

Second, the framework for drafting and harmonizing regional legal products should incorporate a Human Rights Compatibility Assessment for measures likely to affect fundamental rights or minority groups. The assessment should operate preventively and should not replace the Supreme Court's authority to review regulations. It should require an explanation of the right affected, the purpose of any restriction, proportionality, differentiated impact and the remedy available to affected persons.

Third, the Human Rights Compliance Assessment under Minister of Human Rights Regulation No. 15 of 2025 should be connected to a formal corrective follow-up protocol. Serious findings should generate a time-bound action plan allocated to the institution with legal competence, with follow-up monitoring by the Ministry of Human Rights or its regional office. The Ministry's

role should be to connect detection to lawful correction, not to assume powers vested in another authority.

Fourth, residual anti-vacuum responsibility should be recognized in the regulatory framework for central supervision of regional government. When a dispute or ambiguity of competence threatens minimum rights protection, a designated central coordinating authority should be required to secure interim protection, determine or facilitate determination of the competent body and ensure continuity until the institutional issue is resolved.

ADVANCED RESEARCH

This doctrinal study does not measure the prevalence of intolerance or the operation of every service, and the Jewish community is only a hard-case lens. Future research should empirically test Local State Obligation in civil registration, education, worship-house administration, public-order protection, and complaint handling. Process tracing and interviews could assess whether obligation-competence mapping reduces referral loops and remedial delay, while comparative research could examine analogous residual guarantees in other decentralized systems.

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