

## Humanism Values in the 1945 Constitution of Republic of Indonesia

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**Abstract:** Humanism values guaranteed in the 1945 Constitution of the Republic of Indonesia are not just confined within its articles but have their presence in the preamble and subsections. Thus, this study will take the form of a literature review aimed at expressing the summary, specifically the humanism values contained in the 1945 Constitution of the Republic of Indonesia. The objective of this research is to assert that the 1945 Constitution of the Republic of Indonesia upholds the humanism values. The benefits of research include informing the importance of the 1945 Constitution of the Republic of Indonesia in the field of civic education. The object chosen for this research is the 1945 Constitution of the Republic of Indonesia that had been amended. This study utilizes the constant comparative method for the data processing purpose. From this study, the researcher found that humanism values in the 1945 Constitution of the Republic of Indonesia were found in Article 27 until 34. All in all, provisions regarding humanism values in the amended version of 1945 Constitution of the Republic of Indonesia were arranged in detail in its specific chapter, namely Chapter XA Article 28A until 28J and in Chapter XII until XIV.

**Key words:** Humanism values, the 1945 constitution of the Republic of Indonesia, Pancasila, amendment, human rights

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### INTRODUCTION

In Indonesia, dehumanism often occurs in cities and villages. Forms of dehumanism include terrorisms, brawls between students and within the community, family violence, premanism, discrimination, poverty, child malnutrition, illiteracy and corruption. The occurrence of dehumanism is ideally not desired by the people of Indonesia in accordance with the introduction of the fourth paragraph of the 1945 Constitution of the Republic of Indonesia (2011).

The education process of human values had been taking place among people in the community in many forms traditionally. They import goals, myths and values that the society desires and instill them within the new generation (Adwan and Bar-On, 2004). However, current information spread which occurs globally has shifted the traditional elements. Civics education teachers in schools tend to pursue the completion of the curriculum with appropriate achievement (values) namely with the minimum criteria of completeness and yet to inculcate good values in citizens. This is not in line with The Rule

of Ministry of Education Number 22 Year 2006 which stresses that the subject of citizenship education is a lesson that focuses on the formation of citizens who understand and are able to exercise the citizens' rights and obligations smartly, skilfully and with character as mandated by Pancasila and the 1945 Constitution of the Republic of Indonesia. The meanings of humanism values within the 1945 Constitution of the Republic of Indonesia needs to be emphasized during the process of socialization.

### HUMANISM VALUES

Value is something that refers to the demands of behavior which distinguish good and bad deeds or can be interpreted as a quality inherent of positive values or goodness attached in something. Very often, we tend to assume that the values that we hold are the moral values that guide our conduct of behavior. Humanism values are important behavior which distinguishes good and bad deeds which exist in a person signifying him or herself as a good human being. Despite, the fact that there are many

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definitions of human values most of them are of similar construct: values are desirable conceptions (Agle and CaldWell, 1999). By definition, humanitarian means seek to acquire knowledge of the elements of human nature. Humans exhibit attitudes and actions physically and spiritually as a result of impetus which was based on reason, sense and the will of attitude in which those words and deeds are always directed to beauty, truth and goodness. Human values have become fundamental to human rights.

Recognition of the values of humanism emerges from the conviction that all human beings are born free and equal in dignity and have the same rights. Our values whether self or society-oriented play a vital role in our lives and how we perceive things (Danner, 2002). Noble values which are very important in human life where one is willing and submits oneself fully to the Almighty God, helping fellow human being especially among Muslims in being grateful and thankful, having good thought of others, prioritizing the interests of others, maintaining internal and external cleanliness, advocating the good and forbidding the evil and having developed other high moral values in human life. Human beings are endowed with reason and conscience and should treat each other well and in good manners within a fraternal atmosphere.

The struggle to include the values of humanism to become part of human rights has long been initiated until it was finally accepted by members of the United Nations UN during the Universal Declaration of Human Right via a general assembly in Caliot, Paris on 10th December 1948. Values give life a structure and lead the way into the future (Kilby, 1993). A number of developed countries proclaimed human rights as part of their national agenda. Contrary to social values, honesty is regarded as a moral value (Weber, 1990). An exception is found in international journals for West Asian studies which mentioned it as the conflict rages on, there is a need to look at the root cause of the problem which one could argue that among other was caused by the ambitions of Zionost Movement. Zionist Movement and its role in establishing the State of Israel by confiscating Palestinians (Nor, 2012). Recognition given to humanism values as dignity of the nature and equivalent rights that will not vanish from the world's community includes the foundation of freedom, justice and peace in the world.

Human rights since proclaimed were subsequently, followed by the successful acceptance of a number of agreements containing the humanism values. During World War II, the 1948 Universal Declaration of Human Right (UDHR), parallel with the optimism of the time had reflected the indivisibility and interdependence of all human right (Tarantola, 2008). The increased protection of

human rights can support the realization of national development goals, namely the development of a thorough human capital in Indonesia as well as the development of Indonesian society.

Humanitarian assistance or other policies are often associated with the implementation of human rights. They believe in a one-world government and that man is capable of such great reasoning ability that he or she can think out the answers to all the great problems of mankind in a way that science (humanistic science) has all the answers or will eventually come up with all the answers as to how man ought to live (Penman and Adams, 1983). Respect shown to the values of humanism has become a measure for the recognition of a government. The government of a country that does not respect human rights can be criticized or even excluded from the international association. Indonesian attention to the values of humanism was translated in the 1945 Constitution of the Republic of Indonesia. The Constitution of the Republic of Indonesia Volume 39, Year 1999 on human rights is a set of rights attached to the nature and the existence of human beings as creatures of God Almighty and His grace that must be respected, upheld and protected by the state, law, government and every citizen for their honor and for the sake of protecting human dignity.

Humanism values belong to everyone regardless of racial differences, skin color, sex, religion, language, political opinion, property, birth or other backgrounds. The right to education, culture, equity and nondiscrimination, dignity and harmonious development of the personality; the right to security for a person and his family, the right for peace and the right to development are all established by existing united nations' covenants (Johnston, 1995). According to Thomas Hobbes, mankind often trapped in *homo homini lupus bellum omnium connum contra omnes* situation. This situation encourages agreements between the public and the authorities to protect the rights of the people who remain attached when dealing with those who own the power. This is the reason, why the values of humanism are included in the 1945 Constitution of the Republic of Indonesia.

#### **IMPLEMENTATION OF HUMANISM VALUES IN THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA**

Guarantee of respect for the values of humanism in the Republic of Indonesia has been clearly stated in the Constitution of the State, namely the 1945 Constitution of the Republic of Indonesia, especially after the amendments were made. Respecting the values of true

humanism human rights is part of the social function. Implementation of the values of humanism in Indonesia with regard to the 1945 Constitution of the Republic of Indonesia exists in the following forms:

**Pancasila:** The introductory part of the 1945 Constitution of the Republic of Indonesia which can be found in the first paragraph to maintain independence by means of civics education as a precursor to defend the homeland. Looking at the current situation in the West Bank where the movement of Palestinian people is restricted and their ability to receive permits are becoming more difficult have obviously served to inhibit the people and their solidarity activities alike (Baskin and Al-Qaq, 2004). Justice and humanity are carried out by means of taxpaying responsibility, compulsory education immunization of children, and health insurance to the poor, providing poor people financial and food aids (rice). The community assists the government in implementing the distribution of stoves, gas cylinders and rice.

The fourth paragraph deals with the implementation of the world order, fostering long-lasting peace and social justice by sending troops to Sudan and Congo and Guinea Bissau. General welfare is implemented by building highways and bridges, administrative buildings for the government from the capital to the village level and general facilities. To cater for the intellectual life of the nation, teacher learning facilities for elementary school to public and private colleges as well as public elementary school to public University were established.

Pancasila as the foundation of the Republic of Indonesia as found in the fourth paragraph was already implemented by the people and government of Indonesia. Suryadinata correctly argues with concrete examples that it is Pancasila rather than Islam which has been manifested in Indonesia foreign policy (Suryadinata, 1985). The implementation of Pancasila that is the first sila guarantees every citizen to carry out religious life in a peaceful and orderly manner. This was later strengthened with the formulation of Article 29.

The Second Sila provides human rights and freedoms without discrimination that is people are free to conduct any activities in accordance with applicable law regardless of age, sex, race, ethnicity, socio-economic status and religion. Any activity may be participated by all people regardless of the socio-economic status. This Sila guarantees the same position in law and the same rights and obligations whereby investigations the court did not distinguish between people who are not educated, poor, state's religious minister, sports minister, chairman of the constitution court, police general or others.

In the Third Sila, people had an inter-ethnic tolerance to uphold Bhineka Tunggal Ika, mutual respect with each

other, for example, *horas bah, monggo mas, semuhun* and other. Willing to sacrifice for the sake of brotherhood namely helping to provide food, health and evacuation of victims of natural disasters such as volcanoes, tsunami, floods and landslides. Maintaining independence against the Dutch's aggressions. People put the interests and safety of the nation above their interests and personal safety.

The Fourth Sila mentions about the wisdom of the ruler of the older guided democracy order. The new order's rule is called the Pancasila Democracy. The current reformation government has the freedom of democracy. Solutions to the problem of road widening, office, brawl (quarrel mass) were carried out by means of consensus. Rural development conducting distric/private programs or other issues were achieved via meeting and democratic means.

The Fifth Sila approves and protects private property rights and its utilization. This include granting land titles. Exploration and exploitation of natural resources for development where the results are enjoyed by the people in the form of roads facilities, electricity networks, school buildings, docks, terminals, water ports and tele communications. People can utilize the results of development efforts for new businesses including textile, food, building materials or develop business for export, small, medium-sized or very small (subsistence) businesses in rural areas.

**Rule of law:** The first sentence of Article 27 details the awareness to execute justice based on law. This nation can be regarded as Nation of law because the rule of law forms the basis in the organization and administration of the State, especially in the maintenance of order and protection of the rights of citizens. This is evident when the rector who used the tuition fees that belong to the disagreeing students brought this matter to PTUN (Pengadilan Tata Usaha Negara). The second sentence provides employment opportunities. Rather these intricate economic, social and political systems with long established goals and rule continue to shape the distinctive institutional milieu within which firms need research (Law *et al.*, 2003). Labor is intensive so that people can work in rural development. Housing is very simple and houses were arranged and housing census was conducted to ensure people have a decent home.

**Independence of association:** Article 28 regarding the freedom of participating in organization includes:

- Student: Islamic Student Associations (HMI), Indonesian Muslim Students Association (PMII), Indonesian National Student Movement (GMNI)

- Workers: All Indonesia Workers Union (SPSI)
- Farmers: The Indonesian Farmers' Association (HKTI)
- Student: student organizations (osis)
- Teacher: Teacher's Union of the Republic of Indonesia (PGRI)
- Doctor: IDI (Indonesian Doctors Association) and many more. Most constitutions contain guarantees of liberties and equity and some explicitly recognise human dignity as well (Baer, 2009). This article also guarantees the freedom of speech. Freedom to experiment in science, manufacture robotic, automotive, agriculture, either financed by the state or individually.

**Religious freedom:** Article 29 guarantees that all people are given religious freedom; the freedom to embrace and implement the teachings of the religion they believe in. People are obliged to respect the religion and beliefs professed by others. Identity cards and family cards were printed with their religious affiliations and school students are eligible to enroll in religious classes they adopted. Students at the school are entitled to follow lessons in accordance to their belief.

**Defending the state:** Article 30 states that Indonesia has yet to make military training a compulsory training but civil defense or HANSIP is already in place and in higher learning institutions there is MENWA (Student regiment). People who meet the requirements can enroll into the military training. The recognition and assumption of such rights would cut directly across Indonesia's own policy for regional security, namely to exclude the influence of external power by promoting ASEAN as the appropriate political vehicle for fostering interstate relationship (Leifer, 1983). HANSIP which is joined by the mass public does not earn a fixed salary but there are regions or districts that give fixed salary such as Yogyakarta although the salary is very small.

**Obligation to learn:** Article 31 states a 12 year compulsory education period in free public schools. Private and public schools obtain financial aids such as BOS (School Operation Aid). Higher learning institutions provide scholarship for poor students. Universities and high schools also have scholarship for students/poor students (BSM). Children with special needs such as the mentally disabled (debilitated, imbecile, idiot), speech/hearing problems (deaf and dumb), physically disabled (disability) and blind were provided with school children with disabilities and inclusive schools. This study argues that education and development should

take place in a broader context of human right and explores the link between three areas often dealt with separately, namely, language, education on development. Free illiteracy program is now gone, with the assumption that all citizens are able to read and write.

**Indonesian tradition:** Article 32 focuses on facilities and infrastructure provided by the government in an effort to foster and preserve the local culture and national. The Department of National Craft (DIKRANAS) increases the formation of local culture such as wayang kulit and golek, reog, angklung, gamelan, kuda lumping, custom clothing and masks which are exhibited at the convention center in each region. This nationalist tradition has deep roots (Amar, 1991). Performing arts area of the entire region of Indonesia and Jakarta were also held.

**People's economy:** The first sentence of Article 33: Cooperative Minister is responsible to foster the development of cooperatives as well as small and medium businesses. Cooperative was established in accordance with the needs of the people: Fisherman Mina Cooperative (fisheries) Organization, Muslimat Cooperative NU. Recently, Indonesia has been living through a major economic and political crisis (Bahramitash, 2002). Provide financial aids such as Kredit Usaha Rakyat (KUR) and develop people's business such as street vendors, hawkers and home traders. Subdistrict Credit Agency (BKK) provide credit for farmers and community plantations.

The 2nd sentence in Article 33, states that state Electricity Company (PLN), Water Company (PAM) are monopolized whereby tariff determination, its profit and loss is borne by the local government. Costs to produce crude oil and gas into fuel are controlled by the government and the pricing as well as its profit and loss are also borne by the government.

The 3rd sentence in Article 33 states that renewable natural resources are controlled by the state for example, teak forests are managed by PERHUTANI (Indonesian state forestry company), rubber plantations, oil palm, coffee, pine, cocoa and tea are managed by PTP (Perusahaan Terbatas Pertanian). Non-renewable natural resources such as mine coal, bauxite, tin, gold, oil and gas, iron ore, manganese were explored and sold by the government. Nature tourism, sea and beaches, historical heritage, nature reserves as well as the zoo and ornamental plants are owned and managed by the government and the admission price is also determined by the government for example, Bogor botanical garden, Ujung Kulon, Ragunan Zoo and Pasir Putih beach. This study provides some managerial insights into the types of

orientation and resources that can help drive e-tail performance. Income from these activities is used to supplement State and local budgets.

**Social service:** In Article 34, homeless children were gathered and (SATPOL PP) put in orphanage. The researcher concludes that children's protagonism requires contribution from the society and the amplification of children's possibilities to participate on only the children's mater of society. In other words to recognize children as citizens. Older people who beg the streets or in strategic places were captured by SATPOLPP and later accommodated into nursing homes. Performing experiments is an activity of central importance in science. State-owned orphanages and nursing homes are managed by the social department.

#### **THE PROBLEM OF THE IMPLEMENTATION OF HUMANISM VALUES IN THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA**

The founding fathers of this nation had actually been thinking about and even expressing ideas about the values of humanism but in practice some human rights violations took place. Many opinions and at some extent, criticisms addressed the government of the republic Indonesia by people within the nation as well as the international community regarding the implementation of humanism values mainly highlight human rights violations in Indonesia. Regulations that can be used as a basis by the government to crack down on violators of human rights have not been sufficient. Violations ranging from large scale to the smaller scale are described as follows.

The introduction of the first paragraph of the 1945 Constitution of the Republic of Indonesia exhibits Indonesian violation in integrating the East Timor by referendum in favor of independence to become the State of East Timor. This was the linchpin of his opening address at the last UN General assembly which happened to convene just at a UN sanctioned peace, keeping force he was leading in Timor (Thornton, 2000). Among humanity violations include:

- The massacre in Priok, North Jakarta on 7 September 1984 but the government version only reported 28 casualties
- The murder of Marsinah, a worker who fought for the fate of workers in 1994
- shooting on Trisakti University students on 12 May 1998 and in Semanggi on 17 September and 24 September 1999

- The disappearance of Fuad Muhammad Syafrudin (udin) Bernas's common daily reporter
- "Aceh Merdeka" event in 1990
- Assassination of political activists in 1998
- Clashes between ethnic, religious, racial and intergroup (SARA) in Ambon, 1999, Poso 1998-2000 (Indra 020890's blog). Many residents of large cities are still living under bridges on river banks, dams, railroads or even, sleeping on the side of the road near where he worked for a living although, there are prohibitions in place

In the fourth paragraph, Indonesia is still not much involved in the establishment of world order and peace, especially between Palestine and Israel. Since, late September 2000 and the eruption of the Al-Aqsa's Intifada, relations between Israel and Palestine have further deteriorated and was characterized by escalating violent or mass clashes as well as break down of the peace processes (Maoz, 2004). There are still people who are below the poverty line. People are not safe because there are crooks and thieves if traveling there are beggars who steal in the terminal, there are extortionists and thieves (Pickpockets) still at large.

In Article 27 1st sentence; Article 28 1st sentence; Article 29 1st sentence; Article 30; Article 31; Article 32; Article 33 1st sentence, there were no mention on the issue of the implementation of human values. Pasal 28 2nd sentence: there were people who lived under the bridge or in a wagon. Article 29, 2nd sentence: the Ahmadiyah followers violate the Islamic Syaria. Article 33 2nd sentence: privatization such as the water company in Jakarta has been dominated by Lyammaise and Themes. The 2nd sentence: the existence of illegal logging and reforestation was spoiled by corrupted officers making people affected by floods and landslides. There was an exploration of gold mine in Irian Jaya by foreigners where the results were yet to be enjoyed by the people. Lapindo mud that had affected people. Plantations managed by a limited company reduces the people's farming. Article 34: captured homeless children who run away became homeless again. Elderly or disabled beggars have been arrested but many can still be found in the streets or places of worship.

#### **THE AMENDMENT OF THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA**

The amendment of the 1945 Constitution of the Republic of Indonesia first occurred during General Assembly of the People's Consultative Assembly (MRR) in 1999 which resulted in the first amendment. Then, it was

followed by the second change which took place during the annual session of the People's Consultative Assembly in 2000. This was followed by the third change in the annual session of the People's Consultative Assembly in 2001, followed by the fourth change in Annual Session of the People's Consultative Assembly in 2002. People's Consultative Assembly made changes in the 1945 Constitution of the Republic of Indonesia and establishes five basic agreement:

- Not to change the Preamble to the 1945 Constitution of the Republic of Indonesia
- Continue to uphold the Republic of Indonesia
- Reinforce the presidential system
- Explanation of the 1945 Constitution of the Republic of Indonesia which contains normative matters will be included in the articles (body)
- Implementing the changes by means of addendum (1945, 2011)

Addendum means that the the 1945 Constitution of the Republic of Indonesia was carried out by maintaining its original manuscript and the changes to the manuscript attached to the original manuscript. Major changes were made to the country's structures of governance without the approval of the province with homes close to quarter of the country's population and more ever had been the most ardent advocate of constitutional reform (Cameron and Jacqueline, 2008). People's Consultative Assembly amended the 1945 Constitution of the Republic of Indonesia as part of the implementation effort and as one of the reformation demands in 1998 in accordance with the authority set out in 3 and Article 37 of the 1945 Constitution of the Republic of Indonesia (UUD 1945 2011).

As a result of that amendment, attention to human rights began to be given focus. In the second change, Chapter X Article 27, Chapter XA was added with a title "Human Rights" which consists of 10 Articles labelled Article 28A until 28J, Chapter XII Article 30. The fourth change in Chapter XIII Article 31 and Article 32, Chapter XIV Article 33 and Article 34. The amended version of the 1945 Constitution of the Republic of Indonesia was published to convey information to the public as well as supporting the Secretary General MPR to the MPR in conducting socialization activity in line with the 1945 Constitution of the Republic of Indonesia.

The implementation of humanism values in the 1945 Constitution of the Republic of Indonesia, namely in the 3rd sentence of Article 27, 28A, 28B, 28C, 28D except 2nd sentence, sentences in 28E, 28F, 28G, 28H, 28I except the 4th sentence, 28J. Article 30, 31, 32, 34 except the 1st

sentence and 2nd sentence. Meanwhile, articles yet to be implemented include the 2nd sentence of article 28D that details working relationship with the contract system which sometimes cannot be extended at times which lead to unemployment. In the 4th sentence of article 28J, there were brawls with casualties that were sometimes only disclosed later. The 4th sentence of article 33 states about the implementation of economic democracy which affects the market of farmers and artisans who were not able to compete with the global market due to many imports. In the 1st and 2nd sentence of Article 34, it states that if the government succeeded in empowering the poor and incapable people then, there will be no destitute and neglected children but to date, there are still poor and neglected children in remote areas and the streets of the city.

Humanism values in the amended 1945 Constitution of the Republic of Indonesia acquire a guarantee in protecting human rights whether implicitly or explicitly. If the constitutional effects a heterogeneous we may have problem even with selection on observables. The Republic of Indonesia in this reform era has sought to describe the human rights provisions that have been made through the second and fourth amendments to the the 1945 Constitution of the Republic of Indonesia and specifically includes provision No. 39 in 1999 on human rights and ratified several international conventions on human rights.

## **CONCLUSION**

Explicitly, there were no humanism values found in the 1945 Constitution of the Republic of Indonesia. Implicitly however, it can be interpreted that human rights can be found in the opening of the first and fourth paragraph and on the part of the main body, starting from Article 27-34. Since, the birth of independent Republic of Indonesia on 17 Agustus 1945, the founders of the State have been thinking and expressing ideas and humanism values in UUD but the implementation of the constitution was not free from violations.

The second amendment of 1945 Constitution of the Republic of Indonesia which focuses on human rights was arranged in detail and in its own specific chapters, namely Chapter XA entitled 'Human Right' in Article 28 A until 28J, Chapter XII Article 30. The Fourth amendment saw the inclusion of Chapter XIII Article 31 and 32, Chapter XIV Article 33 and 34. The Republic of Indonesia has ratified that it was compulsory to take all legislative, administrative, legal and other effective measures to prevent the abuse of human rights in its jurisdiction. Thus, it is clear that the implementation of humanism

values in the 1945 Constitution of the Republic of Indonesia had received great attention from the decision makers.

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