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Juridical Analysis of the Impact of Violations Human Rights in Aceh

¹Annie Conny Potu, ²Syahrizal Abbas, ³Iskandar A Gani

¹ Postgraduate Student of Master of Notary, Faculty of Law, Universitas Syiah Kuala, Indonesia

² Faculty of Sharia and Law, Universitas Islam Negeri (UIN) Ar-Raniry, Indonesia

³ Faculty of Law, Universitas Syiah Kuala, Indonesia

Corresponding Author: **Annie Conny Potu**

Abstract

Human Rights (HAM) are basic rights that must be possessed by every human being, where humans receive legitimacy, security and freedom of expression. According to Article 1 number 1 of Law no. 39 of 1999 concerning Human Rights, what is meant by Human Rights (HAM) is a set of rights that are inherent in the essence and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law., the government and every person for the sake of honor and protection of human dignity. The people of Aceh have

experienced many human rights violations in the past and many of the Determination of Reparation Recipients Urging the Restoration of Victims' Rights to Victims of Human Rights Violations have not yet been implemented and the rights of human rights victims in the past have not been fulfilled. Many cases of serious human rights violations in the past with victims in various districts in Aceh have been found among the community. This research aims to answer and explain legal issues regarding juridical analysis of the impact of human rights violations in Aceh.

Keywords: Impact of Human Rights Violations, Human Rights Violations, Protection of Witnesses and Victims

Introduction

Human Rights (HAM) are basic rights that must be possessed by every human being, where humans receive legitimacy, security and freedom of expression. Indonesia is determined to seriously uphold human rights, this is proven by the various pieces of legislation that were created, namely at the time of the enactment of the 1945 Constitution. However, as is known, its implementation is still very far from what is expected by all the Indonesian people. There are still many human rights violations occurring in this country, either in the name of individuals, the state or certain institutions. Like sexual harassment, pickpocketing takes the life of one's friend, punishing someone based on race, race, ethnicity or religion.¹ In fact, according to Article 28 J (1) of the 1945 Constitution, every person (everyone without exception) in orderly social life is obliged to respect the human rights of other people.²

This is also the case in Aceh, where serious violations of human rights are an inseparable part of the dark history of the Acehese people who have lived in an atmosphere of conflict for decades. The suffering of many victims has been recorded in investigations carried out by government agencies and non-governmental organizations so far. went a long way to address the problem of justice for victims of violence in the Aceh conflict.³

These problems are proof that the war crimes that resulted in the oppression of the people of Aceh at that time included not a few cases of persecution, enforced disappearances, rape, and also the murder of innocent citizens, which is one portrait of the failure of the implementation of human rights in Indonesia. Human rights violations contain bitter stories that have never been resolved by the security forces, starting from the New Order era to the reform period like now. The ideal of human rights which is naturally inherent in the people of Aceh has faded and the direction of its protection is unclear.

¹ A. Ubadillah dkk., *Demokrasi, Hak Asasi Manusia dan Masyarakat Madani*, Jakarta: ICCE UIN Syarif Hidayatullah, 2006, hlm. 274

² Darmawan, Suhaimi, Muhammad Natsir, T. Rasyidin, Mustakim, *Relative Competence of the Sharia Court: Talaq Divorce Lawsuit and Protection of Women's Rights*, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*. 2023; 7(1): pp. 84-100.

³ https://www.dpr.go.id/dokjdi/document/uu/UU_2000_26.pdf

Aceh has provided assistance with two airplanes, in 1949 the people of Aceh donated 250,000 US dollars in cash to the Indonesian military and 250,000 US \$ for the needs of the Sukarno government. The efforts of the people of Aceh in giving birth to the Republic of Indonesia, however, during the New Order era, the land of Aceh was used as a cash cow and the poverty that occurred in the Aceh region was still ignored. The conflict that occurred in Aceh was not only caused by conflicting political forces that were divided between religious and secular groups. However, the Acehese people's disappointment with the central government is also due to their lack of attention to the welfare of the Acehese people, which has led to poverty. The central government's failure to respond to the disappointment of the Acehese people led to a rebellion starting from DI/TII led by Daud Beureuh and GAM led by Hasan Tiro. At the root of the conflict that occurs in Acehese society, what is no less important is finding the right solution to resolve the protracted Aceh conflict.⁴

Many efforts have been made to resolve the conflicts that occurred in the Aceh region, especially the conflict between the central government and the Aceh regional government. During the DI/TII era, Aceh wanted autonomy from the central government to implement Islamic law. However, in reality this was not fulfilled by the central government, even though Sukarno had previously agreed to this request. The root of the problem that caused the conflict to occur needs to be looked at again to find a solution. Disappointment that occurs in a region or region towards the central government is caused by several things, including:

1. Dissatisfaction with the government's performance, ideas emerged to form a movement that had a mission and vision related to competing with the existing situation in the bureaucracy and the pre-existing order.
2. Political, social, economic and cultural conditions which in the minds of a number of groups are unnatural, so they tend to be free and break away from these rules and choose to rebel against existing policies and want to be independent in their own way.

This understanding of beliefs tends to lead to separatism and destroys the existing order of values and morals, and can lead to divisions. Where prosperity, a serene and peaceful life is certainly the hope for everyone who lives in a country where everyone can carry out normal daily activities, both in economic, social and state activities. However, there are some of our brothers whose lives are still far from calm and peaceful in everyday life. Namely people who live in several areas in the province of Nanggroe Aceh Darussalam (NAD). In their daily lives, they are always under the shadow of violence, both physical and mental, because they are oppressed by two armed forces, namely the Free Aceh Movement (GAM) on the one hand and the TNI-POLRI on the other. Initially the conflict started from three main problems. First, the reduction of provincial territory becomes residency. Second, there was a reorganization of the Armed Forces in Aceh, from the level of the Territorial Army Division to a Regiment. Third, the unequal distribution of natural resource revenues between the central

government and regional governments. In. The difficult conditions as a result of prolonged conflict, over a relatively long period of time, can certainly have a deep psychological impact on the people of Aceh.

The Acehese people who were involved in the conflict certainly had reasons that made them get involved in it. People who live in areas where armed conflict often occurs and those where armed conflict rarely occurs also have different assessments, people who live in areas where TNI-Polri troops are concentrated and those who live in areas where Gam is concentrated will also be affected in a different way. Views or assessments of the parties in conflict. Based on this reality, it seems that there is something that must be taken into account, namely the issue of the diversity of experiences of the community which can show their perspective on the conflict that occurred and their hopes after the conflict.

This social phenomenon actually causes various kinds of deep psychological impacts on some people. This means that each person will have their own perspective in assessing the conflict and post-conflict or peace period after the Helsinki MOU. What happens is based on each individual's experience and what they know. And they experienced it.

Viewed from a political perspective, during the DOM era, the murder of civilian informants or 'cuak' as well as the presence of ninjas and professional assassins as an attempt to take revenge on the part of GAM made conditions in Aceh unsafe. The military accused GAM of being behind the mysterious murders as revenge against civilian informants (operations support personnel). However, reality shows that the killings were not only carried out by GAM, but also by Kopassus to eliminate traces of witnesses of their actions during the DOM era. Since December 1998 - June 1999 throughout Aceh there have been 60 murder cases. Generally, 65% of those killed were village heads or keuchik who had served as village heads during the DOM era.

The situation in Aceh became turbulent again because the New Order led by Suharto apparently did not bring any benefits to the Aceh region. Suharto and Sukarno were no different. Soeharto began to show his greedy attitude in taking Aceh's natural resources through plans for multinational projects in the 1970s. The end of the DI/TII rebellion and the Islamic Republic of Aceh (RIA) was not the end of the political conflict that hit the people of Aceh. After Soekarno's government fell, community leaders hoped that social, economic and political life in the New Order era could be realized better, especially after the construction of multinational industry in Aceh, but these hopes were far from reality. The central government made billions of dollars in profits through construction of a Light Natural Gas (LNG) liquefied natural gas refinery in Arun, PT. Pupuk Iskandar Muda (PT. PIM), PT Kraf Aceh (PT. KA), and other large industries throughout Aceh. The lack of financial balance between the central and regional governments makes Aceh increasingly worse off in social, economic and political life, which triggers conflict.⁵

⁴ Keputusan Presiden (Kepres) No.28/2003 mengenai Deklarasi Keadaan Berbahaya dan Pemberlakuan Darurat Militer di Propinsi Nanggroe Aceh Darussalam

⁵ Keputusan Presiden (Kepres) No.28/2003 mengenai Deklarasi Keadaan Berbahaya dan Pemberlakuan Darurat Militer di Propinsi Nanggroe Aceh Darussalam 8 Indonesian military says it killed over 230 rebels in two months" Agence France-Presse, 20 Juli 2004 9Versi TNI:

People who live along the industrial area can only see because most of the factory workers employed are imported from Java. This fact makes former DI/TII figures very concerned. Acehese people are disappointed because Islamic law is not enforced and they cannot carry out Acehese customs. Previously, President Soekarno had promised the people of Aceh to implement Islamic law in Aceh, in accordance with their culture. "The concept of philosophical values of local wisdom forms the prototype of the character of the Acehese people. Adhere to customs and customs, based on Islamic law." There are several factors that caused the birth of GAM, namely the lack of serious implementation of local wisdom as a privilege of Aceh. The weak economy and education of the Acehese people, the exploitation of Aceh's natural resources. "Then, the disproportionate distribution of natural resource proceeds between the center and the regions." It is not without reason that Aceh wants to separate the Republic of Indonesia, uneven economic development, lack of respect for religious and cultural traditions as well as a horrific record of human rights violations committed by Indonesian security forces have fueled the hatred of many Acehese towards the Indonesian government. Acehese want so that the government withdraws its military from Aceh, so that all forms of violence and even murder can be stopped. The rebellion that occurred in 1976 was immediately crushed by Indonesian security forces. NAD became a Military Operations Area (DOM) where the military had effective control over the province. DOM's status was finally revoked in August 1998, soon after former President Suharto, who had led Indonesia for 32 years, was forced to resign in the face of massive popular opposition to his authoritarian and suspected corrupt government.

The repeal of the DOM only provides a moment of peace. In January 1999, the first of a series of new military operations was launched again following attacks on security forces blamed on GAM. Then continuing in April 2003, the military began deploying additional troops to Aceh in preparation for a new campaign against GAM. On May 18 2003 a state of military emergency was imposed for six months in Aceh. In contrast to DOM, which was simply a military response, the government described this new campaign against GAM as an 'integrated operation' with military, humanitarian, law enforcement and local government components.

However, in reality, the focus of this latest campaign is not focused on military operations, as it was reported that 48,000 troops were deployed against GAM, which according to Indonesian authorities has around 5,000 troops ready to fight. Komnas HAM, which has been permitted to carry out investigations in Aceh, has confirmed that unlawful killings were carried out by both parties, but they have not published the results of the investigation. Local NGOs strongly believe that hundreds of civilians were killed by security forces at the time. Amnesty International has a number of testimonies from people who witnessed extrajudicial killings of civilians by the military. The names of those interviewed and their villages of origin are being withheld to protect them or their families from possible retribution. The majority of those killed appear to have been

men, especially young men who were more likely to be suspected of being GAM members and targeted in military operations.

But that doesn't mean women and children are free from acts of violence. The reason is, children and women also receive this violent treatment. However, the mass media also reported unlawful killings of women and children. Among the testimonies received by Amnesty International were also statements about young people who were shot dead while working in rice fields or on shrimp farms. Others, including children, were killed or injured as a result of indiscriminate gunfire. There is also evidence that those suspected of being GAM members were unlawfully killed after being detained in prison.

In a number of cases, there were visible signs of torture on several parts of their bodies when their bodies were found or returned to their families. However, if seen from the perspective of law enforcement and justice for the perpetrators, this is still far from hope. It is never stated who is responsible, so that the mechanism for fulfilling victims' rights becomes just one part of the government's efforts to resolve human rights violations. However, it is very possible that there is a part of the victims who still cannot simply accept the events they experienced, before there is a disclosure of who is responsible, even though the government has provided compensation in the form of various facilities to fulfill their basic rights. This situation has attracted the attention of the international world. Reopening which during the military and civil emergency was isolated by the international world. Although initially the international world's attention was more focused on humanitarian assistance, over time it shifted to political assistance, namely seeking peace between RI-GAM, which has been in conflict for almost twenty-eight years.

The Acehese conflict which is of interest is not only aimed politically, but from the religious and social perspective of the people of Aceh. The scope of this research is the entire region of Aceh where the RI-GAM conflict occurred. The time scope is 1976-2005, from the founding of the Aceh Movement Independence until peace between GAM and the Republic of Indonesia.

Research Methods

This type of research is normative empirical or often called empirical juridical. Empirical juridical research is literature and field research that uses legal materials in the form of legislation and legal facts that occur in the field. In this normative-empirical research, the author conducted library research to obtain legal materials or secondary data to view provisions according to a system of norms or rules, then continued with field research to obtain primary data or to view real events in society.

This research will systematically explain the facts obtained in the real field regarding the situation and conditions of Aceh before it became a Military Operations Area (DOM) and after DOM. This research focuses on finding data through reality in the field which is considered quite relevant to this research and is carried out systematically based on the problem object and research objectives.

The research approach used in this research is socio-legal. The socio-logical approach is an approach that looks at the legal reality in society. This approach is used to look at legal

aspects in social interactions within society.⁶ This research will lead to efforts to protect victims in Military Operations Area conflicts. This research attempts to see law in a real sense, or in another sense to see how the process of law works in society.

The data source is the place from which the desired data is obtained according to the research objectives. Data sources are very important to avoid mistakes in choosing data sources that are in accordance with the research objectives. Data sources in this research were obtained from primary, secondary and tertiary data.

Data collection techniques are methods used by researchers to obtain the data needed for research, this aims to obtain data that is valid and verifiable. Data collection is an important activity in research, because data collection will determine the success or failure of a research. The data collection technique used in this research was carried out in 2 ways, namely by library research and field research.

The respondents in this research are parties who can provide information and are directly involved in the research. The respondents in this research were as follows:

1. Commission for the Protection of Women and Children, 1 person
2. National Commission Against Violence against Women, 1 person
3. Aceh Government, 1 person
4. Child victims of human rights, 1 person.

Meanwhile, informants are parties who know and are able to provide information but are not directly involved in the research. The parties who were informants in this research were as follows:

1. Constitutional law academic, 1 person
2. Criminal law academic, 1 person
3. Police, 1 person.

After all the data to be studied was collected, the researcher used qualitative analysis methods. Qualitative analysis is research that refers to legal norms contained in laws and regulations as well as norms in society.⁷ Collecting literature study data and compiling research results was carried out based on facts in the field.

Result and Discussion

1. Results of Analysis of Government Policies and Regulations in Guaranteeing the Human Rights of Victims

Protection of human rights is very important in Indonesian law. As a sovereign country, Indonesia must maintain the sustainability and balance of rights between individuals and the state. However, it is not uncommon for human rights violations to occur in Indonesia which are in the international spotlight. One case of human rights violations is the human rights violations that occurred in Aceh.

These activists were arrested without any clear legal process and taken to an unknown place by their families and friends. As a result of this forced disappearance, some of them experienced torture and even death. This case of forced

disappearance has become a very controversial issue because it concerns human rights and justice. Even though Indonesia has changed eras, cases of human rights violations still occur today. Therefore, the government must improve the legal system and ensure that cases of human rights violations do not occur again in the future. One solution to prevent cases of human rights violations in the future is to strengthen the institutions tasked with protecting human rights, such as the National Human Rights Commission and human rights courts. In addition, the government must ensure that human rights are recognized and protected by law and that there is no discrimination in providing these rights.

In modern times like now, Indonesia has experienced significant developments in terms of protecting human rights. Even though human rights violations still occur in several areas, the government continues to strive to improve the legal system and increase public awareness of the importance of protecting human rights. Therefore, the younger generation must become agents of change and contribute to maintaining the sustainability and balance of rights between individuals and the state. It is feared that this substantive aspect will have negative implications for the implementation of protecting the rights of victims of serious human rights violations, considering that the procedural aspect will of course more or less refer to the substantive law. This condition is certainly a challenge that is expected to spur all parties to be able to improve and provide the best contribution in efforts to protect, promote human rights, as well as enforce law and justice for victims. Efforts to respect, protect and fulfill the human rights of victims of past serious human rights violations can be achieved through judicial and non-judicial mechanisms.

With regard to non-Judicial legal mechanisms, nationally the approach is carried out with the 'Human Rights Based Constitutionalism' paradigm, namely relying on the constitutional rights of citizens and exploring legislation to strengthen the institutional position of the relevant state (Komnas HAM, LPSK (SKK KP HAM - PBM), National Commission on Violence Against Women, etc., including strengthening the political commitment of the Central and Regional Governments).

The work of the Aceh TRC is currently not easy because there are a number of institutional obstacles and instruments that strengthen administrative reparation efforts, as we know the process of truth disclosure and official recognition by the state is not carried out, in this case by both the Central Government and the Aceh Government. In its implementation, protection programs are still not accessible, as has happened to victims of serious human rights violence in the past. Such a reparations program does not recognize "victims", but only adopts the category of "civil society affected by conflict" as stated in the Helsinki MoU. Currently, Komnas HAM's pro-justitia work can actually be mutually reinforcing with the initiatives carried out by the Aceh TRC, especially in order to encourage strategies for revealing the truth which is very important and fundamental for the victims. There is no such thing as negated roles between the two institutions, because they have different legal bases, and what is much more important is that the approach in the process of resolving human rights violations is a victim-based justice effort (victim based justice, victim based approach!).

⁶ Sulistyowati Irianto, *et al*, *Kajian Sosio-legal*, Pustaka Larasan, Denpasar, Edisi Pertama, 2012, hlm 1

⁷ Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika, 2016, hlm 105.

It is clearly inappropriate that the limitations or absence of statutory regulation actually eliminates human rights, because basically human rights are fundamental rights guaranteed in the 1945 Constitution. Moreover, the commitment of the UN Human Rights Council, through the Special Rapporteur, "emphasizes the importance of a comprehensive approach that combines a full series of judicial actions and non-judicial, including, inter alia, individual prosecution, reparations, truth seeking, institutional reform, examination of civil servants/officials and public officials, or an appropriately constructed combination thereof, to, inter alia, ensure accountability, serve justice, provide redress to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in State institutions and promote the rule of law in accordance with international human rights law." This is because, as stated in the commitment outlined in the MOU Helsinki, it is an important stepping stone, in the midst of limited solutions to the Constitutional Court, constraints on financing mechanisms, and especially regarding institutional recognition and governance. This confirmation of legal political commitment is related to efforts to advance "state institutions carrying out constitutional mandates". Guaranteeing the safety of witnesses and victims of human rights violations is not a new issue. During the military emergency in Aceh, this issue emerged when the National Human Rights Commission's Aceh Adhoc Team, chaired by M.M Billah, carried out investigations in inland villages in North Aceh and Bireuen Regencies.

Responding to these concerns, the Team provided two alternatives, namely first, Komnas HAM, at least until the investigation stage, will keep the witness's identity confidential; and second, Komnas HAM will ask Law Enforcement Officials to provide protection and safety for witnesses." This statement was conveyed by the Head of Komnas HAM Aceh Representative, Sepriady Utama as an introduction to the discussion at the Workshop on Preparing Protection and Victim Mechanisms held by the Aceh TRC in Banda Aceh on 26 October 2023 regarding the disclosure of cases of crimes against humanity as part of gross human rights violations or serious crimes according to the international community., the protection of witnesses and victims is still a "problem that must be handled properly". Attention to the importance of protecting Witnesses and Victims in Indonesia only began when an investigation was carried out into cases of serious human rights violations in East Timor by the National Human Rights Commission, which at that time was working based on a Presidential Decree. No. 50 of 1993 concerning the National Human Rights Commission and Perpu No. 1 of 1999 concerning Human Rights Courts. Regulations for the Protection of Witnesses and Victims of Serious Human Rights Violations began when Law no. 26 of 2000 concerning Human Rights Courts was passed, and then implemented by PP no. 2 of 2002 concerning Procedures for Protecting Witnesses and Victims of Serious Human Rights Violations. Government regulations and witness protection policies during the Military Emergency in Aceh were not sufficient to provide a sense of security for witnesses and victims and cannot be called a comprehensive protection program. In other words, the absence of legal regulations that specifically regulate the protection of witnesses and victims has contributed significantly to the weak process of law enforcement and

human rights. Investigating and prosecuting cases of serious human rights violations relies heavily on the ability to gather relevant information independently and gathering testimony can only be carried out if witnesses are willing and able to testify orally and in writing, and without being haunted by intimidation, terror or revenge. Reforms related to Witness and Victim Protection began on 11 August 2006 with the publication of the Law. Number 13 of 2006 which was later amended by Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2004 concerning Protection of Witnesses and Victims. Protection of witnesses and victims must be based on respect for human dignity, a sense of security, justice and non-discrimination, as well as legal certainty. Even though there are various weaknesses in the law, the issuance of the law regarding the protection of witnesses and victims must be seen as a step forward for the protection of witnesses and victims and the presence of the LPSK must be appreciated positively.

The importance of witness protection is because when giving their statements witnesses sometimes experience threats, harassment, pressure, terror and even violence perpetrated by certain parties. That is the background to the need for legal protection for witnesses.⁸

In this activity, the participants, most of whom were Aceh TRC field officers, shared experiences related to the process of collecting data and information, including that there were still victims who were afraid to testify due to certain factors. These dynamics in the field are a challenge for KKR field officers. In the data collection process, KKR officers must understand and refer to the SOP.⁹ Apart from that, no less important is the need to provide comfort to witnesses and victims when taking statements. Therefore, the preparation of a witness and victim protection mechanism initiated by the Aceh TRC needs to be supported by all parties. Apart from the Witness and Victim Protection Law, as well as various derivative mechanisms that have been established by LPSK, the Aceh TRC can also refer to Standard Norms and Regulations Number 9 concerning Recovery of Victims of Serious Human Rights Violations, Standard Norms and Regulations No. 6 concerning Human Rights Defenders and Norms and Regulatory Standards No.8. Concerning the Right to Obtain Justice which has been published by Komnas HAM.

2. The existing form of regulation ensures that the human rights of victims in Aceh are fulfilled

The 16-year journey of the Helsinki Memorandum of Understanding which was signed on August 15 2005 is a milestone in efforts to build peace in Aceh. The presence of this agreement is the beginning of new hope for the people of Aceh to live calmly and peacefully, as well as ending the prolonged conflict. This hope is also strengthened in civil society groups, especially groups of victims and victims' companions. Acehnese women who have experienced severe suffering and endured the burden of a long war continue to work together with various civil society groups to ensure that their rights to recovery can be fulfilled.

⁸ Suhaimi, Perlindungan Saksi Dalam Beberapa Tindak Pidana Dan Pengadilan Hak Asasi Manusia, *Jurnal Hukum Samudra Keadilan*, Volume 15, Nomor 2, Juli-Desember 2020, pp. 264-276.

⁹ Theresia Iswarini komisi nasional anti kekerasan terhadap perempuan 30 febuari 2024

This effort was also taken by carrying out various advocacy steps to the Aceh and National Governments. To strengthen peace efforts, the Aceh Truth and Reconciliation Commission (KKR) has been formed through Aceh Qanun No. 17 of 2013. The Aceh TRC is a mandate of the Helsinki Memorandum of Understanding and is contained in Law Number 11 of 2006 concerning Aceh Government. The Aceh TRC is a strengthening institution for victims, including women victims, to obtain the right to truth, restoration, non-repetition, and satisfaction with the efforts made in efforts to build a peaceful Aceh. Protection for women specifically is also contained in Article 231 of Law Number 11 of 2006 concerning the Aceh Government, and its derivative policies through the Aceh Government Qanun Number 6 of 2009 concerning the Empowerment and Protection of Women.

The National Commission on Violence against Women (Komnas Perempuan) noted that support from victim communities and civil society was key to the strength of the Aceh TRC. After almost 5 years of processing (2016-2021), the first term of the Aceh KKR commissioner will end in October. Political dynamics at the local and national levels pose challenges for this important institution. Victim communities and civil society have an important role in encouraging the establishment of this institution after it was delayed after the Aceh TRC Qanun was launched in 2013. Also, in preparing the framework for the Aceh TRC amidst resistance and limited institutional support.

Together with the elected commissioners, testimony from victims and witnesses has been taking place. Now, a final report is being prepared which is expected to provide a more comprehensive picture of the events and impact of the conflict on victims and the people of Aceh, as well as recommendations for comprehensive recovery.¹⁰ Komnas Perempuan also welcomes the Aceh TRC's efforts to encourage the recovery process while preparing the final report. These efforts include ensuring that the process of taking testimonies becomes a space for recovery for victims, through the establishment of memorialization which has taken place in 3 locations, as well as encouraging the implementation of urgent reparations.

Komnas Perempuan is concerned that Governor's Decree no. 330/1209/2020 concerning Determination of Reparation Recipients Urging the Restoration of Victims' Rights to Victims of Human Rights Violations has not yet been implemented. It is reported that the funding allocation for implementing urgent reparations will only be available in the 2022 fiscal year. Previously, the Aceh TRC had verified 245 victims who received urgent reparations, including 58 female victims. The Aceh Reintegration Agency (BRA) is the party mandated to implement urgent reparations, in accordance with the mandate of Qanun no. 6 of 2015 where BRA is an institution formed to carry out reintegration activity programs and efforts to strengthen Aceh peace. However, the focus of BRA's work so far has been more on former political prisoners and combatants, so it is often criticized for ignoring civilian victims. Meanwhile, Komnas Perempuan appreciates the pro-active steps taken by the victim community and civil society in ensuring the advancement of the agenda for fulfilling the rights of conflict victims. This includes efforts by the victim

community group to establish a memorial for Rumah Geudong as a reminder so that similar incidents do not happen again. Also, efforts related to conflict residues continue to influence social, political, economic and cultural dynamics in Aceh. No exception is efforts to eliminate various forms of gender-based violence against women. Apart from that, Komnas Perempuan also appreciates the steps taken by Baitul Mal Aceh to help provide assistance to poor families affected by conflict in three districts.

According to Komnas Perempuan, the implementation of the mandate of the Aceh TRC in the first period of work (2016-2021) has helped strengthen the foundation for work on fulfilling the rights of conflict victims in Aceh and further on peace building. Synergistic steps that are also built together with civil society networks are an important modality that must continue to be maintained. Therefore, continued support for the Aceh TRC, implementation of policies to fulfill victims' rights, including institutional support, need to be the attention of policy makers. As a precedent for peace efforts, the journey and lessons learned from the Aceh TRC need to be the attention of every party in formulating a comprehensive mechanism for fulfilling rights for conflict victims, with special attention to vulnerable groups. For this reason and in order to welcome the 16th Anniversary of the Helsinki Memorandum of Understanding, the National Commission on Violence against Women recommends.

The Aceh government and the Aceh DPR ensure allocations for the implementation of urgent reparations for conflict victims as determined in 2020 as well as for the implementation of follow-up to the recommendations of the Aceh TRC report immediately after it is submitted. Also, to support the implementation of the work of the Aceh TRC for the next period, the Aceh Reintegration Agency ensures that the distribution of urgent reparations is followed by an accountable monitoring mechanism and assistance mechanism so that assistance can be optimally useful.

The Aceh TRC ensures the continued development of a database system, a mechanism for taking testimonies which also serves as a space for recovery for victims, memorialization and public education efforts, networking work with civil society, as well as constructive communication with various parties at the local and national level to ensure follow-up to the recommendations given. Also, mechanisms to maintain institutional independence and professionalism;

The government, especially the Ministry of Law and Human Rights and the Ministry of Political, Legal and Security Coordination, to follow up on the findings of the Aceh TRC in the framework of encouraging the fulfillment of victims' rights and bringing true peace in Indonesia. Baitul Mal Aceh develops mechanisms and allocations to support conflict victims with special attention to women and other vulnerable groups; Victim communities and civil society, especially in Aceh, to continue to strengthen work together with the Aceh TRC and human rights fulfillment networks at local and national levels as an embodiment of the implementation of the working principles of upholding human rights. Komnas HAM and the Indonesian Child Protection Commission to support efforts to strengthen the Aceh TRC's institutions, including by encouraging the implementation of follow-up recommendations from reports based on the results of taking victim testimonies which will be published by the Aceh TRC.

¹⁰ Wawancara dengan Andy Yentriyani *selaku komisi perlindungan perempuan dan anak di aceh*, 30 febuari 2024

3. Reasons or Obstacles That Victims' Rights Have Not Been Fulfilled in Aceh

Aceh was provided with office facilities located in Kuta Alam, Banda Aceh with loan status as assets belonging to the Aceh Government, in this case under the control of the Aceh Transportation Service. The current condition is that survivors and families of victims of past human rights violations have not received their rights. One of them is the right to truth. In fact, some of the survivors of past human rights violations have not had their statements taken by the Aceh Truth and Reconciliation Commission (KKR). Based on data from the Aceh TRC, there are 5,264 statements from victims of human rights violations that have been taken as part of efforts to reveal the truth. Even though it is very important, revealing the truth is the gateway to other rights such as reparation, rehabilitation, the right to education and health, including social psychological recovery. "Most of them don't get that," On June 22 2017 the Governor of Aceh inaugurated the Aceh TRC office and delivered remarks in which the Governor basically stated that he had high hopes for the Aceh TRC in terms of fulfilling the sense of justice for the people who were victims of past conflicts. "Make disclosures the truth objectively, based on facts without being discriminatory and not taking sides with certain groups. "After that, the Aceh TRC's operational activity budget was entrusted to the Aceh Social Service from 2017 - 2018 with a program of social rehabilitation activities for victims of domestic violence.

Then the Aceh Government carried out another review which basically institutionally showed that the Aceh TRC had similarities in carrying out its duties and authority with the Aceh Reintegration Agency (BRA). Referring to this, the Aceh TRC budget was placed under the Aceh Reintegration Agency Secretariat with the provision that the Head of the BRA Secretariat doubles as the Head of the Aceh TRC Secretariat starting in 2019 - until now with a program on social security activities for conflict victims. During its journey, in 2019 KKR Aceh was asked to vacate the office because the Aceh Transportation Service was going to make the KKR Aceh office a UPT office. Following up on this, the Aceh TRC conveyed this to the Aceh Governor and the Aceh DPR. The Governor of Aceh ordered the Acting Regional Secretary to hold a meeting with the Commissioner of the Aceh KKR and the Aceh Transportation Service. In essence, the Aceh Governor asked the Aceh KKR to remain in office with asset loan status from the Transportation Service. The meeting continued in 2020 which was attended by the BRA Secretariat, BRA, KKR Aceh and the Department of Transportation to make an agreement to borrow and use assets by KKR Aceh with the loan-to-use decision being given every 2 (two) years with continued extensions every two years. In the midst of limited human resources and funding, the Aceh KKR received support through collaborative activities with civil society organizations in Aceh and Jakarta. Starting its work activities which began in mid-2017, KKR Aceh first prepared a strategic plan for KKR Aceh 2016 - 2021. Then, to facilitate the work of KKR Aceh, throughout 2017 - 2020, it was facilitated by civil society organizations and competent experts, KKR Aceh preparing regulations for the Aceh TRC to implement its work as mandated in the Aceh Qanun. There are initial stages in implementing the truth disclosure mandate. The Aceh TRC faces limitations, among other things, in terms of

funding, especially in carrying out work programs.

So that in carrying out its work the Aceh KKR received significant support from CSOs, in the form of providing personnel for statement-taking work. This limitation also affected the coverage of the work area, so that the Aceh KKR rationalized its work area again based on initial victim data obtained through submissions from partner institutions. The Aceh KKR paid attention to the representation of the eastern, central and south-western regions of Aceh. The main priority is given to areas where during the conflict incidents of violence were considered quite high. So the policy taken by the Aceh TRC regarding the selection of areas for carrying out statement-taking activities, initially covered five working areas (Aceh Besar Regency, Pidie Regency, Bener Meriah Regency, North Aceh Regency and South Aceh Regency). Furthermore, in mid-July to August 2018 the Aceh KKR carried out regional pre-assessment activities. This activity was carried out by the Aceh TRC Commissioner together with several members of the Working Group and secretariat staff. The first group explored the western region and the second group explored the eastern, central and northern regions of Aceh. The total number of sub-districts where statements have been taken is 163 sub-districts and 769 Gampoeng.

Over the past 4 years, the Aceh TRC has successfully collected 5,264 victim and witness statements. Revealing the truth through taking statements directly is a process of listening, recording and documenting statements from victims, witnesses, victims' families and relatives regarding the events they witnessed and heard. Directly about past human rights violations in Aceh. Furthermore, the Aceh KKR also held a meeting with the National Planning Agency (Bappenas) through the Director of Regulation and Legal Reform. During the meeting, the Aceh TRC explained the importance of mainstreaming truth disclosure, recommendations for reparations and reconciliation included in the RPJMN. Apart from the relevant Ministries and State Institutions, the Aceh TRC also held a meeting with Commission III of the DPR RI to deliver a presentation regarding the truth disclosure that was being carried out by the Aceh TRC and asked for support from Commission III of the DPR RI regarding the importance of institutions or agencies for security actors providing information and documents. To the Aceh KKR which is carrying out its mandate in revealing the truth.

Conclusion

Human rights in Indonesia are still difficult to obtain justice, and there are many cases of corruption that are still widespread among high-ranking state officials. Therefore, fighting for human rights to be fair and balanced is important to eradicate injustice in Indonesia. International law has provided a solid foundation for effective punishment for perpetrators of gross violations of human rights, including Article 4 of the Convention Against Torture (Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and according to Article 17 paragraph (1) Rome Statute 1998.

The government's responsibility regarding serious human rights violations in Rumoh Gedong is proceeding very slowly. This was influenced by 2 main things, namely: The absence of official recognition by the Indonesian government that this incident was a serious human rights violation and secondly because of the Aceh tsunami disaster.

After the Aceh tsunami, the Indonesian government carried out reconciliation. Finally, in 2023 the Indonesian Government, in this case President Joko Widodo, has determined that the Rumoh Gedong incident constitutes a serious human rights violation. Since the Government of the Republic of Indonesia and the Free Aceh Movement signed a Memorandum of Understanding (Memorandum of Understanding Between the Government of the Republic of Indonesia and the Free Aceh Movement) on August 15 2005, there has been a new hope for truth and justice in society regarding human rights violations, but the court process against These violations are currently still unclear, even though human rights have received attention in response to the Helsinki MoU, Point 2.3 which emphasized the establishment of the Aceh Truth and Reconciliation Commission (KKR). Likewise in the Aceh Government Law (UUPA), namely in Articles 229, 230, 259 and Article 260. However, the conclusion to date is that there have been no cases of human rights violations in Aceh that can be disclosed openly.

Suggestions

Apart from the cases mentioned above, there are still other cases which are part of daily violent events based on Kontras monitoring between July and December 1999 as follows: Between 4 July 1999 and 25 December 1999 there were at least 194 civilians who were victims of violence by the Security Forces, 22 of whom were killed and 172 were lightly and seriously injured; Between 19 October and 25 December 1999, at least 290 victims of mysterious murders generally with the petrus pattern (mysterious shooter), claimed the following number of victims: 239 civilians were killed and 10 were injured and the remaining 51 were non-civilians; Between April 16 1999-December 25 1999, at least 902 buildings burned down, consisting of schools, sub-district heads' offices and other government buildings.

Of this number, around 80 percent or 132 units were school buildings and around 191 buildings were burned by security forces during sweeping operations; Between August 5-December 25 1999 at least 128 people (105 civilians and the rest military) disappeared, were kidnapped and some of them were found tragically dead; In 2001, under Operation Rajawali there were 1,216 cases of human rights violations. This operation was carried out to find comprehensive steps in resolving the Aceh problem based on Presidential Instruction No. 4/2001 in the midst of the Humanitarian Pause; 2003-2004 Military Emergency I and II there were 1,326 cases of human rights violations. The failure of peace negotiations between RI and GAM was responded to with a military emergency policy. During this time, a number of low-ranking TNI members were punished for human rights resolution. The status has been reduced to Civil Emergency until now. We all hope that the truth and justice of these human rights violations can change the future of the people of Aceh, especially for the generation that saw their mothers raped and their fathers killed for real, at least with serious investigations they can erase the feelings of resentment and hatred that may be buried within them.

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