

The Role of Civil Society in Resolving Past Human Rights Violations in Indonesia



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ABSTRACT: One of the important problems faced by the government in Indonesia is the demands for the enforcement of (severe) human rights that occurred in the past. This issue is no longer limited to the political will of the government, but the problem continues on how to formulate an appropriate conception of justice for the severance of relations with the past, whether by enforcing the law against past violations or the termination in other forms as has been done by several Countries in the world. In this paper using the literature study method by examining data sources related to this writing with the results of the study showing the weakness of the government's efforts to resolve past human rights violations so that community participation is needed to contribute to solving past human rights problems. in Indonesia by reviving the Truth and Reconciliation Commission, because its philosophy is very important in maintaining a more conducive harmonious social life.

KEYWORDS: Serious Human Rights Violations in Indonesian; Human Rights Court

I. INTRODUCTION

One of the important problems faced by the transitional government in Indonesia is the demands for the enforcement of human rights (severe) that occurred in the past. This issue is no longer limited to the political will of the transitional government, but the problem continues on how to formulate the right conception of transitional justice for the severance of relations with the past, whether by enforcing the law against past violations or the termination in other forms as has been done. by several countries in the world such as the concept of "middle way"¹ what Germany and Czechoslovakia did². However, in Indonesia more people are voicing for law enforcement to be carried out against past human rights violations, especially from human rights observers and of course from victims of past human rights violations who want justice to be served just as Ntsiki Biko has said³, widow of steven Biko who considered that the argument of the 1993 South African Transitional Constitution which explicitly recognized the existence of a stronger and positively responsible amnesty for the perpetrators of the killings, and emphasized that it was urgently needed for the implementation of reconciliation and reconstruction of South Africa, was rotten. . "we all want reconciliation", says Ntsiki Biko, "but it has to come with something. It must come with justice."

During the 24-year period of reform, the settlement of past human rights violations has not been completely resolved. The setback is felt in the agenda for resolving past human rights violations. This is in contrast to the initial spirit of reform, which requires a complete settlement of past state crimes. Two settlement mechanisms, law enforcement through the establishment of an ad hoc Human Rights Court, and the mechanism of the Truth and Reconciliation Commission (TRC), did not work as expected. In fact, currently there are various attempts to deny the various human rights violations that have occurred. Lately, we often hear public officials who suggest forgetting bad events in the past.

On the other hand, the demands of victims of human rights violations that the government resolve past human rights violations continue to resonate. The victims, from Aceh to Papua, continue to make various efforts, aimed at encouraging the completion of cases of past human rights violations. Not only demanding the settlement of their cases, the victims also made efforts to encourage the elimination of various discriminatory policies. Litigation avenues and other available mechanisms are taken in the context of eradicating past policies, which until now continue to perpetuate discriminatory practices, especially for victims.

¹Jerman dan bekas Negara Cekoslovakia khususnya berjuang dengan berbagai pendekatan untuk menghadapi warisan-warisan aparat keamanan negaranya yang refresif. Baik Jerman maupun Cekoslovakia telah mengalami berbagai tingkat kebebasan dan akses kepada rezim masa lalunya. Dengan demikian resolusi-resolusi yang dilakukan di kedua Negara tersebut bersifat kompromisitis, yang bersifat jalan tengah, yakni tidak terjadi perusakan terhadap arsip masa lalu, namun juga tidak dapat dilakukan akses sepenuhnya terhadap arsip tersebut. Lihat, Ruti G. Teitel, **Transitional Justice**, Oxford : Oxford University Press, hal 97.

² Satya Arinanto, **Hak Asasi Manusia dalam Transisi Politik Di Indonesia**, Jakarta: Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia, 2008. Hal. 127-129

³ Ibid.

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The obstacles and stagnation in the resolution of past human rights violations that Indonesia is currently experiencing is not a new story. The experiences of various countries also show that the situation and process are not easy. The difficulty of this effort is in line with the country's transition process from authoritarian to democratic. The process of truth-telling and legal accountability, often spans decades. This is clearly reflected in the experiences of a number of countries that have experienced a similar situation to Indonesia. Not infrequently, revealing the truth and punishing the perpetrators of human rights violations only occurred after the succession of governments.

However, experience in various countries also shows that success in achieving justice is closely related to the growing demands and encouragement from victims, victims' families, and civil society. Various initiatives from civil society continue to run amidst the stagnation of state initiatives to resolve. When one path does not work, efforts to achieve justice with various other paths can be done. As a result, a number of 'wins' can be achieved, even though they have to sacrifice a long time. This actually confirms that there is no "single way" in resolving past human rights violations. Departing from the problems above, this paper tries to focus on how to develop civil society participation in resolving past serious human rights cases in Indonesia that have not yet been resolved.

II. RESEARCH METHOD

The method used in this study is a literature study research method, where this research method is a data collection technique by conducting a review study of books and literatures that have to do with the problem to be solved. The literature study method is used by the author with the intention of obtaining complete and accountable data. In this scientific paper, the author discusses the enforcement of human rights in Indonesia, both from the implementation of courts for perpetrators of past human rights violations, the application of law to perpetrators (the principle of legality), justice for victims of gross human rights violations.

III. RESULTS AND DISCUSSION

1. Past Human Rights Violations in Indonesia

The legacy of past violence and human rights violations has become one of the dominant colors for a regime that is undergoing a transition from authoritarian to democratic, like Indonesia. In Indonesia, the New Order regime incised a series of violence and human rights violations that stretched from Aceh to Papua. The backgrounds are diverse, from land disputes to subversive accusations, the victims are widespread, not only concentrated in certain areas. The New Order targeted various groups in society, ideological differences (accusations of communists, religions or beliefs that were considered different), minority groups, pro-democracy groups, groups accused of anti-development, became the reason for the Soeharto government to 'sacrifice' them. The victims not only experienced physical violence, lost their lives, and were forcibly disappeared, they also experienced civil death, decades. Their lives continue to be stigmatized and discriminated against, and various other forms of human rights violations.

Human rights violations that occurred in Indonesia in the past include the following:

Table 1: Highlights of past human rights violations (1965-2000)

No	Year	Case	Form of Violation
1.	1965	1965 Case	Murder, torture, arbitrary arrest and detention, enforced disappearance, confiscation of property, rape or other sexual violence, forced expulsion or transfer of population, extermination, slavery, torture, various other actions; Civil death for persons accused of being members of the PKI; Stigmatization and discrimination until now.
2.	1965-1969	Violence in Papua up to the 1969 Act of Free Choice	Murder, torture, intimidation, etc.
3.	1971	The Rape of Sum Kuning, Yogyakarta	The trial is misguided, the victim is actually tried. Finally released
		Land grabbing in Tapos (until 90s)	Land grabbing, intimidation of residents
		Development of Indonesian Mini Park Beautiful	Forced eviction, Loss of land, Intimidation
6.	1971-1972	Land grabbing on Mount Balak, Lampung	Clearing of land for reservoirs, land grabbing, demolition of houses and residents' facilities, people's crops being uprooted
7.	1974	Malari incident	11 protesters killed, people considered actors the incident was judged
		Mass media ban	The banning of newspapers, including the Indonesia Raya newspaper.

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9.	1977-1980an	Jihad Command	Thousands of Islamic activists were arbitrarily arrested, tortured, imprisoned without procedure and sentencing without legal basis
10.	1976-1989	Pra DOM in Aceh	Pre-DOM cases 1976-1989. Since the declaration of GAM by Hasan Di Tiro, Aceh has always been an area of military operations with a high intensity of violence.
11.	1978	Silencing of political expression, student movements and the banning of newspapers	Several students were arrested and newspapers banned
13.	1982	Tourist attraction development Borobudur	Forced eviction, forcible taking of land, change undeserved loss
		Magazine ban	Tempo magazine was banned for 2 months because of the news
15.	1982-1985	Mysterious Shooting	Murder, torture, arbitrary deprivation of liberty or other freedoms, enforced disappearance of persons
16.	1984	Tanjung Priok incident	Murder, torture, enforced disappearance
17.	1985-1989	Kedung reservoir construction Ombo, Central Java	Drowning 37 villages, forced eviction, loss of land, compensation not worthy of terror, intimidation and physical violence due to resistance
18.	1989	Talangsari Lampung incident	Murder, torture, ill-treatment, disappearance force
		Land grabbing in Cimacan	Destruction of land, expropriation of community land
20.	1989-1998	DOM in Aceh	Murder, torture (Military operations to crush the GPK under the leadership of Tgk. Hasan di Tiro. in three districts; North Aceh, East Aceh and Pidie)
21.	1991	Massacre in Santa Cruz, Dili, East Timor	Lightning Kill
22.	1991-1998	Construction of the Koto Panjang Reservoir	Loss of land, evictions and forced displacement
23.	1993	Marsinah's Murder	Murder, torture
		The Nipah Case, Madura	Shooting of 3 farmers
		Haur Koneng incident, Majalengka	Shooting
26.	1996	Various land dispute cases	Happens in various areas
27.	1996	Riots in Situbondo	Burning of churches, schools, people's shops Chinese and there are casualties
		Murder of Fuad M. Syafudin (Udin)	Persecution, murder
		Attack on the PDI DPP Office July 27	Murder, enforced disappearance
28.	1996-1997	Sanggau Ledo riots, Bengkayang, West Kalimantan	Murder, persecution, displaced population
29.	1997-1998	The case of witch doctors in East Java	The murder of people accused of witchcraft
30.	1997-1998	Activist kidnapping	The kidnapping and disappearance of activists, until now there are still missing
31.	1998	Trisakti student shooting	Lightning Kill
		Clover Case I	Lightning Kill
		May riot	Murder, enforced disappearance, arson
32.	1998-2000	Poso riots	Murder, torture, destruction of property.
33.	1999	Clover Case II	Lightning Kill
		Pre and post poll events	Murder, ill-treatment, torture, enforced disappearance, forced eviction, destruction of property, etc..

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		opinion in East Timor	Murder, persecution, damage to property and facilities of the population, displacement of the population
		Riots in Ambon	Murder, torture, property damage penduduk
		Tengku Bantaqiah and Massacre students in Aceh	Murder, torture
		Peristiwa Idi Cut, Aceh Timur,	Lightning Kill
34.	1969-2000	Human rights violations in Papua	Various human rights violations in Papua since 1969 until now, including cases of attacks on villagers' villages, flash killings, forced evictions, torture, ill-treatment, forced displacement, enforced disappearances, arbitrary detention and arrest, destruction of property, etc.

State apparatus, both civilian and military, were the main perpetrators of various cases of human rights violations in the past, and were fully sponsored by the New Order regime at that time. These crimes are formed in a systematic pattern, supported by all state apparatus. State apparatus, whether coercive, such as the military, or ideological in nature, such as information, legal systems and cultural systems, are built to support the regime's work. Crimes of the past are not only seen in a series of violence, murder, and arbitrary disappearances because of their political views. The use of ideological apparatus such as the legal system to maintain the stability of the regime's government, through legislation products, is also part of it. The creation of New Order cultural strategies, such as the use of the single principle of Pancasila, the destruction of customary law mechanisms by regulating village governance, are also an integral part of past state crimes.

In the face of a long series of past human rights violations, at the beginning of the reform, the state has made an intention to resolve it, in accordance with human rights norms and principles and the constitution. The state wants to carry out the obligation to remember (duty to remember), the obligation to punish every form of crime against human rights (duty to persecute), and the obligation to bring justice to victims, which includes the right to know the truth, the right to justice. (right to justice), and the right to reparation (rights to reparation). These obligations are implemented in a series of policy structures that have been established. The resolution of the past became one of the important mandates of reform, which was then implemented through the formation of a number of laws, to regulations of a technical nature. One of the monumental achievements that emerged during this period was the existence of an instrument for the protection of human rights and a mechanism for resolving cases of human rights violations, namely the promulgation of Law no. 39 of 1999 concerning Human Rights and Law no. 26 of 2000 concerning the Human Rights Court.

In addition, another important event that accelerated the birth of a mechanism for protecting human rights in Indonesia was the demand from the international community through the UN Human Rights Commission that the Indonesian government immediately establish an accountability mechanism for possible violations of human rights and violations of international humanitarian law in Timor-Leste. East since January 1999.

This demand from the international community was responded to by the Indonesian government under President Habibie to issue Government Regulation in Lieu of Law (Perppu) No. 1 of 1999 concerning the Human Rights Court. The issuance of this Perppu is intended to show the international community that the Indonesian government has the will to establish an accountability mechanism for what is happening in East Timor.

However, the existence of this Perppu was rejected by the Indonesian House of Representatives at a plenary session in March 2000, on the grounds that "constitutionally it does not have a strong reason related to the compelling urgency". Because of this refusal, the government immediately submitted a draft law on a human rights court. Pressure over the possible establishment of an international tribunal forced the government to propose a new draft legislation replacing this provision. Under the pressure of the possibility of an international tribunal being formed, in November 2000, the Bill on the Human Rights Court was passed into Law No. 26 of 2000 concerning the Human Rights Court.

Based on the provisions of Law Number 26 of 2000 concerning Human Rights Courts, there are 2 (two) forms of courts known in this law. First, for incidents of human rights violations that occurred before the enactment of the law, were examined and decided by the ad hoc Human Rights Court (Article 43 paragraph (1)) whose court establishment required a proposal from the parliament (DPR RI) to be then decided through a Presidential Decree (Keppres).). Second, for incidents of human rights violations that occurred afterwards, they were examined and decided by the permanent Human Rights Court. The ad hoc Human Rights Court has been held twice, to examine cases of human rights violations that occurred in East Timor in 1999, and cases of gross human

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rights violations that occurred in Tanjung Priok.⁴ Meanwhile, a permanent human rights court was held for the first time in the case of gross human rights violations in Abepura 2000.⁵ With the following details:

Table 2: Adhoc Human Rights Courts that have been implemented

No	Case	Verdict Against the Defendants				Court Results
		Defendant	Level I	Appeal	Cassation	
1.	Human rights violations in East Timor	1. Adam Damiri	3 Year	Bebas	-	Admitting human rights violations No perpetrators guilty No compensation to victims
		2. Tono Suratman	Free		Free	
		3. M. Noermuis	5 Year	Bebas	Free	
		4. Endar Prianto	Free		Free	
		5. Asep Kuswani	Free		Free	
		6. Soejarwo	5 Year	Bebas	Free	
		7. Yayat Sudrajat	Free	Bebas	Free	
		8. Liliek Koeshadiyanto	Free		Free	
		9. Achmad Syamsudin	Free		Free	
		10. Sugito	Free		Free	
		11. Timbul Silaen	Free		Free	
		12. Adios Salova	Free		Free	
		13. Hulman Gultom	3 Year	Bebas	Free	
		14. Gatot Subyaktoro	Free	-	Free	
		15. Abilio Jose Osorio Soares	3 Year	3 Year	3 Year (PK Free)	
		16. Leonito Martens	Free	-	Free	
		17. Herman Sedyono	Free	-	Free	
		18. Eurico Guterres	10 Year	5 Year	10 Year(PK Free)	
No	Cases	Verdict Against the Defendants				Court Results
2.	Human rights violations in Tanjung Priok	Defendant	Level I	Appeal	Cassation	At the first level there is compensation, the level of appeal with the acquittal of the defendant there is no clear decision on the compensation. No compensation No compensation In the First Level there is compensation, the level of Appeal with the acquittal of the defendant there is no clear decision on the Compensation.
		1. Rudolf Adolf Butar-butur	10 Year	Free		
		2. Pranowo	Free		Free	
		3. Sriyanto	Free		Free	
		4. Sutrisno Mascung	3 Year	Free	Free	
		5. Asrori	2 Year	Free	Free	
		6. Siswoyo	2 Year	Free	Free	
		7. Abdul Halim	2 Year	Free	Free	
		8. Zulfata	2 Year	Free	Free	
		9. Sumitro	2 Year	Free	Free	
		10. Sofyan Hadi	2 Year	Free	Free	
		11. Prayogi	2 Year	Free	Free	
		12. Winarko	2 Year	Free	Free	
		13. Idrus	2 Year	Free	Free	
14. Muhson	2 Year	Free	Free			

⁴Pengadilan HAM (*ad hoc*) Timor-Timur dan Pengadilan HAM (*ad hoc*) Tanjung Priok dibentuk berdasarkan Keputusan Presiden No. 96 tahun 2001. lihat, Progres Report #1 *Pengadilan HAM Tanjung Priok*, Lembaga Studi dan Advokasi Masyarakat (ELSAM), Jakarta, 15 Oktober 2003, hal. 4.

⁵ Pengadilan ini dibentuk berdasarkan ketentuan Pasal 4 jo pasal 45 ayat 1 UU No. 26 tahun 2000. Pasal 4 menyatakan bahwa, "Pengadilan HAM bertugas dan berwenang memeriksa dan memutuskan perkara pelanggaran hak asasi manusia yang berat". Dan Pasal 45 ayat 1 UU No. 26 tahun 2000 berbunyi, "untuk pertama kalinya pada saat Undang-undang ini mulai berlaku Pengadilan HAM sebagaimana dimaksud dalam Pasal 4 di bentuk di Jakarta Pusat, Surabaya, Medan, dan Makassar".

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Based on the provisions of Article 2, Article 3, Article 4, Article 5 and Article 45 of Law no. 26 of 2000, the Human Rights Court is a special court within the general judiciary. Its domicile is in a regency or city area whose legal area includes the jurisdiction of the relevant district court. Meanwhile, the special area for the capital city of the Human Rights Court is located in each territory of the relevant district court. When this law was first enacted, human rights courts were established in Central Jakarta, Surabaya, Medan, and Makassar.⁶ The Human Rights Court has the authority to examine and adjudicate cases of gross human rights violations. The authority to decide and examine also includes resolving cases involving requests for compensation, restitution (and rehabilitation) for victims of gross human rights violations.⁷ This authority to decide on compensation, restitution and rehabilitation is in accordance with Article 35 of Law no. 26 of 2000 which states that compensation, restitution and rehabilitation are included in the decision of the Human Rights Court.

2. Civil Society Participation in the Settlement of Past Human Rights in Indonesia

Various obstacles and the lack of state intention to resolve various past crime cases have led to stagnation in resolution. Similar situations have also been experienced by various other countries. These stagnations and obstacles are addressed by the victims, their families and the community by continuing to demand solutions, including carrying out various initiatives, with various available channels, to encourage truth-telling and the achievement of justice. These efforts are carried out through legal steps by filing civil lawsuits in court, establishing an alternative truth commission, and various other efforts. This step wants to emphasize that the state must remain responsible for resolving past human rights violations. Experience in various countries shows that accountability for past human rights violations will remain a demand, even after decades of the crime taking place.

Not a few countries that refuse to recognize and account for their past crimes. Faced with this, various non-governmental organizations then carried out investigations and revealed alternative truths, when the formation of an official truth commission and the establishment of a court were not yet possible. The disclosure of the truth is carried out through an investigative process that is considered credible by the community. The investigation process is carried out impartially, with a systematic and thorough methodology. Many alternative truth-telling mechanisms have been successful with the publication of a final report accompanied by various recommendations, and then disseminated to the public.

In Indonesia, in the midst of stagnation in the resolution of past human rights violations, victims continue to make various efforts to restore their rights, outside of the mechanisms "provided and facilitated" by the state. These efforts are similar to those of victims and civil society in other countries. Victims and civil society demand settlement of past human rights violations through truth-telling and taking legal action to court, whether related to restoring their rights or challenging discriminatory and unfair policies.

Post-reform, a number of civil society organizations made various efforts to demand settlement of past human rights violations. These efforts include encouraging judicial processes and revealing the truth of various cases of human rights violations in the past. At the encouragement of civil society and victims, the state then formed various related policies, carried out various investigations of human rights violations that occurred, including Komnas HAM investigating various cases of serious human rights violations. Civil society also publishes various reports and books aimed at encouraging the disclosure of the truth and accountability for the settlement of past human rights violations:

a) Lawsuit

Lawsuits continue to be carried out by victims and civil society, both individually and in groups, to encourage the state to resolve past human rights violations. A number of lawsuits include; In 2003, Nani Nurani, a palace dancer accused of being a member of the PKI, sued the Koja sub-district head for not issuing a lifetime ID card on the grounds that she was a former political prisoner. This lawsuit lasted for approximately 5 years, which was finally won with the final decision of the Supreme Court in 2008. The court decided that the action of the Koja sub-district head who did not issue an ID card was illegal, an arbitrary act, and such an act is currently no longer appropriate. enforced, because it is a form of human rights violation.

Also in 2003, groups of victims, including the leaders of the Central Executive Board of the Institute for the Rehabilitation of Victims of the New Order Regime (DPP-LPRKROB), made a request for a material review to the Constitutional Court against Article 60 letter g of Law no. 12 of 2003 concerning General Elections for Members of DPR, DPD and DPRD, which contains prohibitions on becoming members of DPR, DPD, Provincial DPRD, and Regency/Municipal DPRD for those who are "former members of the banned organization of the Indonesian Communist Party, including its mass organizations, or who are not directly

⁶ Ketentuan mengenai pembagian wilayah untuk adanya pengadilan HAM pertama kali ini, ditentukan dalam Aturan Peralihan Pasal 45 UU No. 26 Tahun 2000. Dalam pasal tersebut, disebutkan bahwa wilayah Jakarta Pusat meliputi Daerah Khusus Ibukota Jakarta, Provinsi Jawa Barat, Banten, Sumatera Selatan, Lampung, Bengkulu, Kalimantan Barat, dan Kalimantan Tengah. Surabaya meliputi Provinsi Jawa Timur, Jawa Tengah, Daerah Istimewa Yogyakarta, Bali, Kalimantan Selatan, Kalimantan Timur, Nusa Tenggara Barat, dan Nusa Tenggara Timur. Makassar meliputi provinsi Sulawesi Selatan, Sulawesi Tenggara, Sulawesi Tengah, Sulawesi Utara, Maluku, Maluku Utara dan Irian Jaya. Medan meliputi Provinsi Sumatera Utara, Daerah Istimewa Aceh, Riau, Jambi dan Sumatera Barat.

⁷ Dalam penjelasan Pasal 4 UU No. 26 Tahun 2000, disebutkan bahwa: "Yang dimaksud dengan "memeriksa dan memutus" dalam ketentuan ini adalah termasuk menyelesaikan perkara yang menyangkut kompensasi, restitusi, dan rehabilitasi sesuai dengan peraturan perundang-undangan yang berlaku."

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or indirectly involved in G.30.S/PKI or other prohibited organizations". In its decision, the Constitutional Court stated that the provision was a denial of the rights of citizens or discrimination on the basis of political beliefs. This provision is contrary to human rights guaranteed by the 1945 Constitution.

In 2005 there was a class action lawsuit against the victims of stigmatization in the 1965 incident to the Central Jakarta District Court against the President and former presidents. The Republic of Indonesia, the President and former President of the Republic of Indonesia were sued by them. In their lawsuit, the plaintiffs ask for the rehabilitation of their good names, removing the stigmatization, and demanding material and immaterial losses they have suffered. A number of lawsuits related to the violation of citizens' rights due to being accused of being involved in a banned party also appeared in various regions, for example a lawsuit related to the violation of rights as a civil servant, and a number of other lawsuits related to the expropriation of land belonging to people accused of being involved in a banned party. In 2008, there was a judicial review request to the Supreme Court requesting the annulment of Presidential Decree no. 28 of 1975 concerning the Treatment of Those Involved in G.30.S/PKI Group C. Until now, the Supreme Court has not rendered a decision on this petition. In 2011-2012, Nani Conscience again filed a civil lawsuit against the President of the Republic of Indonesia for the actions that Nani had experienced. The government has accused him of being without basis, carrying out detention without trial and without legal basis against him, which was then followed by inhumane treatment in examination, as well as acts of discrimination and stigmatization for decades.

b) Truth-Telling, Victim Recovery and Reconciliation

Efforts to reveal the truth by victims and civil society, although limited, have had an impact on the existence of "discovery" of various past human rights violations. The wider public gains an understanding of past cruel practices, which provide lessons that similar events should not be repeated in the future. Until 2012, the disclosure of the truth was carried out by civil society in various forms, either in the form of documenting past human rights violations, publishing reports on human rights violations, publishing books, public hearings and various other forms. To keep reminding the public about past atrocities, civil society in a number of areas also carries out memorials in various forms. Making museums, memorials, and other memorials. In Aceh, the families of victims of human rights violations in Jamboe Keupok Village, Bakongan, South Aceh, erected a memorial to the humanitarian tragedy. A memorial was built in the mass grave complex of 16 victims of the massacre. The monument contains a chronology of events and a list of the names of the victims of the massacre. Another effort that civil society continues to make is initiating peace efforts through cultural (reconciliation) activities. This cultural reconciliation took place in several areas in Java, Aceh and Bali. In Bali, cultural reconciliation took place in Sumber Klampok Village, Buleleng. Reconciliation is carried out in the form of ruwatan and cultural reconciliation. Ruwatan, which has been known in many subcultures in Indonesia, is carried out as part of a rite of self-purification of everything that is "defiled". In Aceh, cultural reconciliation took place with efforts to reconcile three ethnic groups (Javanese, Acehnese and Gayo) in Bener Meriah, covering 16 villages. This reconciliation seeks to re-knit the social bonds of the people who were torn apart by conflict and differences.

In 2012, in Palu, Central Sulawesi, an open dialogue was held to encourage a reconciliation meeting between the victim, the perpetrator and the perpetrator's family. This activity was held during the commemoration of the rights of victims of human rights violations to truth and justice, 24 March 2012, which coincided with the 48th anniversary of Central Sulawesi Province. During the event, the Mayor of Palu stated that what happened in the past was a mistake and apologized. As a result of the dialogue, the Mayor of Palu will provide free medical expenses for victims through the Jamkesda (regional health insurance) program. The mayor also stated that he would provide job opportunities for the children of the victims through a labor-intensive program that goes to every kelurahan. For the children and grandchildren of the victims, the Mayor promised to provide scholarships. In addition, the City Government will also recognize 13 points of forced labor and approve these places to be used as historical and cultural tourism objects. Finally, they promised to help excavate mass graves of victims who were forcibly disappeared, as long as the location was identified as being in the Palu city area. In September 2012, in Batang, Central Java, there was a cultural reconciliation in the community. The event, which is framed as a 'halal bi halal' activity, carries the theme of "reconciliation for the future of the nation". This meeting became a means of revealing the truth by the victims and their families, and was followed by a dialogue process about past human rights violations. The people who attended this meeting also hoped that the state would take steps to resolve past human rights violations. In relation to the recovery efforts of the victims, in a number of areas the victims and NGOs organized themselves to help each other in the fields of economy, access to education, and health. A number of parties, such as universities and health institutions also help access education for children of victims, and access to health for victims and their families. A number of civil society organizations are also developing the concept of a "trust fund", which is expected to facilitate the recovery efforts of the victims.

IV. CONCLUSION

The settlement of past human rights violations in Indonesia has now stagnated, with the court proceedings against cases of past human rights violations yet to be resumed, as well as the absence of a truth-telling process. In addition to going backwards, which is marked by various stagnations, there are also symptoms of "denial" from public officials about past human rights violations. Practically, the settlement efforts are only based on Komnas HAM investigations, as well as LPSK's efforts to support victims in

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obtaining the right to medical assistance and psycho-social rehabilitation. The government's promise to resolve past human rights violations, by reforming it, has yet to materialize.

In the midst of this stagnation, the victims and their families, as well as civil society continue to press for solutions and accountability to the state. Civil society initiatives are carried out in various ways, including legal claims, alternative truth-telling processes, victim recovery, and community reconciliation processes. The government's unwillingness and lack of seriousness in resolving past human rights violations were 'countered' by the efforts of civil society through the court room. Victims and civil society also continue to try to expose past human rights violations in public spaces. They independently carry out the process of strengthening and rehabilitating the victims, and bringing about reconciliation and peace in society in real terms. These initiatives also address various assumptions, concerns, and reluctance of the government to resolve past human rights violations. It does not stop there, the civil society also remains 'faithful' and continues to provide input, suggestions and recommendations to the government on how to resolve past human rights violations.

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