BETWEEN THE PAST AND THE FUTURE:
IS REVEALING THE PAST HUMAN RIGHTS VIOLATIONS
NECESSARY FOR INDONESIA'S FUTURE?

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Abstract

Problems concerning how to resolve past human rights abuses often come up in the transitional periods. This is because in the previous government such violations were not fully resolved and remained unclear. In the current government, as people demand for justice grows, the government should pay attention for such demand and find a way to resolve the problems. However, it is not easy for the government to resolve the problems. Many obstacles may be faced by the current government to resolve the problems. Insufficient 'ordinary' legal instruments to deal with the past human rights violations and the lack capacity of the legal institutions to deal with the past human rights violations are examples of such obstacles. As the 'ordinary' legal instruments are not sufficient to deal with past human rights violations, there should be another way to resolve the problems. This paper offers a commission to resolve the past human rights violation. Unlike the ordinary legal instruments, this commission aims not only to resolve the past human rights violations but also to find the pattern of such violation so that in the future such violations will not occur. In the end the commission will reconcile the society.

Keywords: human rights violations, resolve, commission

A. Introduction

May 1998 was one of the most important years in the history of Indonesia. At that particular time, Soeharto, the second President of the Republic of Indonesia, resigned from the presidency as a result of the pressure of the people.¹ This led Indonesia to the transition era from authoritarian to a more democratic era. During the thirty years its ruled in Indonesia, the New Order government experienced both success and failure in conducting its governance. The success of the New Order government in the establishment of many infrastructures such as schools, hospitals, and roads would be good bequest for the later governments. However, the failure of the New Order government such as many unsolved human rights violations during this period would be potential problems for the government which followed.

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Many unsolved cases prior to, and during, the New Order era placed the ‘post Soeharto governments’ in a difficult situation. This was because the people, especially the victims of such violations, demanded for justice. This was due to the more open nature of the governments. The governments, however, have faced several obstacles in dealing with such cases. These include insufficient legal instruments and the fact that the cases mostly occurred a long time ago. The long period of time may lead to incomplete resources to reveal the truth about such cases. This may lead to the possibility of unavailability of witnesses; the loss of crucial evidence; and the disappearance of victims.

This paper argues that there is a necessity for Indonesia to establish a body which can reveal the truth of past human rights violations. This is because revealing such violations is important. This is not only essential for the victims or their relatives to obtain justice and find the truth, but also for the sustainability of the government. Uncovering the facts of such cases may lead to the increase confidence of the people in the government, and this can lead to increase support for the government policies. And finally may enhance the government’s ability in determine the future of the country.

Such a body, however, must be independent in conducting its duty. This is important to maintain the public trust. Aside from its duty to find the truth, in the end this body has a duty to reconcile the people. Through reconciliation, people can live side by side in peace and, finally, they can more participate in governance.

The first part of this paper will briefly outline the human rights situation prior to, and during, the New Order era. This will include some crucial cases, involving human rights violations, which occurred during that period and still remain a mystery. This will be followed by the impacts of such situation to the society and the importance of revealing the truth of past cases. A discussion regarding several alternatives in dealing with past violations will also be provided.

The second part will point out several problems which are being faced by the current government in dealing with the past human rights violations. These include the lack of political will of the government; the insufficient legal instruments to investigate such cases; and the incapability of ordinary legal institutions in dealing with past violations such as Human Rights Court, the Ad Hoc Human Rights Court and the National Commission of Human Rights. This will be followed by some hurdles that may prevent the prosecution of past human rights violations through the above institutions.

The third part will discuss the Truth and Reconciliation Commission as an alternative way to deal with past human rights abuses. This will include the debates regarding such a commission in Indonesia and some significant steps that have been taken by the government.

The fourth part will discuss the likelihood of the success of this commission. In doing so, this part will also refer other countries’ experience of establishing similar commissions. Finally, some recommendations for the government will be provided.

B. An Untold Story: An Overview Of The Human Rights Situation Prior To And During The New Order Era

Aside from the success in establishing infrastructures, both the New Order government and the previous government, in certain extent, failed to respect human rights. Human rights violations occurred during these periods. Prior to the New Order era, there was an extraordinary case which was popularly called 30th September Movement. This was basically about the ‘failed coup’ of 30 September 1965 which, was allegedly carried out by The Indonesian Communist Party (PKI). However, the truths of what really happened in that period still remains a mystery.

During the New Order era, human rights violations continually occurred. The New Order government wanted to suppress the opposition. In doing so, it frequently used the military. The involvement of the military in preventing such opposition was the beginning of human rights violations. As does military in other countries, they used arms in conducting their missions. Such violations, for example, occurred against the supporters of the President Soekarno and certain Muslims communities who rejected the Pancasila. Unfortunately, up to now the truth of these two cases remain unclear.

In addition, the people’s right of their land was, frequently, violated by the New Order government. In order to build for irrigation or other development projects, for example, the government evicted people from their land. In doing so, the government used its apparatus to drive the people out from their land. People who refused to move from their land were subject such violations. Furthermore, the New Order government often, used slogan such as ‘latent danger of communism’ or ‘security disturbing groups’ to justify its action to suppress the dissenting groups.

Such violations occurred until the end of the New Order government. These included violations in East Timor, Aceh, Papua and May 1998 Riot. The cases mentioned above illustrate how human rights violations frequently occurred during the New Order and some of them remain unsolved.

1. Challenges In The Transitional Period

Among the challenges, generally

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6 27 July 1996 Incident in Jakarta was believed as an incident, which involving military, to remove Megawati (the daughter of Soekarno, the first Indonesian President) from political arena.

7 This includes the sort case.

8 Such cases include the case of Kedung Ombo in Central Java (a dam project for irrigation in which many of the people refused to move from their land and eventually they suffered from violation).


transitional countries face two competing challenges, namely: 'establishing democracy and to do justice for abuses of previous regime.' After a long period of time under an authoritarian government, establishing democracy becomes a challenge for the current government. This is because the previous government is usually still actively involved in the current government. This may affect public confidence in the current government. Emphasizing the pursuit of justice which usually results in prosecution, however, potentially divides people into two different groups - victims and the perpetrators. This can lead to disharmony in society.

Indonesia has faced similar problems during the transitional era. After the fall of President Soeharto in 1998, the government which followed faced multiple problems. The government, on the one hand, was pressured by the society, especially the victims of the violations, for justice. In line with political change in the government, many victims' organizations emerged in this period. They organized the victims to fight for their rights and demand justice. Such organizations include: Ikatan Keluarga Orang Hilang (IKOH), Lembaga Penelitian Korban Pembunuhan 1965-66 (LPKP 1965-66), Lembaga Perjuangan Korban Rezim Orde Baru (LP-KORB), and Paguyuban Korban Orde Baru (PAKORBA). On the other hand, the government struggled with groups of people who still had significant power. These included elements of the New Order regime who remained in Indonesian government bureaucracy. These groups tended to forget what really happened in the past, and preferred to focus on future challenges. This has led to the decision that in dealing with these problems, the government is not only guided by moral and ethic considerations but more than that the government also still depend heavily on the capacity of the court system, the availability of good persons to conduct the policies.

Human rights violations in the previous government frequently have significant impact on certain people. One of the impacts is they would experience discrimination such as the prohibition to be a civil servant and to use their right to vote in general elections. Citing with a specific symbol in their ID is another form of discrimination.

Another example of such impact was the fact that many people lost their family in such violations. In the Tanjung Priok cases, for instance, even though such a case took place in 1985, many of the victims' families still do not know what really happened in the past, and they do not know whether their missing family members are alive. Many of the victims' families have also suffered economically because they have lost their father or husband who previously worked and earned money for them.

Considering that significant impacts affect the victims and their families, revealing the truth of the past violations becomes necessary for them. However, revealing the truth of the past events should be conducted in a careful manner. This is because conducting such an activity creates two possibilities. On the one hand, this opens the possibility of finding out what really happened in the past, who did it, and why this could happen. On the other hand, this can open old wound for the victims or their relatives. Therefore, it is important to find a way to reduce the bad effect of this activity.

2. How To Resolve The Past Human Rights Violations?

It is believed that there are no universal rules determining how an emerging democracy should deal with the crimes of previous regime. There are, however, some experiences from various countries on how they have dealt with this situation. Heribert Adam and Kanya Adam point out that there are six different forms of dealing with the past, these include: forgetting the past; trial and justice; lustration; restitution and compensation; political reeducation; and Truth commissions.

Forgetting the past is one way to deal with past violations. People are encouraged to forget the past and focus on the future. They prefer not to deal with the shame of the past and focus on the rebuilding of the nation. This method, however, is likely to be unfair for the victims or their relatives, as the impact of past violations still affect them.

Another way to deal with the past is to prosecute the abusers of human rights violations. The prosecution of the perpetrators is important to prevent similar violations in the future. This also can avoid collective guilt and the possibility of revenge from the victims. The lack of accountability of the perpetrators, opens the possibility for the victims to seek revenge on their own, and continue the cycle of violence.

In addition, criminal trials can influence society by modelling democratic values. According to Jaime Malamud-Goti, there are five different ways that criminal trials can influence the community by encouraging democracy values. Firstly, the precise facts established by trials undermine the legitimacy of authoritarianism; secondly, criminal sentences clearly separate the policies of the old and new regimes; thirdly, trials show the community that no one is above the law;
fourthly, trials reflect that in a democratic situation the rights and the dignity of the citizens must be respected. Lastly, trials encourage the military to undertake reform because the criminal sanctions of the individual from the military will effectively encourage the reform in military as an institution.25

Even though such prosecution has a deterrence impact and can influence society with democracy values, conducting a fair and just prosecution is not easy. This is because, in a transitional society, some of the officials from the previous government are still involved in the government. This can lead to the possibility of the trial for being not objective.26

Disqualification of the previous regime in public office is also believed as to be another method of dealing with the past. The later government prevents the previous regime from becoming involved in public office. This is important to show to the public that there is a significant change in the government. However, this requires an adequate skill from the later government to conduct its administration. Without sufficient skill, this policy will only create another difficulty for the current government.

Giving reparation and compensation to victims is another alternative in dealing with the past. This policy, however, needs strong commitment from the government. Generally, such compensation occurs under political pressure and seldom because of moral commitment.

The Truth and Reconciliation Commission is another way of engaging with the past. This commission, in writer’s opinion, is a more comprehensive way of resolving the past human rights violations. This is because such a commission is responsible for revealing the truth about the past events and, in the end, tries to reconcile the divided people. By revealing the truth, the victims will finally discover exactly certain answer for what happened in the past. Assuming that ‘revealing is healing’ such commission simultaneously forgoes punishment in favor of reconciliation.27 Such a commission is important, especially for transitional societies. This is because, after a long conflict, people are usually divided, and the establishment of such a commission can help to reconcile people.

C. Some Challenges To Reveal The Past Human Rights Violations

1. Lack of Government Political Will To Deal With The Past Violations

In the context of Indonesia, the fact that many human rights violations committed by the past government still remains unclear. This creates problems for the current government as it is not sure what is the best way to resolve such cases.

The new government, frequently, faces complicated challenges and problems to address such cases. These include: first, the fact that the previous government still has significant power both in the government and in engaging with public, leads to a potential danger if the perpetrators of human rights violations are prosecuted in court.28 This can create new violations and endanger the survival of emerging democracy.29 The government of the day should also consider the danger of the obstruction of the reform process.30

Second is the fact that the legal approach is, often, insufficient to resolve these problems. This is because both the legislation and the legal apparatus are mostly products of the previous government.

In such a situation, the government and the reformers needed to compromise with these groups, in dealing with democracy and human rights issues. This is perhaps the reason why the government, in dealing with such situation, preferred not to undertake significant reform of these groups.31

2. Insufficient Legal Instruments in Dealing With Past Human Rights Violations

Many regulations and legislation concerning human rights exist in Indonesia ranging from the Constitution to specific legislation. Such Legislation include: the establishment of human rights provisions in the 1945 Constitution; the 1998 People’s Consultative Assembly Decree concerning Human Rights32; the 1999 Human Rights Act33; and the 2000 Human Rights Court Act34.

Even though much legislation regarding human rights exists, there are still many difficulties in investigating past human rights violations. Such difficulties include constitutional constraint and the prohibition of retroactivity laws. Such prohibition is stated in article 28 (1) (1):

The right to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.35

The phrase’...the rights not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances’ means that prosecution for acts that were not considered crimes under Indonesian law when committed is prohibited. This provision has had a significant effect in conducting investigations on past human rights violations since most, if not all, the cases which will be investigated

28 Zuruschten, Op cit 2.
29 Hendbert Adam and Kanya Adam, Op cit, 37.
30 Draper, Op cit, 397.
31 Ibid.
34 Undang-Undang Nomor 26 Tahun 2000 (Law No. 26/2000 concerning Human Rights Court).
35 Article 28 (1) (1) The 1945 Constitution.
36 Article 28 (1) (1) The 1945 Constitution.
are in the past and some of them were not categorized as crimes when they occurred. As a result such investigations may not be conducted.

In addition, a similar provision is also mentioned in Indonesian Criminal Code (Kita Undang Undang Hukum Pidana-KUHP). Article 1 (1) of this Code states that ‘No one shall be held guilty on account of any act or omission which did not constitute a penal offence at the time when it was committed.’ This provision, at a glance, is in line with the article 11(2) of the Universal Declaration of Human Rights (UDHR). Such a provision, however, is significantly different from the UDHR. The Indonesian Criminal Code omits ‘any reference to penal offenses under international law.’ As a result, even though such acts are considered crimes according to international law, by excluding international law as reference, such acts may be not crimes if the national law does not consider them as crimes. This provision can be seen as an amnesty for anyone who committed gross human rights violations. This was particularly if such acts were committed before the enactment of Human Right Courts Act in 2000. This is because the Human rights Courts Act mentions genocide and crimes against humanity as crimes.

Furthermore, the Human Rights Court Act also applies the non-retroactive provision, as it only applies to cases which occur after the issuance of this Act. The above legislation has, substantially, prevented the investigation of past human rights violations by court. This, indeed, contradicts with the demand of the people to reveal the past violations.

3. The Incapability Of ‘Ordinary’ Legal Institutions To Handle The Past Violations

In Indonesia, many legal institutions deal with human rights issues. Such institutions include the Ministry of Justice and Human rights; the office of Attorney General; and the National Commission of Human Rights (Komnas HAM).

The Ministry of Justice and Human Rights, in accordance with its missions, is in charge of promoting and protecting human rights. Further, it has a specific directorate general which deals with human rights issues, namely the Directorate General of Human Rights Protection. Even though one of its functions is to promote and protect human rights, this directorate general has failed to identify human rights violations during New Order era. According to several human rights activists the cause of such a failure is a lack of personnel. In addition, Attorney General, based on the Human Rights Courts Act, has authorizes to investigate and indict gross human rights violations. Such institution, however, failed to perform its task properly. As can be seen, in the East Timor case and Triasati case, the indictments from the attorney general were so weak so that such indictment failed to uncover the systematic nature of such violations. This lead to the failure to state that there is a gross human rights violation.

The National Commission of Human Rights (Komnas HAM) is an independent institution which was established during the New Order era in 1993. It was established through Presidential Decree No 50/1993. The establishment of Komnas HAM was basically in response to the concern of the international community, regarding human rights issues in Indonesia. This commission is an independent body which aims to monitor and investigate the implementation of human rights and present views, considerations and suggestions to state institutions on the implementation of human rights. The commission also has a duty to publish human rights reports.

The establishment of Komnas HAM opened more possibilities for the public to defend their rights. Many cases have been brought to this commission to be investigated, such as the bannner of Tempo magazine, the Kedung Ombo case and the Xanana Gusmao case. Even though it can investigate the violations of human rights, it does not have right to prosecute the violators.

D. The truth and reconciliation commission: an alternative Way of dealing with past violations

Recognizing that the lack of ordinary legal instrument and insufficient ordinary legal institutions to resolve past human right violations, and the fact that the old regime still has significant power, an alternative for dealing with these situations become more necessary. One way to resolve these difficul-

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37 Article 1(1) the Indonesian Criminal Code (Kita Undang-Undang Hukum Pidana).
38 Article 11(2) Universal Declaration of Human Rights: ‘No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.’ Draper, Op cit, 403.
39 Ibid, 404.
40 Ibid.
41 Draper, Op cit.
42 Undag-Undang Nomor 26 Tahun 2000 tentang Pengadilan Hak Asasi Manusia ( Laws regarding Human Rights Courts).
48 A riot in 1999 in East Timor, during and after referendum, which was allegedly conducted by the military.
49 An Incident in 1998 (in Semanggi bridge) between demonstrators and police which resulted several students were killed.
51 Article 3 Presidential Decree No. 50/1993.
52 Article 5 Presidential Decree No. 50/1993.
53 Ibid.
55 Takashi Kohno, Emergence of Human Rights Activities in Authoritarian Indonesia: The Rise of Civil Society (Ph D. The Ohio State University, 2003)107.
56 Cohen, Op cit, 23.
The debate between the needs to do justice, by applying criminal law, and the necessity of victims for information and acknowledgement, raises the questions about punishment, and the extent to which it offers a better prospect of serving a victim's need to secure conviction and punish the perpetrators. 66

Many members of the community, including community leaders, have different views regarding this commission. The idea of this commission, at first, was refused by most of the people. Some of the people believe that, this commission intended to defend the existence of the old regime. 67 This is because establishing such commission will create the possibility that the old regime may not be punished and would continue involved in the government.

Further, this commission would facilitate the release of the perpetrators from the responsibility before the law. This is because this commission would have an authority to grant amnesty. 68 Many victims believe that serious crimes deserve appropriate punishment. Therefore, conducting trial for the perpetrators is the solution. 69 Punishment for the perpetrators, further, would give a deterrence effect for the perpetrators so that such violations would not occur in the future. 70

Others view that, this idea was an effort to manipulate law and the justice system,
which are the most relevant bodies to deal with the violations. They argue that the only way to handle crimes is by conducting trials. They recognize that the existing legislation prevents them from participating in such trials. This is because of the non-retroactivity clause in the legislation. Another view is that revealing the truth without any guarantee of curing the wound would only bring back the bitter experience.

Even though various views regarding the idea of the Truth and Reconciliation Commission exist, the establishment of this commission opens the possibility to address the past violations, in countries changing from authoritarian to democratic era. This commission is an important component in revealing past violations and reconciling the community. The opportunity of the victims to say what really happened to them and their families, and the amnesty process for the perpetrators will be possible a way to achieve peace and unity.

The South Africa’s TRC showed that ‘truth recovery and prosecutions can work effectively in the same time, and that a conditional amnesty based on full disclosure may be anything but incompatible with prosecution in some instances.’

In addition, the reliance on this commission has increased significantly in the world. Between 1974 and 1994, for instance, at least 15 truth commissions were established in various countries such as Chile, Uruguay, Bolivia, Argentina, the Philippines, Chad, Ethiopia and Rwanda. In 1994, there were calls for establishment similar commission in Mexico and South Korea. The number of such commissions increased up to twenty around the world in 2000. The more recent development of such commission was in 2001 in which East Timor established similar commission to promote national reconciliation and healing after ‘years of political conflict’.

The increased reliance on this commission is because such commission has several aims that may be beyond the reach of national and international courts. The mandate of this commission to investigate past human rights violation, during a specific period of time, can reveal more comprehensive truth. This is because this commission not only focuses on the individual trials, it focuses more on the pattern of such violations. Further, this commission may provide other sources of accountability, such as: compensation; reparation; restitution; and rehabilitation.

2. The Relationship Between The Truth And Reconciliation Commission, The Ad Hoc Human Rights Court And The (Permanent) Human Rights Court

By establishing the TRC, there would be three different institutions would be mandated to investigate past human rights violations: the (permanent) Human Rights Court; Ad Hoc Human Rights Court; and the TRC. There would be a significant difference between the (permanent) Human Rights Court and Ad Hoc Human Rights Court on the one hand, and the TRC on the other. The Human Rights Court and Ad Hoc Human Rights Court would be responsible to investigate human rights violations ‘in court’. In contrast, the TRC would be mandated to investigate human rights violations ‘out of court’.

In addition, The Human Rights Courts would be set up to address human rights violations which occurred from 2000 (starting in November 2000) up to the present. The Ad Hoc Human Rights Court, however, based on the DPR recommendation, would address the specific incidents of human rights violations, which occurred prior to November 2000. The work of the TRC would fill in the gaps.

By offering ‘in court’ and ‘out of court’ settlements, the investigation of past human rights violations could be conducted more comprehensively, in order to achieve accountability of past human rights violations. Several benefits could also be achieved by establishing the TRC. If implemented, the TRC could provide a true record of what happened in the past, to help prevent similar violations in the future. This is because the TRC would not only depend on particular cases but it would also attempt to find the pattern of such violations. Further, the TRC could also address the needs of victims such as the needs of truth, compensation, and reparation.

3. The Likelihood The Success Of The Commission In Indonesia

Theresa Klosterman notes four purposes of a Truth and Reconciliation Commission namely: ‘establishing an authoritative record of events; providing flexibility over formal prosecution; laying a foundation for later prosecutions; and promoting national reconciliation.’ Would these four purposes of the Truth and Reconciliation Commission be suitable for Indonesia? Would there be any hurdles in achieving these goals?

Establishing an authoritative record of events is important for Indonesia since some parts of Indonesian history were hidden during the New Order era. Therefore, there is a necessity to make historical corrections according to incidents of gross human rights violations. This is also important for younger generations to understand their true national history.

However, several hurdles may come up. It is possible that the victims or their families would be reluctant to tell the whole story.
about what really happened. This is because the incidents occurred a long time ago and it would be painful to remember them. Another possibility is that they would think that telling the whole story about the past violations would mean putting their life at risk. This is because the perpetrators may intimidate the victims if the victims do so. In this regard, the role of the TRC would be important. The commission could find a method to reduce such fear such as providing an anonymous testimony.

Another difficulty is the possibility of many different stories regarding specific incidents. As the TRC would have authority to investigate both the perpetrators and victims, it is possible that the TRC would obtain different stories. The various versions about particular incidents, which may contradict between one and another, could create the difficulties in formulating the true facts of the incidents. However, these should not be considered as a hurdle for the TRC. Obtaining many different stories of specific incidents, would actually enrich the input of the TRC in making consideration to reach their decisions. After deep analysis and thorough investigations the TRC could discover the truth of the incidents.

Within the TRC, the difficulties to deal with the past human rights violations can be addressed. This is because the TRC would provide more flexibility over formal prosecution. The TRC would not fall into the existing regulations which potentially constrain the investigations. The TRC, further more, could conduct a more comprehensive enquiry. By its flexible nature, the TRC could broadly engage with society. This would benefit the TRC in obtaining data.

It is believed that one of the purposes of a Truth and Reconciliation Commission is to substitute formal prosecution. However, it is possible that the result of this commission can be the foundation for later prosecution. The possibility of the victims not forgiving the perpetrators, particularly in the case of serious human rights violations, might lead to formal prosecution in the Human Rights Court. Another possibility is that the perpetrators do not acknowledge their acts or deny their involvement in particular incidents. This could be the basis to refer such cases into formal prosecution in the Human Rights Court. The international community concern regarding the rule of law and serious human rights violations in particular countries may also have significant influence in conducting formal prosecution.

National reconciliation involving telling the truth and the notion forgiveness is possible in Indonesia. This is because forgiveness, which can further the spirit of national reconciliation, is embodied in the Islamic teaching. This is significant since the majority of Indonesians are Muslim. Some Muslim scholars including Nurchosidin Mudjid have suggested the needs toward national reconciliation or ishlah in dealing with the past violations. The former Vice President Hamzah Haz also stated the urgency of reconciliation or national ishlah. 89

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E. Conclusion

In Indonesia many unresolved past human rights violations has placed the society especially the victims and their families in an unjust situation. Frequently, the victims' families experience discrimination event though they were not involved in that past event. Further, many of them still do not know the truth of the past events, why they happened and what happened to their families. This unjust situation has created disharmony in society. Therefore, this situation should end.

The role of government in dealing with this situation is important. The government, through its legal institutions and legal apparatus, should address these situations. In practice, however, it has faced many difficulties in using the formal legal institutions and legal instruments. These difficulties have led to the necessity to create an extra judicial body such as the TRC. The flexible nature of the TRC may sufficiently address these problems. The needs of both the victims and the possible perpetrators are likely to be sufficiently accommodated. The possibility to apply amnesty for the perpetrators, and the chance to receive reparation and compensation for the victims and their families would be one of the benefits of establishing the TRC. Another benefit would be that through its mandate, the TRC would find the motives and the patterns of past violations. This is important to prevent the recurrences of such violations in the future.

The establishment of the TRC, indeed, would influence the Indonesian justice system as a whole. If well organized, the TRC could be a temporary complimentary body of the formal legal institutions in transition era. Some hurdles may rise during the work of the TRC. However, the great benefit from the work of this body is a likely to be more important for Indonesia, both in the current situation or more importantly for the future Indonesia.

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